

# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 14.

CALCUTTA, SATURDAY, APRIL 3, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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SUPPLEMENT No. 14.

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### HOME DEPARTMENT.

#### NOTIFICATION.—JUDICIAL

*Calcutta, the 31st March 1886.*

**No. 469.**—Under the provisions of Section 4 of Act 8 of 1884, The Punjab Courts Act, 1884, the Governor-General in Council is pleased to appoint Mr. W. Smyth, M.A., C.S., to officiate as a Judge of the Punjab Chief Court, with effect from the 2nd proximo, *vice* Mr. D. G. Parkley, proceeding on furlough.

A. MACDONNELL,  
Offg. Secretary to the Government of India

### REVENUE AND AGRICULTURAL DEPARTMENT.

#### NOTIFICATIONS.—GENERAL.

*Calcutta, the 30th March 1886.*

**No. 101.**—During the absence of the Governor-General in Council from Calcutta, the Assistant Secretary in the Military Department at the Presidency will have charge of that portion of the Revenue and Agricultural Department which is left in Calcutta.

### EMIGRATION.

*The 1st April 1886.*

**No. 119—2-27 E.**—In exercise of the power conferred on him by Section 102 of Act XXI of 1883 (The Indian Emigration Act) as amended by Act XXI of 1884 (An Act to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883), the Governor-General in Council is pleased to declare that, on and from the 1st of April 1886, a native of India who departs by sea out of British India under an agreement to labour for hire in any of the Protected Native States of Perak, Selangor, Sungei, Ujong, and Johore adjoining the Straits Settlements, shall not be deemed to emigrate within the meaning of Act XXI of 1883.

**No. 121 E.**—In exercise of the powers conferred upon him by Section 38 of the Indian Emigration Act, 1883, the Governor-General in Council is pleased to declare that the fee payable for the preparation of an agreement to emigrate under Chapter VI of the said Act shall be consolidated generally with the fee payable under Section 73 for each emigrant who embarks on board an emigrant vessel, and the Governor-General in Council is further pleased to prescribe that the amount of the said consolidated fee shall until further orders be Rs-8.

C. J. LYALL,

Offg. Secretary to the Government of India

## FOREIGN DEPARTMENT.

## NOTIFICATIONS.—GENERAL.

*Fort William, the 29th March, 1886.*

**No. 678G.**—Lieutenant-Colonel H. P. Peacock, Political Agent of the 2nd class, is appointed to officiate as a Resident of the 2nd class, and as Resident in the Western States of Rajputana, with effect from the date of assuming charge, during the absence on furlough of Colonel P. W. Powlett, or until further orders.

**No. 680G.**—Lieutenant-Colonel A. W. Roberts, Officiating Political Agent of the 2nd class, is posted as Political Agent in Ulwur.

**No. 682G.**—Captain A. M. Muir, Political Assistant of the 3rd class, is posted as Cantonment Magistrate at Nusseerabad, with effect from the date of assuming charge.

*The 30th March, 1886*

**No. 687G.**—During the absence of the Governor-General in Council from Calcutta, the Assistant Secretary in the Military Department at the Presidency will have charge of that portion of the Foreign Department which is left in Calcutta.

**No. 689G.**—The services of Lieutenant E. F. Robertson, Squadron Officer, 1st Regiment, Central India Horse, are placed temporarily at the disposal of the Military Department.

**No. 693G.**—Surgeon-Major E. Lawrie, M.B., Resident Surgeon at Hyderabad, is granted paid leave for three months, with effect from the date on which he may avail himself of it.

**No. 695G.**—Lieutenant-Colonel J. Biddulph, Political Agent of the 2nd class, is posted as Political Agent in Harowtee and Tonk.

**No. 698G.**—Colonel W. Tweedie, C.S.I., Political Agent of the 1st class, and Resident of the 2nd class, and Political Resident in Turkish Arabia, sub. *pro. tem.*, is confirmed as a Resident of the 2nd class.

**No. 700G.**—Colonel J. C. Berkeley, Political Agent of the 1st class, and Officiating Resident of the 2nd class, and Resident in Nipal, is appointed to be a Resident of the 2nd class and Governor-General's Agent at Baroda, with effect from the date of assuming charge.

Foreign Department Notification No. 581G dated the 23rd March 1886, is hereby cancelled.

**No. 703G.**—The following substantive promotions are made in the Graded List of the Political Department:—

Consequent on the appointment of Colonel W. Tweedie, C.S.I., Political Agent of the 1st class, to be a Resident of the 2nd class, and Political Resident in Turkish Arabia—

**Mrs. R. I. Brer, G.L.**, Political Agent of the 2nd class, and Political Agent of the 1st class, sub. *pro. tem.*, to be a Political Agent of the 1st class.

**Major H. Wylie, C.S.I.**, Political Agent of the 3rd class, to be a Political Agent of the 2nd class, and to continue as a temporary Additional Political Agent of the 1st class.

**Mr. Ney Elias, Political Assistant of the 1st class**, to be a Political Agent of the 3rd class, and to continue as an Additional Political Agent of the 1st class.

**Major W. Loch, Political Assistant of the 2nd class**, to be a Political Assistant of the 1st class, and to continue as an Additional Political Agent of the 3rd class.

**Mr. J. A. Crawford, Political Assistant of the 3rd class**, to be a Political Assistant of the 2nd class, and to continue as a Political Agent of the 3rd class, sub. *pro. tem.*

**Captain C. Herbert** to be a Political Assistant of the 3rd class, and to continue as Political Assistant of the 1st class, sub. *pro. tem.*

Consequent on the seconding of Mr. Ney Elias, Political Agent of the 3rd class, as a Additional Political Agent of the 1st class under the operation of rule 4, section 4 of the Pay and Acting Allowance Code—

**Major D. Robertson, Political Assistant of the 1st class**, and Political Agent of the 3rd class, sub. *pro. tem.*, to be a Political Agent of the 3rd class.

Consequent on the seconding of Major W. Loch, Political Assistant of the 1st class, as an additional Political Agent of the 3rd class, under the operation of rule 4, section 4 of the Pay and Acting Allowance Code—

**Captain H. M. Temple, Political Assistant of the 2nd class**, to be a Political Assistant of the 1st class, and to continue as a Political Agent of the 3rd class, sub. *pro. tem.*

Consequent on the appointment of Colonel J. C. Berkeley, Political Agent of the 1st class, to be a Resident of the 2nd class and Governor-General's Agent at Baroda—

**Lieutenant-Colonel W. F. Prideaux, Political Agent of the 2nd class**, and Officiating Political Agent of the 1st class, to be a Political Agent of the 1st class.

**Lieutenant-Colonel E. Mockler, Political Agent of the 3rd class**, and Political Agent of the 2nd class, sub. *pro. tem.*, to be a Political Agent of the 2nd class.

**Mr. A. H. T. Martindale** to be a Political Agent of the 3rd class.

## INTERNAL

*The 29th March, 1886.*

**No. 1015I.**—The Governor-General in Council is pleased to modify Foreign Department Notification, No. 427 G, dated the 23rd January, 1883, as follows:—

For the words "the Political Agent for the time being in Dholpur" read the words "the District Magistrate for the time being of Agra."

## EXTERNAL.

*The 31st March, 1886.*

**No. 568 E.**—His Excellency the Viceroy and Governor-General is pleased to confer upon Serai Tharo Khan walad, Futtah Mahomed Lohori, Zemindar of Larkhana, the title of "Khan Bahadur" as a personal distinction.

M. DURAND,

Secretary to the Government of India.

# DEPARTMENT OF FINANCE AND COMMERCE.

## NOTIFICATIONS.

### SEPARATE REVENUE.

STAMPS.  
NON-JUDICIAL.  
EXEMPTIONS, &c.

*Calcutta, the 1st April 1886.*

**No. 1411.**—In exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor-General in Council is pleased to remit the stamp duty payable under the said Act on agreements executed under Section 35(1) of the Indian Emigration Act, 1883.

### SEPARATE REVENUE.

ASSESSED TAXES.  
INCOME TAX.

*The 1st April 1886.*

**No. 1483.**—In exercise of the powers conferred by Section 38 of Act II of 1880, the Governor-General in Council is pleased to rule that the Bengal Christian Family Pension Fund shall be deemed to be a "Service Fund" within the meaning of Rule 13 of the Notification of the Government of India, Department of Finance and Commerce, No. 593, dated the 5th February 1886.

D BARBOUR,

*Secretary to the Government of India.*

## MILITARY DEPARTMENT.

*Fort William, the 2nd April, 1886.*

### APPOINTMENTS.

#### No. 206.—NATIVE ARMY—

*7th Bengal Cavalry.*

Jemadar Bhup Narain, appointed on probation by G. G. O. No. 168 of 1884, is permitted to resign his appointment.

#### No. 207.—PERSONAL STAFF—

The Viceroy and Governor-General has been pleased to make the following appointment on His Excellency's Personal Staff—

Captain L. Gordon, King's Own Borderers, Extra Aide-de-Camp, to be Aide-de-Camp, *vice* Lieutenant the Hon'ble C. Harbord, resigned. Dated 1st April, 1886

#### No. 208.—VOLUNTEER CORPS—

*Rajputana-Malwa Volunteer Rifle Corps.*

The Reverend W. H. N. Brennan to be Honorary Chaplain, "K" Company, at Indore.

### FURLOUGH AND LEAVE.

**No. 209.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Colonel A. Stewart, Bengal, S. C. Cantonment Magistrate, 1st class, Punjab (m. c.)

for one year, under rules IX and XV of the regulations of 1868.

Lieutenant-Colonel A. Vallings, Bengal S. C., Wing Commander and 2nd-in-Command, 1st Punjab Infantry, (p. a.) for two years, under rule IX of the regulations of 1868.

Lieutenant F. C. Grant, Bengal S. C., Squadron Officer, 2nd Regiment, Central India Horse, (p. a.) for one year, under rule 1 of the regulations of 1875.

Lieutenant H. Wright, Bengal S. C., Squadron Officer, 11th (Prince of Wales's Own) Bengal Lancers, (p. a.) for one year, under rule 1 of the regulations of 1875.

Lieutenant M. A. Kerr, Bengal S. C., Wing Officer, 1st Battalion, 1st Goorkha Regiment, (p. a.) for one year, under rule 1 of the regulations of 1875.

Conductor J. Blake, Commissariat Department, (m. c.) for one year, under rule 1 of the regulations of 1875.

**No. 210.**—Colonel C. A. de-Kantzow, Bengal S. C., is permitted to proceed and reside out of India under the provisions of G. G. O. No. 797 of 1872.

### PENSIONS.

**No. 211.**—Conductor William James Fortey, Ordnance Department, is transferred to the pension establishment.

**No. 212.**—Honorary Surgeon William Wilson, of the Subordinate Medical Department, is transferred to the pension establishment.

### PROMOTIONS.

#### No. 213.—MEDICAL DEPARTMENT—

To be Surgeons-Major with effect from 31st March 1886—

Surgeon J. L. Corbett,	Surgeon L. R. Dawson,
M. D.	M. D.
" S. H. Browne,	" H. P. Veld.
M. D.	M. D.
" F. Mac, M. B.	" J. C. Fullerton.
" J. Armstrong	" C. J. H. Warden.

#### No. 214.—ORDNANCE DEPARTMENT—

Deputy Assistant Commissary and Honorary Lieutenant John Key, to be Assistant Commissary.

Conductor Samuel Smith, to be Deputy Assistant Commissary;

Sub-Conductor James Hewson, to be Conductor;

Store-Sergeant Alexander W. Shepherd, Ordnance Office, Calcutta, to be Sub-Conductor on probation, *seconded*.

Store Sergeant Joseph Chambers, Assistant Overseer, Small Arms Ammunition Factory, Dum-Dum, to be Sub-Conductor on probation *seconded*;

Store-Sergeant George Carter, to be Sub-Conductor on probation;

With effect from the 19th February, 1886, *vice* Assistant Commissary and Honorary Lieutenant J. B. Reilly, pensioned.

#### No. 215.—PUNJAB FRONTIER FORCE—

*Queen's Own Corps of Guides.*

Jemadar Muhammad Khan, to be Ressaidar Woordie-Major, Dufladar Sadda Rang, to be

Jemadar, *vice* Ressaïdar Woordie-Major Bhup Singh, invalided,—with effect from the 23rd February, 1886.

**No. 216.—VOLUNTEER CORPS—**

Lieutenant-Colonel A. Higgins, C.I.E., Commandant, 1st Punjab Volunteer Rifle Corps, is granted the honorary rank of Colonel on completion of 25 years' service as a Commissioned Officer of Volunteers.

**RETIREMENTS.**

**No. 217.**—Colonel Robert Cotton Money, Bengal S. C., is permitted to retire from the service, with effect from the 20th March, 1886, subject to Her Majesty's approval.

**REWARDS.**

**No. 218.—ORDER OF BRITISH INDIA—**  
The Governor-General in Council is pleased to admit the undermentioned Native Officers the 1st and 2nd classes of the Order of British India from the 15th February, 1886:—

**BOMBAY.**

*To the 1st class, with the title of Sirdar Bahadur.*

Subadar Harnam Porie, Bahadur, 10th Bombay Infantry, *vice* pensioned Subadar-Maj Shaikh Madar, Sirdar Bahadur, deceased.

*To the 2nd class, with the title of Bahadur.*  
Ressaïdar Jamaul De Beg, 1st Bombay Lancer *vice* Subadar Harnam Porie, promoted.

E. HAY, *Lieut.-Colonel*,  
for *Offg. Secretary to the Government of India.*

**MILITARY DEPARTMENT.**

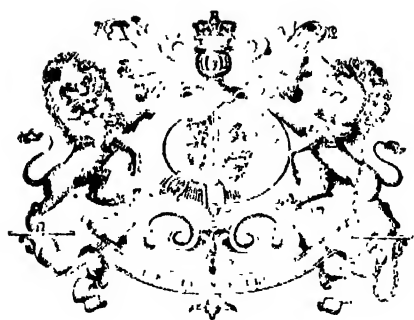
**NOTIFICATION.**

*Calcutta, the 2nd April, 1886.*

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Commissioned Officers, on the dates specified were received in the Military Department between the 27th March and the 2nd April, 1886.

Corps.	Rank and Names.	Date of Decease.	Place of Decease	Testate or Intestate.	REMARKS.
Bengal Staff Corps	Major F. A. S. D'Acosta de St. Laurent.	27th March, 1886.	Jullunder.		
South Yorkshire Regiment.	Lieutenant C. F. Boileau	30th March, 1886.	Rangoon.		

E. HAY, *Lieut.-Colonel*,  
for *Offg. Secretary to the Government of India.*



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PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 3, 1886.

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## PART II.

Notifications by High Court, Comptroller General, &c

### GAZETTE OF INDIA.

#### NOTICE.

*The 15th March 1886.*

From the 10th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the *Gazette*. The annual subscription for the two Parts is Rs 5 per annum, payable in advance. When sent by post, Rs 8 per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's *Gazette*.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

*Publisher, Gazette of India*

### HIGH COURT—Original Side.

#### NOTIFICATION.

*Calcutta, the 30th March 1886*

The Honorable the Chief Justice has, with the approval of His Excellency the Governor-General of India in Council, appointed Mr. S. Trearne, Assistant Registrar, Original Side, to officiate as Chief Clerk, and Mr. J. H. Hechle to officiate as Assistant Registrar, such appointments to have effect from the 22nd instant and to continue during the absence on leave of Mr. Fink, the Chief Clerk, or until further orders.

R. BELCHAMBERS,

*Registrar.*

**No. 14.—Account of Revenue and Expenditure of the Government of India for the first**  
*N.B.—Amounts are converted into Rupees.*

	REVENUE.	Estimates, 1885-86.	April 1884 to November 1884.	April 1885 to November 1885.	COMPARISON OF TWO YEARS	
					Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue . . . . .	22,864,600	9,895,905	10,017,011	122,006	...
II	Opium . . . . .	9,025,500	5,775,277	5,832,777	57,500	...
III	Salt . . . . .	6,400,000	4,174,815	4,102,810	...	72,005
IV	Stamps . . . . .	3,633,400	2,341,467	2,381,182	39,715	...
V	Excise . . . . .	4,070,000	2,610,479	2,712,854	102,375	...
VI	Provincial Rates . . . . .	2,856,800	1,417,741	1,405,637	47,896	...
VII	Customs . . . . .	1,175,000	561,930	666,543	104,613	...
VIII	Assessed Taxes . . . . .	514,900	463,422	463,421	...	...
IX	Forest . . . . .	1,060,100	445,082	450,998	5,916	...
X	Registration . . . . .	281,800	191,683	208,412	17,229	...
XI	Tributes from Native States . . . . .	601,300	255,130	259,508	4,378	...
XII	Post Office . . . . .	1,101,700	683,908	734,376	50,378	...
XIII	Telegraph . . . . .	540,100	280,708	347,351	66,643	...
XIV	Mint . . . . .	125,000	60,188	152,961	86,773	...
XV	Law and Justice . . . . .	595,300	333,392	341,812	8,420	...
XVI	Police . . . . .	311,600	200,930	200,955	25	...
XVII	Marine . . . . .	176,400	80,385	112,835	26,450	...
XVIII	Education . . . . .	201,800	122,624	120,789	...	1,835
XIX	Medical . . . . .	52,600	30,377	28,275	...	2,102
XX	Scientific and other Minor Depart- ments.	80,100	45,791	40,544	...	5,247
XXI	Interest . . . . .	659,400	392,187	387,387	...	4,800
XXII	Receipts in aid of Superannuation, &c.	257,700	91,598	120,338	28,740	...
XXIII	Stationery and Printing . . . . .	54,100	25,703	20,281	3,578	...
XXIV	Miscellaneous . . . . .	267,700	164,440	180,553	22,113	...
	<i>Productive Public Works.</i>	57,002,900	30,957,258	31,366,010	708,752	...
XXV	State Railways (Gross Earnings) . . . . .	3,841,700	2,299,985	2,571,597	271,612	...
	East Indian Railway (Gross Earnings).	4,550,000	2,705,808	3,047,032	341,824	...
	Eastern Bengal Railway (Gross Earnings).	550,000	...	286,571	286,571	...
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,300,000	2,684,324	3,013,630	329,306	...
XXVII	Irrigation and Navigation (Direct Receipts).	874,700	611,704	412,644	...	199,060
	<i>Unproductive Public Works.</i>					
XXIX	State Railways . . . . .	148,400	150,918	161,175	10,257	...
XXX	Subsidized Railways . . . . .	...	...	...	...	...
	Southern Mahratta Railway . . . . .	100,000	14,782	57,280	42,498	...
XXXI	Irrigation and Navigation . . . . .	135,400	83,683	78,023	...	5,660
XXXII	Military Works . . . . .	40,800	24,201	22,788	...	1,413
XXXIII	Civil Buildings, Roads, and Services . . . . .	474,600	307,435	297,028	...	10,407
XXXIV	Army . . . . .	814,000	463,493	500,019	36,526	...
XXXV	Military Preparations in N. W. Frontier.	...	...	24,054	24,054	...
	England, including Army, Public Works, &c.	71,892,500 197,900	40,003,591 172,451	41,838,451 147,019	1,834,860 ...	...
	<b>GRAND TOTAL</b>	<b>72,090,400</b>	<b>40,176,042</b>	<b>41,985,470</b>	<b>1,800,128</b>	

eight months of the year 1885-86, as compared with the corresponding period of 1884-85.

\*sterling at Rs 10 to the pound sterling.

	EXPENDITURE.	Estimates, 1885-86.	April 1884 to November 1884.	April 1885 to November 1885.	COMPARISON OF TWO YEARS.	
					Increase.	Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt*	3,800,000	2,709,257	2,709,876	619	...
2	Do. on other Obligations	411,000	192,785	112,690	...	80,095
3	Refunds and Drawbacks	224,400	126,903	155,208	28,365	...
4	Assignments and Compensations	1,248,500	509,003	587,028	17,125	...
5	Land Revenue	3,473,500	2,023,491	2,009,029	45,538	...
6	Opium (including cost of production)	2,473,700	2,664,908	2,780,984	116,016	...
7	Salt (do. do.)	492,300	303,792	277,884	...	25,908
8	Stamps	84,800	57,390	55,205	...	2,134
9	Excise	123,500	65,313	79,628	14,315	...
10	Provincial Rates	113,500	71,636	30,179	...	41,457
11	Customs	133,200	92,184	86,086	...	6,098
12	Assessed Taxes	13,400	9,529	8,886	...	643
13	Forests	725,300	368,661	379,561	10,900	...
14	Registration	181,100	117,968	124,124	6,156	...
15	Post Office	1,161,300	734,815	766,144	31,329	...
16	Telegraph	607,900	330,324	326,600	...	3,655
17	Mint	77,500	47,569	62,236	14,667	...
18	General Administration	1,335,700	880,736	912,418	31,712	...
19	Law and Justice	3,437,500	2,155,321	2,183,946	28,625	...
20	Police	2,855,700	1,805,501	1,839,209	33,708	...
21	Marine (including River Navigation)	365,800	212,251	221,161	8,910	...
22	Education	1,201,900	756,939	762,951	6,012	...
23	Ecclesiastical	169,700	108,408	100,284	816	...
24	Medical	76,400	467,862	471,192	3,330	...
25	Political	629,800	396,203	810,649	414,356	...
26	Scientific and other Minor Departments	477,900	332,100	337,960	5,791	...
27	Territorial and Political Pensions	654,900	422,400	413,543	...	8,917
28	Civil Purlough and Absentee Allowances	5,200	9,752	1,734	...	8,018
29	Superannuation Allowances and Pensions	763,400	558,459	555,057	...	3,402
30	Stationery and Printing	374,000	230,968	252,644	12,676	...
31	Miscellaneous	263,700	167,777	184,398	16,621	...
32	Famine Relief	33,000	3,124	34,067	30,943	...
33	Protective Works—Railways	500,000	611,576	...	...	611,576
34	Do. do. Irrigation	287,300	121,344	106,469	...	14,875
35	Reduction of Debt	670,700	...	...	...	...
49	Exchange on transactions with London	3,573,600	1,625,811	1,337,230	...	288,581
	<i>Productive Public Works.</i>	33,774,400	21,362,308	21,145,470	...	216,829
36	State Railways (Working Expenses)	2,270,500	1,320,164	1,401,638	165,474	...
	East Indian Railway (Working Expenses)	1,820,500	1,293,596	1,215,848	...	77,748
	Eastern Bengal Railway (ditto)	232,500	...	185,547	185,547	...
37	Guaranteed Railways (Surplus Profits, Land and Supervision)	516,000	459,211	446,005	...	13,206
38	Irrigation and Navigation (Working Expenses)	593,100	354,359	358,798	4,439	...
39	Charges in respect of Capital—Guaranteed Railways Interest	4,400	10,015	24,880	14,871	...
	<i>Unproductive Public Works.</i>					
40	State Railways (Capital Account)	398,000	83,838	137,184	53,346	...
41	Do. (Working & Maintenance)	119,900	102,609	90,485	...	12,124
42	Subsidized Railways	39,800	22,500	10,063	...	5,927
	Southern Mahratta Railway	80,300	87,478	45,443	...	42,035
43	Frontier Railways	100,000	115,938	...	...	115,938
44	Irrigation and Navigation	706,100	397,277	411,388	14,111	...
45	Military Works	1,088,300	517,730	480,406	...	37,324
46	Civil Buildings, Roads, and Services	4,040,600	2,118,023	1,070,304	...	1,417,199
47	Army	12,161,500	7,311,250	6,060,420	258,170	...
48	Military Preparations in N.-W. Frontier	...	...	1,810,526	1,810,526	...
	Do. Operations, Burmah	...	...	4,607	4,607	...
	England, including Army, Public Works, Guaranteed Interest, &c.	57,951,900	36,062,392	37,910,633	1,848,241	...
		14,354,600	10,235,388	10,813,458	578,070	...
	<i>Productive Public Works - Capital Expenditure.</i>	72,396,500	46,207,780	48,724,091	2,426,311	...
	<i>In India—</i>					
50	State Railways	1,900,600	823,297	1,142,201	318,904	...
	East Indian Railway	340,000	225,305	209,852	...	15,513
	Eastern Bengal Railway	132,100	...	74,169	74,169	...
51	Irrigation and Navigation	813,700	357,685	351,862	...	5,823
	<i>In England—</i>					
	State Railways	862,100	490,062	648,810	158,748	...
	East Indian Railway	...	277,238	63,464	...	213,774
	Eastern Bengal Railway	350,900	972,080	137,181	...	835,499
	Irrigation and Navigation	6,000	3,756	5,222	1,766	...
		4,405,400	3,150,083	2,633,061	...	517,022
	<b>GRAND TOTAL</b>	<b>76,711,900</b>	<b>49,447,863</b>	<b>51,357,152</b>	<b>1,909,289</b>	<b>...</b>

*Statement of Government Promissory Notes enforced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st March 1886.*

PARTICULARS.	RECEIPTS.			EXPENDITURE.			4½ PER CENT. LOANS			TRANSFER LOAN OF 1857. SPICES SHALL LIVE PER CENT PORTION	SPEER OF LOAN OF 1857-58.	GRAND TOTAL.
	OF 1854-55.	OF 1855-56.	OF 1856-57.	OF 1854-55.	OF 1855-56.	OF 1856-57.	OF 1856.	OF 1857.	OF 1858.			
Balance of 15th March 1856	54,100	13,73,053	27,71,000	22,42,300	61,75,000	2,08,05,300	2,30,08,200	44,10,700	77,55,000	9,67,62,200	10,89,37,500	19,48,33,953
<b>Add—</b>												
Amount expended at Madras between 1st and 31st March 1856	...	...	...	54,700	5,800	21,500	20,700	...	...	...	...	1,02,700
Amount expended at Bombay between 1st and 31st March 1856	...	...	...	94,000	3,000	7,000	1,000	...	3,500	3,03,850	4,26,000	4,46,400
Amount expended at Calcutta between 1st and 31st March 1856	...	...	...	76,000	4,300	1,21,000	87,800	...	1,500	3,07,000	3,08,500	5,99,300
<b>Deduct—</b>												
Amount withdrawn in the London Registers	...	...	6,200	2,02,800	1,88,500	5,56,000	1,10,500	...	26,200	4,00,800	4,27,600	9,98,200
Balance on 31st March 1856	54,100	13,73,053	27,70,300	22,36,000	5,03,000	2,60,61,200	2,30,58,200	44,10,700	77,62,800	9,70,61,000	10,92,44,000	19,49,84,153

[illegible]

Year	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	



## EXAMINER OF MEDICAL AND FUND ACCOUNTS.

*Statement of unclaimed sums deposited since the year 1842 with the Bengal Military Orphan Fund in trust for Soldiers' Children, exclusive of those of minors who have not attained the age of 21.*

Date of Deposit.	Name and Rank of Father.	Corps.	Names of Children.	Amount
				<i>Rs. a. p.</i>
Feb. 1, 1842	McCarthy, —, Qr. Mtr. Sergt.		John	61 2 8
Mar. 24, 1843	Nowlan, L., Farrier Sergt.	4th Troop, 2nd B. H. A.	Ellen	112 0 0
Apr. 3, 1843	Parrell, James, Gunner	2nd Co., 5th B. Arty.	Charlotte	4 2 8
5, 1843	Roach, Edward, Private	1st En. 1st Bn.	David and Austel	7 12 3
Mar. 9, 1844	Shahan, B., Gunner	3rd Co., 3rd B. Arty.	John and Patrick	2 1 8
June 21, 1844	Evans, George, Sergt.	1st Co., 2nd Bn. Arty.	Mary-Ann and Catherine	19 14 9
Sep. 10, 1844	Andrews, —, Private	4th Foot	George	20 0 0
Nov. 10, 1844	Gale, —, Private	10th Foot	John Thomas	28 12 0
23, 1844	Sullivan, John, Bombardier	1st Co., 2nd B. Arty.	John	130 0 0
Jan. 6, 1845	Dawes, John, Gunner	3rd " " "	William-Henry	55 12 0
" 6, 1845	Baines, Peter, Corporal	1st " " "	Mary-Ann	64 2 11
" 6, 1845	Monaghan, Michael, Sergt.	1st " " "	James	130 12 5
" 15, 1845	Godfrey, —, Sergt. Major		Harrold-M., and James	51 14 1
Feb. 14, 1845	Liv, —, Bugle Major	6th B. Arty.	James	12 0 0
July 7, 1845	Hay, A., Sergt. Major		Thomas	101 5 4
" 9, 1845	Mcaney, John, Sergt. Major	2nd B. H. A.	Henry, and James	26 12 8
" 9, 1845	Murphy, Thomas, Bombardier	2nd 1. 3rd Bde. H. A.	Ellen	77 4 11
" 9, 1845	Farr, William, Staff Sergt.	4th Co., 5th B. Arty.	Catherine-Ann	17 15 5
" 9, 1845	Daley, Owen, Gunner	3rd " " "	Owen	7 1 7
Sep. 1, 1845	Ryan, —, Sergt.		Julia-B. and George-J.	120 12 0
Jan. 7, 1846	Everett, Richard, Bombardier	5th Co., 5th B. Arty.	Caroline, and Eliza	28 10 13
Aug. 8, 1846	McEnery, Thomas, Conductor		Harrold	12 0 0
	Glassey, John, Corporal		Ellen Sarah	100 10 2
	Ridley, Henry, Gunner		Henry	54 0 3
Oct. 16, 1846	Fowles, John, Sergt.	Arty.	Sarah, Terence, and James	3 0 0
" 16, 1846	Lewis, Thomas, Gunner	"	Thomas	20 8 3
July 9, 1847	Dobbins, Francis, Gunner	"	Martha	84 3 5
" 19, 1847	Linn, Adam, Forier		Adam-T., and John	20 14 0
" 16, 1847	Clarke, William, Bombardier	1st L., 3rd B. H. Arty.	Not recorded	164 10 8
" 16, 1847	Prince, W., Sergt.	" 1st " " "	Ditto	125 15 10
Jan. 7, 1848	Willford, C., Qr. Mr. Sergt.		Mary	9 15 8
" 11, 1848	Pynes, —, Corporal		Maria	50 0 0
June 26, 1848	Matthews, M., Sub-Conductor		Rachel	12 2 2
July 6, 1848	Brathwaite, W., Staff Sergt.		C-William, and William H.	148 3 5
Oct. 16, 1848	Butcher, H., Sergt. Major	Sirmoor Bn.	Johannah, Frederick, and David-Ed- win	92 0 1
Jan. 13, 1849	Doherty, Michael, Sergt.		Oliver-H.	38 12 5
May 6, 1849	Shahan, D., Private	2nd En. Regt.	James	30 5 6
June 2, 1849	Moore, Benjamin, Private	1st En. B. F.	Sarah-C.	6 8 4
" 2, 1849	Crowley, Charles, Private	" " "	John	7 6 1
Oct. 12, 1849	Deane, W., Conductor	" " "	Emeline	50 0 0
Nov. 21, 1849	Moget, —, Sergt. Major	" " "	George	60 14 4
Feb. 18, 1850	Boote, Daniel, Gunner	1 Co., 4th B. Arty.	James and another	20 5 5
June 20, 1850	Umack, Patrick, Sergt.	3rd " " "	John	29 15 0
July 18, 1850	Barker, J., Sergt.	" " "	William-Robert	97 14 2
	Shahan, P., Gunner	Arty.	Patrick	23 5 6
Oct. 20, 1850	Lee, James, Corporal	2nd En. Regt.	Elizabeth	25 14 6
Sep. 14, 1852	Wade, William, Sergt.	1st Co., 4th B. Arty.	Sarah-Ann, William-Henry, Elizabeth, Escher, Jane-Wallis, and Ann.	72 0 5
Nov. 4, 1852	Hodgins, Adam, Gunner	2nd Co., 5th B. Arty.	William	9 11 11
Feb. 1, 1853	Edwards, Michael, Gunner	" " "	Jane and Bridget	30 5 9
Apr. 21, 1853	Staples, Edward, Sergt.	Sapper, and Minors	E. W. H.	97 2 6
Sep. 13, 1853	Brown, Michael, Sergt.	Artisan Bn.	John	49 10 3
Jan. 24, 1854	G. Jway, Robert, Bombardier	1st Co., 2nd B. Arty.	William	206 1 2
" 15, 1855	Munrowd, George, Sub-Conductor	Ordnance Dept.	Georgiana	61 10 3
Sep. 24, 1855	Franks, G., Bazar Sergt.		Mary	566 3 10
Oct. 15, 1857	Faulk, Edward, Sergt.	Calcutta Town Guard	William-Edward	209 11 0
Dec. 4, 28, 1850	McDonnell, John, Private	67th Foot	Charles	25 15 0
Feb. 13, 1861	Scott, William, Sergt.	2nd Frs.	William, Annie and Emma	214 2 0
Mar. 20, 1862	McDonald, John, Sergt.	Ordnance Dept.	Catherine	118 11 10
June 1, 1862	Keddie, J., Private	Commisariat Dept.	"	"
July 22, 1863	Lawton, William, Color Sergt.	2nd En. B. Frs.	Jane and James	80 0 0
Jan. 25, 1864	Jones, John, Gunner	24th Foot	William and Joseph	15 14 2
		G. Battery, 22nd B. R. Arty.	Hennetta-Dalzell	30 5 10
Mar. 10, 1864	Anderson, William, Gunner	5th B., 2 5th B. R. Arty	Duncan	35 4 11
May 10, 1864	Rowland, J., Private	2nd Dragoon Guards	Sophia-M., Elizabeth Ann and George- Edward.	12 0 0
June 25, 1866	Mead, William, Bombardier	4-25th Royal Arty.	Mary-Ann and Thomas	4 0 0
Oct. 31, 1867	Hutchinson, John, Sergt.	Army Comt. Dept.	Rose	26 2 0
Feb. 14, 1868	Coates, Robert, Corporal	R. Arty.	Ann Frances and Rosina-Mary	141 15 1
Oct. 6, 1871	York, R., Sergt.	Arty.	Henry, J.	21 1 7
Feb. 21, 1880	Donohue, Andrew, Private	50th Regt.	Ann	50 0 0

Applications for payment of the deposits should be made to the Examiner of Medical and Fund Accounts, Calcutta.

G. S. SUTHERLAND, M.D., *Brigade-Surgeon.*

*Examiner of Medical and Fund Accounts.*

## Statement of the Affairs of the Bank of Bengal for the week ending 30th March 1886.

LIABILITIES.				ASSETS.			
	R.	a.	p.		R.	a.	p.
Capital paid-up	2,00,00,000	0	0	Government Securities	50,89,244	8	0
Reserve Fund	41,56,694	15	0	Other authorized Investments	49,21,926	4	0
Public Deposits at Head Office	60,08,939	1	9	Loans on Government and other authorized Securities	1,02,38,417	9	11
Public Deposits at Branches	1,14,75,968	3	11	Accounts of Credit on Government and other authorized Securities	83,78,975	15	10
Other Deposits at Head Office and Branches	3,22,23,224	2	8	Bills discounted and purchased	2,23,15,221	2	3
Bank Post Bills, &c.	15,67,646	4	6	Balances with other Banks	8,13,897	8	5
Sundries	15,71,166	9	11	Hullion	6,07,311	4	
				Dead Stock	11,31,829	0	4
				Stamps	9,872	7	6
				Sundries	8,19,795	14	10
					5,37,25,254	2	5
				Cash and Currency Notes at Head Office	91,82,889	10	6
				Cash and Currency Notes at Branches	1,40,95,495	8	10
					2,32,78,385	3	4
RUPERS	7,70,03,639	5	9	RUPERS	7,70,03,639	5	9

By order of the Directors,

BANK OF BENGAL,  
Calcutta, 1st April 1886.J. GORDON,  
Chief Acctt. & Dy. Secy.R. HARDIE,  
Secretary & Treasurer.Rate for Demand Loans 6 per cent.  
Percentage 44'04.ORDERS BY THE VICE-CHANCELLOR  
AND SYNDICATE OF THE CALCUTTA  
UNIVERSITY.

The following Candidates have passed the examinations for the Degree of Bachelor in Medicine and for the Licence in Medicine and Surgery:—

## SECOND M. B. EXAMINATION.

## FIRST DIVISION.

## In alphabetical order.

Bandyopadhyay, Trailokyanath	Medical College.
Barat, S. N.	Ditto.
Basu, Chumal.	Ditto.
" Niradbihari	Ditto.
Chakrabarti, Kshietrapal	Ditto.
De, Sasibhushan	Ditto.
Ghatak, Annadaprasanna	Ditto.
Ghosh, Bipinbihari	Ditto.
Laha, Lalitmoहन	Ditto.
Mukhopadhyay, Srischandra	Ditto.
Nallatomby, C. W.	Ditto.
Raychaudhuri, Saratkumar	Ditto.

## SECOND DIVISION.

## In alphabetical order.

Basu, Gobindachandra	Medical College.
Datta, Durlabhchandra	Ditto.
" Jogindranath	Ditto.
De, Lalbihari	Ditto.
Haldar, Gopallal	Ditto.
Mitra, Upendranath	Ditto.
Mukhopadhyay, Akshaykumar	Ditto.
Nandi, Purnachandra	Ditto.
Ray, Isanchandra	Ditto.
" Phatikchandra	Ditto.
Sanyal, Dinanath	Ditto.

## SECOND L. M. S. EXAMINATION.

## In alphabetical order.

Datta, Nitaichand	Medical College.
De, Pbakirchandra	Ditto.
Ghosh, Bidhubhushan	Ditto.
Lahiri, Prakaschandra	Ditto.
Mukhopadhyay, Jnanendranath	Ditto.

## FIRST M. B. EXAMINATION.

## FIRST DIVISION.

## In order of merit.

Nandi, Akshaykumar	Medical College.
Sarkar, Nilratan	Ditto.
Dasgupta, Syammirad	Ditto.
Vethecan, F.	Ditto.

## SECOND DIVISION.

## In alphabetical order.

Basu, Sureschandra	Medical College.
Chaudhuri, Janmejay	Ditto.
Das, Saradaprasad	Ditto.
Majumdar, Trailokyanath	Ditto.
Nandi, Purnachandra	Ditto.
Pal, Akshaykumar	Ditto.
Ray, Debendranath	Ditto.
Sarkar, Bipinbihari	Ditto.

## FIRST L. M. S. EXAMINATION.

Moung Yan Hmu	Medical College.
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W. GRIFFITHS,

Registrar.

SENATE HOUSE,

The 22nd March 1886.

The undermentioned Students have passed the B. L. Examination:—

## FIRST DIVISION.

## In Order of Merit.

1	Mitra, Saratchandra (Junior)	M'politan Instn.
2	Sen, Bankimchandra	Ditto.
3	Dhar, Abinashchandra	Ditto.

## SECOND DIVISION.

## In Order of Merit.

1	Bankabihari Lal	Patna College.
2	Niyogi, Gatikrishna	Ditto.
3	Syud Wazir Hassan	Ditto.

4	Adhya, Bipinbihari . . .	M'politan Instn.
5	Sen, Narayan Chandra . . .	Ditto.
	De, Dinanath . . .	Ditto.
7	Syam, Saradacharan . . .	Ripon College.
	Das, Gangadhar . . .	M'politan Instn.
9	Ray, Bhabanath . . .	City College.
10	Chakrabarti, Umeschandra . . .	Ditto.
11	Sen, Satischandra . . .	M'politan Instn.
	Datta, Lambdar . . .	Ditto.
12	Chaudhuri, Syamasundar . . .	Ditto.
	Ram Sahay . . .	Patna College.
15	Chattopadhyay, Surapati . . .	M'politan Instn.
16	" Nagendranath . . .	Ditto.
17	Basu, Manindranath . . .	Ditto.
18	Asghur Ali Khan . . .	Patna College.
19	Lahiri, Rajen'ralul . . .	M'politan Instn.
20	Bagchi, Debendraprasad . . .	City College.
21	Biswas, Srischandra . . .	M'politan Instn.
22	Bandyopadhyay, Asutosh . . .	Ditto.
23	Srimani, Jogindra Nath . . .	Ditto.
24	Ray, Bamacharan . . .	Ditto.
25	Palit, Amritlal . . .	City College.
	Bandyopadhyay, Kalidhan . . .	Ditto.
26	" Jadunath . . .	M'politan Instn.
	Ray, Syamacharan . . .	Ditto.
29	Das, Kalikamal . . .	Dacca College.
30	Sarkar, Adbarchandra . . .	M'politan Instn.
	Kundu, Bhagabaticharan . . .	Ditto.
31	Mukhopadhyay, Nagendranath . . .	Ditto.
	Mitra, Achintanath . . .	Ditto.
33	Gangopadhyay, Makhanlal . . .	Ditto.
35	Mukhopadhyay, Upendrachandra . . .	City College.
36	Ghosh, Bharilal . . .	Presdy. College.
	Gulam Hyder Khan . . .	City College.
37	Chakrabarti, Haribar . . .	M'politan Instn.
39	De, Saratchandra . . .	Ditto.
40	Mukhopadhyay, Jogindranath . . .	City College.
41	Guha, Kaliprasanna . . .	Ditto.
42	Majumdar, Jogeshechandra . . .	M'politan Instn.
43	Chakrabarti, Mahunchandra . . .	Ditto.
44	Ghosh, Surendranath . . .	Ditto.
45	Dattaray, Abandakissor . . .	Ripon College.
46	Sen, Kalicharan . . .	M'politan Instn.
47	Chattopadhyay, Haridas . . .	Ditto.
	De, Narendralal . . .	City College.
48	Chakrabarti, Manmohan . . .	M'politan Instn.
50	Mahibuddin Ahmed . . .	City College.
51	Mitra, Saratchandra (Senior) . . .	M'politan Instn.
52	Chattopadhyay, Haranchandra . . .	Ditto.
53	Chakrabarti, Siddheswar . . .	Hughli College.
54	Bandyopadhyay, Harilal . . .	M'politan Instn.
	Chaudhuri, Satischandra . . .	City College.
55	Mukhopadhyay, Bisweswar . . .	Ditto.
	Basu, Haridas . . .	M'politan Instn.
	Majumdar, Murarilal . . .	Ditto.
58	Mahomed Anul Haq . . .	Patna College.
60	Mitra, Upendranath . . .	City College.
61	Datta, Mahesachandra . . .	Dacca College.
62	Basu, Abinashchandra . . .	M'politan Instn.
	Ray, Hemendranath . . .	Ditto.
64	Bhattacharya, Tridharacharan . . .	Ditto.
	Lahiri, Mahendranath . . .	Ditto.
66	Bandyopadhyay, Kshetramohan . . .	City College.
67	Himmat Ali . . .	Dacca College.
68	Sil, Aghornath . . .	City College.
69	Lahiri, Gopalchandra . . .	M'politan Instn.
70	Mahabir Sahay . . .	Ditto.
	Sil, Makhanlal . . .	Hughli College.
72	Sen, Mahimohan . . .	M'politan Instn.
	Basu, Priyanath . . .	Ditto.
	Sen, Dakshinacharan . . .	Ditto.
74	Guha, Harendranarayan . . .	Ditto.
	" Rohunkumar . . .	City College.
76	Datta, Amritlal . . .	M'politan Instn.
78	" Pratulchandra . . .	Ditto.
79	Ray, Mahesachandra . . .	R'shahye College
80	Basu, Bijaygobinda . . .	Presdy. College.
	Sanyal, Nagendranath . . .	Ripon College.
81	Pati, Radhanath . . .	M'politan Instn.
	Datta, Jugalkisor . . .	City College.
	Sen, Satiskamal . . .	M'politan Instn.
84	Mukhopadhyay, Upendrachandra . . .	Ditto.
86	Bhattacharya, Jogindrachandra . . .	City College.
87	Chakrabarti, Lahimohan . . .	Ditto.
88	Syed Ahmed Hassain . . .	Patna College.
	Mukhopadhyay, Susibhusan, No. II. . .	M'politan Instn.
90	Majumdar, Nilmadhab . . .	Hughli College.
	Chakrabarti, Mohimohan . . .	M'politan Instn.
91	Chattopadhyay, Upendranath . . .	Ditto.
93	Bandyopadhyay, Rakhaladas . . .	City College.
94	Chaudhuri, Kisorimohan . . .	M'politan Instn.

95	Vaquinuddin Ahmed . . .	City College.
96	Mukhopadhyay, Jayhari . . .	K'nagar College.
	Mitra, Akshaykumar . . .	Patna College.
	Tapeswari Prasad . . .	Ditto.
	Abdul Majid . . .	Dacca College.
	Bhattacharyya, Jaineswar . . .	Hughli College.
	Dutt, Jogen Chunder . . .	City College.
	Shams-ul-Huda . . .	Ditto.
	Syed Mahamad Yusuf Ali . . .	Ditto.
	Ray, Saratchandra . . .	Muasn'lo pitnI .
	Ghosh, Sasimohan . . .	Ditto.
	Bandyopadhyay, Srischandra . . .	Ditto.
97	De, Basantakumar . . .	Ditto.
	Gupta, Inanchandra . . .	Ditto.
	Chattopadhyay, Gopalchandra . . .	Ditto.
	Mitra, Sureschandra . . .	Ditto.
	" Charuchandra . . .	Ditto.
	Mukhopadhyay, Piyarilal . . .	Ditto.
	Mitra, Asutosh . . .	Ditto.
	Sanyal, Ramchandra . . .	Ditto.
	Mukhopadhyay, Sasibhusan No. I. . .	Ditto.
	Maiti, Upendranath . . .	Ditto.

W. GRIFFITHS,

Registrar.

SENATE HOUSE,

The 30th March 1886.

## SURVEY OF INDIA.

## NOTIFICATION.

Calcutta, the 29th March 1886.

No. 551.—The following temporary promotion is made, with effect from the 23rd March 1886, *vice* Mr. P. A. G. Cowley, on furlough:—

Mr. C. Tapsell, Assistant Surveyor, 1st Grade, to officiate as Surveyor, 4th Grade.

H. R. THUILLIER, *Lieut.-Colonel, R.E.,*  
*Offg. Surveyor General of India.*

SURVEY OF INDIA—REVENUE  
BRANCH.

## NOTIFICATION.

Calcutta, the 31st March 1886.

No. 1.—Mr. B. R. Hughes, Assistant Surveyor, 3rd Grade, is granted privilege leave for two months and fifteen days.

J. SCONCE, *Colonel, S.C.,**Depty. Surveyor General,**In charge Revenue Branch, Survey of India.*AGENT TO THE GOVERNOR GENERAL  
FOR CENTRAL INDIA.

## NOTIFICATIONS.

Indore Residency, the 23rd March 1886.

No. 1053.—Lieutenant E. E. Robertson, Squadron Officer, 1st Regiment, Central India Horse, is granted thirty days' privilege leave, with effect from the 20th March 1886, or date of departure.

The 27th March 1886.

No. 1115.—In pursuance of the Foreign Department Notification No. 545 G., dated the

18th March 1886. Lieutenant R. D. C. Davies assumed charge of the Office of Assistant Cantonment Magistrate, Mhow, on the afternoon of the 18th idem.

By Order,

F. L. PETRE,

1st Asst. Agent to the Govr. Genl.  
for Central India.

### RAJPUTANA AGENCY, PUBLIC WORKS DEPARTMENT.

#### NOTIFICATIONS.

*Mount Abu, the 23rd March 1886.*

**No. 675 S.**—Under Sections 6, 9 and 10 of Act XV of 1873, the Chief Commissioner has been pleased to appoint the undermentioned officers and gentlemen to be members of the Beawar Municipal Committee, with effect from 1st April 1886:—

#### *President*

- (1) The Assistant Commissioner of Merwara.

#### *Vice-President.*

- (2) The Tahsildar of Beawar.

#### *Official Members*

- (3) The Assistant Surgeon, Beawar.  
(4) The Assistant Engineer, Ajmere Provincial Division at Beawar.

#### *Non-Official Members*

- (1) Revd Dr. W. Shoolbred.  
(2) Girdhari Mal Seth Oswal Surana, son of Jiv Raj.  
(3) Fateh Chund, son of Hazari Mal Kan-kire.  
(4) Gulab Rai Aggarwala, son of Tula Ram.  
(5) Kishen Dyal Aggarwala, son of Jit Mull.  
(6) Ram Ratan Mahesri, son of Ganesh Das.  
(7) Phel Chund, son of Birdhi Chund Saraggi.  
(8) Lakha, son of Khangara Gujar Lamberdar.  
(9) Kasim, son of Jani Chhipa.  
(10) Anwar Khan, brother of Mangal Khan.  
(11) Kasim, son of Kwaj Baksh Multan.  
(12) Babu Amar Singh, son of Akhaji.  
(13) Sheth Ramclauder, Honorary Magistrate, Beawar.

*The 25th March 1886.*

**No. 689 S.**—Mr. A. E. Lowrie, Assistant Conservator of Forests, Ajmere and Merwara, is granted two months and twenty-five days' privilege leave of absence, with effect from the 5th April 1886.

By Order,

WM. G. CUMMING, *Major, R.E.,*  
Offg. Secy. to the Chief Commr., Ajmere-Merwara,  
in the P. W. Dept.

### RESIDENT IN MYSORE.

#### NOTIFICATION.

*Bangalore, the 22nd March 1886.*

**No. 698.**—In accordance with the provisions of Section 40 of Act II of 1886, an Act for imposing a tax on income derived from sources other than agriculture, the Officiating Resident in Mysore is pleased to authorize the Assistant to the Resident in Mysore to exercise, in respect of the Civil and Military Station of Bangalore, the powers conferred on the Commissioner of Division by Sections 27, 28, and 34(2) of the aforesaid Act

By Order,

J. H. NEWELL, *Major,*

*Assistant to the Resident.*

### CEMETERY NOTICE.

For the friends of the undermentioned officers deceased, whose monuments, in the Raniganj Old Cantonment Cemetery, need repairing:—

Thomas Harvey, late Assistant Surgeon, 6th Royal Regiment, who died April 1858, age 31 years.

Charles Johnson Nicholson, late Captain, Bengal Staff Corps, who died December 1862, age 33 years.

F. L. WYBERGH,

*A. C. S. Chaplain of Raniganj.*

### Statement of Silver Balance in the Calcutta Mint for the week ending 31st March 1886.

	R	R
Value of silver held in the Mint on account of the Currency Department on the evening of the 24th March 1886	3,46,745	
Value of Government silver in the Mint on the same date	6,89,080	10,35,825
<b>Add—</b> Silver received by the Mint during the week on account of the Currency Department Ditto ditto Government	4,45,510	4,45,510
<b>Deduct—</b> New coin paid to Reserve Treasury during the week Petty items issued for miscellaneous purposes	1,45,000	1,45,000
Balance on the evening of the 31st March 1886	...	13,36,341
<b>The Balance comprises—</b> Silver held on account of the Currency Department Ditto ditto Government	6,88,161 6,47,881	13,36,341
<b>There is in addition awaiting assay—</b> Bullion belonging to Private Individuals Ditto ditto Government	7,33,328 ...	7,33,328

A. W. BAIRD, *Major, R.E.,*  
Offg. Master of the Mint,

CALCUTTA MINT,  
The 1st April 1886.

## CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

## Bombay Circle.

## NOTES WHOLLY LOST OR DESTROYED.

Ser. No.	No. of Notes.	Value.	Name of Claimant.
886.		R	
N 10	M 38—67112	500	Jadu Kristna Dey, Jodhpur.
V 11	M 94—52603	100	District Superintendent of Police, Ahmednagar.
	" —62925	100	
	" —64825	100	
V 12	M 38—77933	500	Ganpatrao Pandurang, Bombay.
V 13	M 85—04124	100	Bahmanji Edalji Modir Broach.
V 14	M 84—39986	50	Deputy Post Master General C. P. and Berar.
	M 85—81122	100	
V 15	M 94—87235	100	Superintendent, Railway Mail Service, Bombay.
	S 3—10900	50	
	M 84—77270	50	
V 16	M 94—54706	100	District Superintendent of Police, Cawnpur.

BOMBAY,  
23rd March 1886.

R. A. STERNDALÉ,  
Asst. Acct. Genl., Paper Currency Dept.

## Lahore Circle.

## NOTES WHOLLY LOST OR DESTROYED.

Ser. No.	No. of Note.	Value.	Name of Claimant.
		R	
E 20—88844*		100	Prag Dass, care of Post Master, Akalgarh, District Gujranwalla.
E 26—26630		100	A. C. Jehangir, Merchant, Rawalpindi.
" —26202†		100	
E 24—21506		20	Mr. J. E. Hilton, Executive Engineer, Provincial Division, Lahore.
" —21507		20	
" —21508		20	
E 25—03160		50	Basdeo Mul, Sarroff, Kurnal.

\* Belonging to Agency No. 6, Peshawar.

† Belonging to Agency No. 1, Rawalpindi.

LAHORE,  
29th March 1886.

W. H. EGERTON,  
for Deputy Commissioner of Currency.

## Madras Circle.

## NOTES WHOLLY LOST OR DESTROYED.

Ser. No.	No. of Notes.	Value.	Name of Claimant.
		R	
B 83—23027		50	N. Sreenivasa Aiyangar, Salem.
" —33001		50	
B 85—82332		100	
B 86—07147		100	

RT ST. GEORGE,  
22nd March 1886.

C. HALL,  
Chief Superintendent,  
In charge of Paper Currency Dept.

RECTOR OF PUBLIC INSTRUCTION,  
BENGAL.

## NOTICE.

In accordance with the Resolution of the Government of Bengal in the General Department, dated the 6th March 1886, published on

page 541 of the *Calcutta Gazette* of the 31st of the same month, notice is hereby given that an Examination for the admission of female students to the Certificate Class of the Calcutta Medical College will be held in the theatre of that College on Tuesday, the 27th April 1886, and following days :—

## HOURS AND SUBJECTS OF EXAMINATION.

*Tuesday*—English Dictation, Grammar, and Composition and from 1 to 4 P.M.

*Wednesday*—History (of England and India) and Geography (General and of India in particular), from 1 to 4 P.M.

*Thursday*—Arithmetic (the first four Rules, Vulgar and Decimal Fractions and Proportion), from 1 to 4 P.M.

Candidates must apply in writing to this Office not later than the 22nd of April for permission to appear at the Examination.

CHARLES H. TAWNEY,  
Offg. Director of Public Instruction.

## POST OFFICE.

## NOTIFICATIONS.

Unclaimed letters held in the Calcutta General Post Office on 30th March 1886.

Gardiner, H. Stevens, R. H. Wall, Stephen D.

## Letters marked "Care of Post Office."

A. B. Baggs, H. W.	Grant, Mrs. D. St. John.	Preston, R. C. Campbell.
Bulgarnie, E.	Griffiths, Norris.	Pyle, Mrs. C. I.
Beattie, M. H.	Guerrier, H. J.	Reece, Mrs. A.
Beauchamp, A.	Hall, F.	Rice, W. G. L.
Bedell, E. A.	Harmer, J. A.	Roberts, J. R.
Bennett, J. B.	Harrison, Dr. J. E.	Robinson, E. A.
Blaker, Mr.	Heath, Mrs.	Robinson, W.
Blissett, W. V.	Hughes, Capt.	Rode, Capt. J. H.
Bose, P. N.	Jafferson, J. J. D.	Sharpe, Capt. A.
Bowers, S.	Kelly, Miss G.	Shaw, H. J.
B. K.	K. T. M.	Sima, Miss A.
Butler, T.	Kirkbride, J.	Simpson, Percy.
Capel, Lt.-Col.	Lea, Jay.	Skine, Major.
Carpenter, A.	Lemaitre, A.	Snailwood, Geo.
C. B. H.	Litke, de Louis G.	Smart, Mrs. R. V.
Chelton, H.	Lloyd, E. T.	Smith, J. C.
Clark, James.	M. O.	Speer, A. E.
Clarke, F. G.	MacDougall, D.	Stanislaus, Walter.
Coleman, R. J.	McDonald, Miss.	Sternbergh, A.
Crawford, J.	McLaughlin, John.	Stewart, C.
" Dr.	Manfield, J. J.	Stone, Mrs. T.
Derham, Henry.	Marshall, Hon. Mrs. Geo.	Storey, A.
Dessa, H. T.	Martin, H.	Storey, Mrs. R.
Dukie, Capt. J. E.	May, J. A.	Swingler, Mrs. C.
Dunmuck, Basil.	Mellard, G. N.	Symons, W. S.
Dowling, D. G. A.	Milner, R.	Thorpe, Sydney.
Dukes, Mrs.	Minauff, Mr.	Tooms, Charles.
Dundas, Mrs.	Moore, W.	Townsend, Surg.-Major E.
Dwarra, J. H.	Nellie, Miss N.	Transche, Hern. J. Von.
E. M. K., Miss.	Norris, H.	Uren, Capt. T.
Easton, Percy H.	No. ville, Mrs. L.	Walker, G. A.
Ellis, Mrs. Jus.	Page, George.	Walker, G. E.
Entwistle, K.	Palmer, Col. A. P.	Walker, P. C.
Fez, Lt. Col.	Parker, Mrs. A. H.	Webster, T. E.
Flinsch, Ferdinand.	Percy, A.	Wessendert, Henri.
Franklin, R. O.	Peterson, Jr. Geo.	Whiteley, H.
Freise, C.	Phillips, W. G. St. V.	Williamson, T. L.
Gilbert, Mrs. M.	Phillips, Henry.	Wilson, W. T.
Gilmour, Capt. D. C.	Pike, H. R.	Wood, Tempest.
Godfrey, J. B.	Pinkerton, William.	Zaff, Corl.
Grant, Mrs. M.		

## Registered Letters.

Burnet, W.	Martin, C.	Scott, Mrs. G. C.
Godfrey, J. B.	Nelson, Mrs.	Steruilles, David.
Guerner, H. J.	Peterson, A.	Sternbergh, M.
Harris, Ashby.	Ross, A.	Taylor, Mrs. Cecil.

Unclaimed Letters held in the Barrackpore Post Office on the 29th March 1886.

Anderson, R. A.	Hadgkins, Mrs.	Mazumdar, Bepin
Arrakiel, M.	Hart, Mr. and Mrs.	Bedari
Chowdhari, P. L.	Harvey, J. R.	Pearson, Revd. A. C.
Crawley, Mrs. P. G.	Hay, Mrs.	Sulinter, S.
Cress, J.	Hobson, E. A.	Thomas, Major C. F.
Dalzell, E. B.	James, G. V.	Woon, Lt. J. B., 10th Regt.
Good, Miss.	Knight, H. B.	
Gordon, L.	Landale, J.	

E. HUTTON,

Presidency Postmaster, Calcutta.

Calcutta, the 3rd April 1886.

## SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closure at Calcutta	Per Steamer
Madras and Ceylon	1886 3rd April	P. & O. Str. Chusan.
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	11th "	From Bombay.
Foreign Mail to Bombay	6th "	From Bombay.*
Ditto Book Post and Pattern Packets	7th "	From Bombay.
Rangoon and Moulooh	7th "	Str. Panama
Akaba, Kyauk Phyo, Sandaway and Rangoon	7th "	Str. Oriental.
Straits and Hong Kong	6th "	Str. Japan.
Port Blair and C. Morda	8th "	Str. Victoria

\* Also for Cape of Good Hope and Natal through United Kingdom, also Aden for Mauritius, Malé, Seychelles, Mayott, Noua Be and Réunion can be forwarded.

N.B. - The letter-box will close at 7 P.M. precisely, at which hour Foreign letters fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7.30 P.M.

It is hereby notified for general information that the following Mail Despatches to Ceylon will be made from the Calcutta General Post Office during April 1886.—

DATE OF CLOSURE.	REMARKS.
3rd April 1886	By P. & O. Steamer from Calcutta.
13th April 1886	By P. & O. Steamer from Calcutta.
14th April 1886*	By B. I. S. N. Co's Steamer from Calcutta.
17th April 1886	By P. & O. Steamer from Calcutta.
22nd April 1886*	By Steamer Private Vessel.
23rd April 1886	By French Steamer.
27th April 1886	By P. & O. Steamer from Calcutta.
28th April 1886	By P. & O. Steamer from Calcutta.
28th April 1886*	By B. I. S. N. Co's Private Vessel.

\* These dates are subject to alteration in the event of departure of the vessel being delayed.

N.B. - The Letter Box will close at 7 P.M. precisely, after which hour letters fully prepaid and bearing an extra postage stamp of four (4) annas on each cover will be received up to 7.30 P.M.

The rate of postage on letters conveyed by private vessels is two (2) annas per ½ oz. (pre-payment compulsory).

The postage on letters conveyed by the P. & O. and French Steamers is three (3) annas per ½ oz. (pre-payment optional).

E. HUTTON,

Presidency Post Master.

## GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for quinine, and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, *Rs 4-8*; per eight-ounce tin, *Rs 8-8*; per pound tin, *Rs 16-8*. The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the under-noted rates—per four-ounce tin, *Rs 5-8*; per eight-ounce tin, *Rs 10-8*; per pound tin, *Rs 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

## گورنمنٹ سینکونا فبري فيوج

یہ دوا کوئیٹائین کا خوب قائم مقام ہی اور ملکتہ کے پوٹانکل کارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہوا ایک ملازم سرکاری واسطے سرکاری کام اور خیروات کے اور سوائے اون کے جو کوئی ایک مشہد بیس پوند خرید لینے سے بقیہ نقد حسب نرخ ذیل خرید کر سکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; ایک پوند کے تین کا سولہ روپیہ آٹھ آنہ

اور عوام الناس پوٹانکل کارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ ذیل خرید کر سکتے ہیں یعنی نرخ چار اونس کے تین کا پانچ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا دس روپیہ آٹھ آنہ ; ایک پوند کے تین کا بیس روپیہ

یہ دوا ملکتہ کے بڑے بڑے ولایتی اور دیسی دوا خانوں میں سبھی ہی ماسوائے قیمت مذکورہ بالا کے محصول ذات چار اور آٹھ اونس کے تین کا آٹھ آنہ ; اور ایک پوند کے تین کا بارہ آنہ

## CRYSTALLINE CINCHONA FEBRIFUGE.

A new and improved preparation made at the Government Factory from Red Cinchona Bark. This is a more perfect substitute for Quinine than the ordinary uncrystallized Febrifuge. It can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds and upwards* at a time, from the Superintendent, Royal Botanic Garden, Seebpore, near Calcutta, *for cash only*, at the following rates: per four-ounce tin, *Rs 6-8*; per eight-ounce tin, *Rs 12-8*; per pound tin, *Rs 24*. The general public can be supplied by the Superintendent, Royal Botanic Garden, *for cash only*, at the undernoted rates: per four-ounce tin, *Rs 8-8*; per eight-ounce tin, *Rs 16-8*; per pound tin, *Rs 32*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates.

## کرسٹلین سینکونا دوائی بخار

لال سنکونا باری می ایک نئی اور عمدہ دوا کورمڈٹ فاکٹری میں تیار ہوئی ہے معمولی بے صاف کی ہوئی دوائی بخار سے کوہن کے لئے یہ بہت خوب وائم مقام ہی اور سبب پور منصل کلندہ کے پوٹانکل کارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری کام اور خیروات کے لئے اور وہ لوگ جو ایک مشہد بیس پوند لینے سے اس دوا سے خرید سکتے ہیں یعنی چار اونس کے تین کا چھ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا بارہ روپیہ آٹھ آنہ ; اور ایک پوند



اور عام لوگوں کو ہوائی گارڈن یعنی کمپنی باغ کے  
سپرٹنڈنٹ صاحب سے نقد اسع جہاز پر مل سکتا ہی یعنی  
چار آؤنس تین کا آتھ روپیہ آتھ آنہ ; آتھ آؤنس کی تین کا  
سولہ روپیہ آتھ آنہ اور ایک ہونڈ نین کا بیس ۳۲ روپیہ یہ دوا  
کلنگہ کے بڑی بڑی ولایتی اور دسبے دواخانوں میں بھی  
پتلی ہی مخصوص داک حار آؤنس کی تین کے لئے چار آنہ ; آتھ  
دوئس کی تین کے لئے آتھ آنہ اور ایک ہونڈ کی تین کے لئے  
ازہ آنہ علامہ اور لکھے ہوئے نرخ کے ہی

### METEOROLOGICAL PUBLICATIONS FOR SALE.

At the Meteorological Office, No. 5, Russell Street; also at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices specified below.—

- Report on the Meteorology of India in 1875**, 4to, 89 pages text, 507 pages tables, 3 charts. Rs.
- Report on the Meteorology of India in 1876**, 4to, 97 pages text, 310 pages tables, 3 charts. Rs.
- Report on the Meteorology of India in 1877**, 4to, 193 pages text, 375 pages tables, 3 charts. Rs.
- Report on the Meteorology of India in 1882**, 4to, 152 pages text, 268 pages tables, 8 charts. Rs.
- Report on the Meteorology of India in 1883**, 4to, 150 pages text, 305 pages tables, 9 charts. Rs.
- Indian Meteorological Memoirs, Vol. I, Part I**, 4to, 118 pages, 9 plates. Rs.
- Indian Meteorological Memoirs, Vol. I, Part II**, 4to, 63 pages, 4 plates. Rs.
- Indian Meteorological Memoirs, Vol. I, Part III**, 4to, 86 pages, 3 plates. Rs.
- Indian Meteorological Memoirs, Vol. I, Part IV**, 4to, 62 pages, 18 plates. Rs.
- Indian Meteorological Memoirs, Vol. I, Part V**, 4to, 57 pages, 10 plates. Rs.
- Indian Meteorological Memoirs, Vol. I, Part VI**, 4to, 62 pages. Rs.
- Indian Meteorological Memoirs, Vol. II, Part I**, 4to, 78 pages, 6 plates. Rs.
- Indian Meteorological Memoirs, Vol. II, Part II**, 4to, 60 pages, 9 plates. Rs.
- Indian Meteorological Memoirs, Vol. II, Part III**, 4to, 68 pages, 3 plates. Rs.
- Indian Meteorological Memoirs, Vol. II, Part IV**, 4to, 232 pages, 7 plates. Rs.
- Report on the Vizagapatam and Backergunge Cyclones, October 1876**, 3to, 57 pages, 4 plates. Rs.
- Report on the Madras Cyclone of May 1877**, 4to, 117 pages text, 97 pages tables, 5 plates. Rs.
- Rainfall Chart of India** showing the average annual distribution of rainfall (in colours). Rs.
- Rainfall Map of India** (in two sheets, scale 64 miles to one inch), showing the annual distribution of rainfall (in colours). Rs.
- Register of Original Observations** of six stations in India for each of the years 1870 to 1884, corrected and reduced. Each year. Rs.
- The Indian Meteorologist's Vade Mecum, Part I** [Instructions to Observers]. Rs.
- The Indian Meteorologist's Vade Mecum, Part II** [The Meteorology of India]. Rs.
- Tables for the Reduction of Meteorological Observations in India**. Rs.

HENRY F. BLANFORD,  
Meteorological Reporter to the  
Government of India.

Catalogue of Charts issued at the Marine Survey Office, Bombay,  
by order of the Government of India, and sold at the Marine  
Survey Office, I. G. Dockyard, Bombay.

All Charts are corrected up to the date of Issue.

### RED SEA.

- Office No. of Chart.  
Kk. 276. **Red Sea**, in five sheets. Captain T. Elwon, R.N., 1871-72. Rs. 4 the set.
- Ll. 286. **Anchorages in the Red Sea**. Published in 1873. Rs. 4.
- Ll. 277. **Mersa Durur to Trinkitat**, showing the approaches to Sawakin. Commander A. Carpenter, R.N., 1884. Rs. 12.
- Mm. 294. **Gulf of Suez**. Captain G. S. Nares, R.N., 1871-72. Rs. 12.

### Office No. of Chart.

### INDIAN OCEAN.

- O. 11. **Indian Ocean—Curves of equal magnetic variation, 1880**. By R. C. Carrington, F.R.A.S. 8a.
- O. 1258. **Indian Ocean, Suez to Penang**, including Zanzibar and Madagascar (Engraved). Physical and track chart. Compiled by R. C. Carrington, 1881. Rs.
- O. 1257. **Arabian Sea, Western portion**, with plans of Babel Mandeb Strait and Zanzibar Harbour. Compiled from the latest Government Surveys, by R. C. Carrington, F.R.A.S., 1881. Rs.
- O. 1257a. **Arabian Sea, Eastern portion**, with plans of Karachi, Bombay, Colombo, Galle and Madras. Compiled from the latest Government Surveys, by R. C. Carrington, F.R.A.S., 1881. Rs.

### PERSIAN GULF.

- Oo. 310. **Bahrein Harbour approaches**. By M. Chapman, I.N., 1874. Two sheets. Rs.

### INDIA—WEST COAST.

- N 16. **Karachi Harbour**. By Navigating Lieutenant J. C. Pascoe, R.N., 1883. Rs.
- N 25. **Port of Salaya or Seraia**. By Commander A. D. Taylor, I.N., 1879. Rs.
- N 26. **Bet Harbour**. Navigating Lieutenant T. C. Pascoe, R.N., 1884. Rs.
- N 1217. **Cutch Mandvi**. By Commander A. D. Taylor, I.N., corrected to 1879. Rs.
- N. 1270. **Okha Coast**. By Lieutenant Constable, I.N., 1881. 12a.
- N. 1271. **Kathiawar Coast**. Two sheets. Lieutenant Constable, I.N., 1873. Rs.
- N. 1272. **Kathiawar Coast. Porbandar to Korynaur**. Lieutenant A. M. Grieve, I.N., 1854. Two sheets. Rs.
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- Further Notes on the Rungpore Records, Vol II.** By E. G. GLAZIER, C.S. R<sub>1</sub> (2a.)

- Selection of Papers regarding the Hill Tracts between Assam and Burma, and on the Upper Brahmapooter.** R<sub>5</sub> (4a.)

- Descriptive Ethnology of Bengal.** By Colonel EDWARD TUTHILL DALTON.

Bound copies . . . . . R<sub>45</sub>

Unbound copies . . . . . R<sub>35</sub>





# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 3, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### BRITISH BURMA.

#### NOTICE.

DEPUTY COMMISSIONER'S COURT,  
DISTRICT THONEGWA.

*The 4th February 1886.*

CIVIL SIDE MISCELLANEOUS CASE  
NO. 4 OF 1885.

IN THE MATTER OF THE ESTATE OF  
G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa District, died intestate on the 5th January 1885 Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,  
*District Judge, Thonegwa.*

### NOTICE.

The business heretofore carried on by my late father at No. 59, Ezra Street, in the City of Calcutta, under the style or firm of E. D. J. Ezra, will from this date be carried on by myself under the firm and style of E. D. J. Ezra & Co.

J. E. D. EZRA.

### PROMISSORY NOTES.

#### Lost, Stolen or Destroyed.

Six Government Promissory Notes Nos. 114004, 111657, 102111, 102110, 102109, 102108, of the 4 per cent. of 1865, for Rs500 each, originally standing in the name of Ram Durga, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

RAM DURGA,  
*P. O. & Village Sholaghar,  
Dacca.*





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## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th March, 1886, and is hereby promulgated for general information:—

#### ACT NO. XIII OF 1886. THE INDIAN SECURITIES ACT, 1886.

#### CONTENTS.

##### SECTIONS.

1. Short title and commencement.
2. Repeal.
3. Definitions.
4. Notice of trust not receivable.
5. Right of survivors of joint payees of Government securities.
6. Prohibition of indorsements on allonges to Government securities.
7. Holding of Government securities by holders for the time being of public offices.
8. Transfer and discharge of certificates and coupons.
9. Indorser of Government security not liable for amount thereof.
10. Impression of signature on Government securities.
11. Issue of renewed securities.
12. Issue of duplicate securities.
13. Period after which the Government is released from liability in respect of original security.
14. Power of Governor General in Council to make rules.
15. Publication of drafts and rules.

*An Act to consolidate and amend the law relating to Government Securities*

WHEREAS it is expedient to consolidate and amend the law relating to Government securities; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Indian Securities

(2) It shall come into force on the first day of April, 1886.

(3) The power conferred on the Governor General in Council by section 7, sub-section (1), may be exercised at any time after the passing of this Act; but a notification issued in exercise of that power shall not take effect until the Act comes into force.

2. (1) On and from the day on which this Act comes into force, the Indian Securities Act, 1851, and the Indian Securities Act, 1855, shall be repealed.

(2) But any authority conferred, notification issued, list published or rule or order made under either of those Acts shall, so far as may be, be deemed to have been conferred, issued, published or made under this Act.

##### Definitions.

##### 3. In this Act—

- (1) "Government security" includes promissory notes, debentures, stock-certificates and all other securities issued by the Government of India or by any Local Government in respect of any loan contracted either before or after the passing of this Act, but does not include a stock-note or a currency-note; and
- (2) "prescribed" means prescribed by rules made by the Governor General in Council.

4. No notice of any trust in respect of any Government security shall be receivable by the Government.

5. (1) Notwithstanding anything in the Indian Contract Act, 1872, section 45, when a Government security is payable to two or more persons jointly and either or any of them dies, the security shall be payable to the survivor or survivors of those persons.

(2) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the security jointly payable to him or them and the deceased.

(3) This section shall apply whether the death of the person to whom the security was jointly payable occurred or occurs before or after this Act.

**6.** Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881, the holder of a Government security shall not be said to indorse the security, or be called the indorser thereof, if, when he signs the same for the purpose of negotiation, he inscribes his signature for that purpose elsewhere than on the back of the security itself.

**7. (1)** In the case of any public office to which the Governor General in Council may, from time to time, by notification in the Gazette of India, declare this sub-section to apply, a Government security may be made or indorsed payable to or to the order of the holder for the time being of the office by the name of the office.

(2) When a Government security is made or indorsed as aforesaid, it shall be deemed to be transferred without any or further indorsement from each holder for the time being of the office to the succeeding holder for the time being of the office on and from the date on which the latter takes charge of the office.

(3) When the holder for the time being of the office indorses to a third party a Government security made or indorsed as aforesaid, he shall subscribe the indorsement with his name and the name of the office.

(4) A writing on a Government security now or heretofore standing in the name of the holder of a public office, whereby the security has been or was made or indorsed payable to or to the order of the holder of the office for the time being, shall not be deemed to be or to have been invalid by reason only of the payee or indorsee being the holder for the time being of a public office by the name of the office.

(5) This section applies as well to an office of which there are two or more joint holders as to an office of which there is a single holder.

**8. (1)** Whenever the Governor General in Council has issued, in respect of any loan a certificate declaring the bearer thereof to be entitled to the portion of the loan therein expressed, or a coupon for any amount payable as interest on any portion of the loan, the title to the certificate or coupon may be transferred as if the certificate or coupon were a promissory note payable to bearer.

(2) On payment, by or on behalf of the Government, to the bearer of the certificate or coupon, of the amount expressed therein, at or after the date on which it becomes due, the Government shall be discharged as if the certificate or coupon were a promissory note payable to bearer.

**9.** A person shall not, by reason only of his having indorsed a Government security, be liable to pay any money due, either as principal or as interest, thereunder.

**10. (1)** The signature of the officer of the Government of India authorized to sign Government securities on behalf of the Government may be printed, engraved or lithographed, or im-

pressed by such other mechanical process as the Governor General in Council may direct, on the securities.

(2) A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper handwriting of the officer.

**11.** A person claiming to be entitled to a Government security as payable to him under an indorsement may, on satisfying the prescribed officer of the justice of his claim and paying the prescribed fee and delivering the security duly receipted to the prescribed officer, obtain from the officer a renewed security issued payable to himself.

**12. (1)** When a Government security is alleged to have been wholly or partly lost or destroyed, and a person claims to be the person to whom but for the loss or destruction it would be payable, he may, on application to the prescribed officer, and on producing proof to his satisfaction of the loss or destruction and of the justice of the claim, obtain from him an order for—

- (a) the payment of interest in respect of the security said to be lost or destroyed pending the issue of a duplicate security; and
- (b) the issue of a duplicate security payable to the applicant.

(2) An order shall not be passed under sub-section (1) until after the issue of the prescribed notification of the loss or destruction and after the expiration of the prescribed period, nor until the applicant has given the prescribed indemnity against the claims of all persons deriving title under the security lost or destroyed.

(3) A list of the securities in respect of which an order is passed under sub-section (1) shall be published in the Gazette of India at such times as the Governor General in Council may, from time to time, direct.

**13.** When a renewed security has been issued under section 11, or a duplicate security has been issued under section 12, the Government shall be discharged from all liability in respect of the original security of which the renewed or duplicate security has been issued—

- (a) in the case of a renewed security, after the lapse of six years from the date of the issue of the renewed security;
- (b) in the case of a duplicate security, after the lapse of six years from the date of the publication under section 12, sub-section (3), of the list in which the security is first mentioned, or from the date of the last payment of interest on the original security, whichever date is the later.

**14.** The Governor General in Council may, from time to time, make rules to prescribe—

- (a) the mode in which payment of interest in respect of Government securities is to be recorded and acknowledged;



- (b) the circumstances in which Government securities must be renewed before further payment of interest thereon can be claimed;
- (c) the fees to be paid in respect of applications under sections 11 and 12;
- (d) the form in which securities delivered for renewal are to be receipted;
- (e) the officer who is to exercise all or any of the powers and perform all or any of the duties prescribed by sections 11 and 12;
- (f) the proof which is to be produced by persons applying for duplicate securities;
- (g) the form and mode of publication of the notification mentioned in section 12, and the period after which interest may be paid or a duplicate security may be issued under that section;
- (h) the nature and amount of the indemnity to be given by a person applying under section 12 for the payment of interest or the issue of a duplicate security; and,
- (i) generally, all matters connected with the grant of renewed and duplicate securities.

15. (1) The Governor General in Council shall, Publication of drafts before making rules under and rules. section 14, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of the public.

(2) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(3) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(4) Every rule made under section 14 shall be published in the Gazette of India, and the publication in that Gazette of a rule purporting to be made under that section shall be conclusive proof that it has been duly made.

S. HARVEY JAMES,

*Offg. Secretary to the Government of India.*

The following Report of the Select Committee on the Bill to amend the law relating to Government securities was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 12th March, 1886:—

### LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Select Committee to which the Bill to amend the

Telegram from Chief Commissioner, Coorg, dated 17th February, 1886 [Paper No. 1].

From Secretary for Berar to Resident, Hyderabad, No. 436., dated 13th February, 1886 [Paper No. 2].

From Under-Secretary to Chief Commissioner, Central Provinces, No. 549—33, dated 15th February, 1886 [Paper No. 3].

Telegram from Secretary to Government, North-Western Provinces and Oudh, dated 19th February, 1886 [Paper No. 4].

From Officiating Secretary to Government, Bengal, No. 605, dated 19th February, 1886, and enclosures [Paper No. 5].

Telegram from Chief Commissioner, Ajmer-Merwara, No. 326C., dated 21st February, 1886 [Paper No. 6].

From Acting Chief Secretary to Government, Madras, No. 421, dated 17th February, 1886, and enclosures [Paper No. 7].

Telegram from Secretary to Government, Bombay, dated 22nd February, 1886 [Paper No. 8].

From Officiating Secretary to Chief Commissioner, Assam, No. 378, dated 16th February, 1886 [Paper No. 9].

Telegram from Chief Commissioner, British Burma, dated 27th February, 1886 [Paper No. 10].

From Under-Secretary to Government, Bombay, No. 511, dated 1st March, 1886 [Paper No. 11].

of such offices, and the other declaring the section to apply not only to an office of which there is a single holder but to an office of which there are two or more joint holders.

3. We consider it desirable that the law relating to Government securities should be

law relating to Government Securities was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

2. We have added to the section respecting the holding of Government securities by holders for the time being of public offices two sub-sections, the one removing any doubt which may exist as to the validity of past indorsements in favour of holders for the time being

consolidated. We have, therefore, proposed to repeal the Indian Securities Acts of 1881 and 1885, and to embody the substance of them and of the Bill in a single enactment.

4. The publication ordered by the Council has been made as follows :—

<i>Gazette.</i>		<i>In English.</i>	<i>Date.</i>
Gazette of India	...	...	6th, 13th and 20th February, 1886.
Port Saint George Gazette	...	...	12th February, 1886.
Bombay Government Gazette	...	...	11th February, 1886.
Calcutta Gazette	...	...	10th, 17th and 24th February, 1886.
North-Western Provinces and Oudh Government Gazette	...	...	13th, 20th and 27th February, 1886.
Punjab Government Gazette	...	...	18th and 25th February, and 4th March, 1886.
Central Provinces Gazette	...	...	13th, 20th and 27th February, 1886.
British Burma Gazette	...	...	6th March, 1886.
Assam Gazette	...	...	6th March, 1886.

*In the Vernaculars.*

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bengal	Bengali	16th February, 1886.
North-Western Provinces and Oudh	Urdu	13th, 20th and 27th February, 1886.

5. We do not think that the measure has been so altered as to require re-publication, and we recommend that the Bill, as amended by us and consolidated with the Acts of 1881 and 1885, be passed.

A. COLVIN.  
C. P. ILBERT.  
G. H. P. EVANS.  
ROBERT STEEL.  
V. N. MANDLIK.

*The 9th March, 1886.*

S HARVEY JAMES,  
*Offg. Secretary to the Government of India.*



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## PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations or published under Rule 22.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March, 1886, and was referred to a Select Committee:—

No. 5 of 1886.

#### THE GUARDIANS AND WARDS BILL, 1886.

##### CONTENTS.

##### CHAPTER I. PRELIMINARY.

##### SECTIONS.

1. Short title, local extent and commencement.
2. Repeal.
3. Saving of jurisdiction of Courts of Wards and Chartered High Courts.
4. Definitions.

##### CHAPTER II.

##### APPOINTMENT OF GUARDIANS.

5. Power of parents to appoint in case of persons subject to Indian Succession Act.
6. Saving of power to appoint in other cases.
7. Power of the Court to make order as to guardianship.
8. Persons entitled to apply for order.
9. Court having jurisdiction to entertain the application.
10. Form of application.
11. Procedure on admission of application.
12. Power to make interlocutory order for production of minor and interim protection of his person and property.
13. Hearing of evidence before making of order.

##### SECTIONS.

14. Appointment of several guardians.
15. Matters to be considered by the Court in appointing guardian.
16. Guardian of the person not to be appointed by the Court in certain cases.
17. Guardian of property to be appointed by the Court subject to restrictions in case of certain minors.

##### CHAPTER III.

##### DUTIES, RIGHTS AND LIABILITIES OF GUARDIANS.

##### *General.*

18. Fiduciary relation of guardian to ward.
19. Minor incompetent to act.
20. Duties of guardian of the person.
21. Title of guardian to custody of ward.
22. Removal of ward from jurisdiction.

##### *Guardian of Property.*

23. Duties of guardian of property.
24. Limitation of powers of guardian of property appointed or declared by the Court.
25. Practice with respect to limitation of powers of guardian of property.
26. General powers of guardian of property.
27. Right of guardian to apply to the Court for opinion in management of property of ward.
28. Obligations on, and privileges of, guardian of property.
29. Suit against guardian where administration-bond was taken.
30. Suit against guardian where administration-bond was not taken.
31. General liability of guardian as trustee.
32. Right of survivorship among joint guardians.
33. Removal of guardian.
34. Discharge of guardian.
35. Cessation of authority of guardian.

*The Guardians and Wards Bill, 1886.*

*(Chapter I.—Preliminary.—Sections 1-4.)*

*(Chapter II.—Appointment of Guardians.—Sections 5-8.)*

CHAPTER IV.

SUPPLEMENTAL PROVISIONS.

SECTIONS.

36. Orders for regulating conduct or proceedings of guardians, and enforcement of those orders.
37. Penalty for removal of ward from jurisdiction.
38. Penalty for failure to account.
39. Saving of prosecutions under other laws.
40. Reports by Collectors and Subordinate Courts.
41. Orders appealable.
42. Finality of other orders.
43. Power of High Court to refuse applications capable of being dealt with by another Court.
44. Costs.
45. Power of High Court to make rules.
46. Applicability of Act to guardians already appointed by Court.

THE SCHEDULE.—ENACTMENTS REPEALED.

*A Bill to Consolidate and amend the Law relating to Guardian and Ward.*

WHEREAS it is expedient to consolidate and amend the law relating to guardian and ward; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (1) This Act may be called the Guardians and Wards Act, 1886.

(2) It extends to the whole of British India except the Scheduled Districts; and

(3) It shall come into force on the first day of January, 1887.

(4) Any power conferred by this Act to make rules or issue orders may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

2. (1) On and from the day on which this Act comes into force, the enactments mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column thereof.

(2) But all proceedings had, certificates granted, allowances assigned, obligations imposed and applications, appointments, orders and rules made under any of those enactments shall, so far as may be, be deemed to have been respectively had, granted, assigned, imposed and made under this Act.

(3) Any enactment or document referring to any of those enactments shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

3. This Act shall be read subject to every enactment heretofore or hereafter passed relating to any Court of Wards by the Governor General in Council or by a Governor or Lieutenant-Governor in Council; and nothing in this Act shall be deemed to affect, or in any way derogate from, the jurisdiction or authority of any Court of Wards, or to take away any power possessed by any High Court.

twenty-fourth and twenty-fifth of Victoria, chapter one hundred and four (*an Act for establishing High Courts of Judicature in India*).

4. In this Act, unless there is something repugnant in the subject or context,—

Definitions.

(1) "minor" means a person who has not reached the age of majority according to the law to which he is subject:

(2) "guardian" means a person having the care of the person of a minor or of his property, or of both his person and property:

(3) "ward" means a minor for whose person or property, or both, there is a guardian:

(4) "the Court" means the Court having jurisdiction to entertain an application under this Act for the appointment, or declaration of the title, of a guardian; and, where a guardian has been appointed or declared in pursuance of any such application, it means the Court which appointed or declared the guardian, or the High Court to which that Court is subordinate, or, in any matter relating to the person of the ward, the High Court having jurisdiction in the place where the ward for the time being resides:

(5) "Collector" means the chief officer in charge of the revenue-administration of a district, and includes any officer whom the Local Government, by notification in the official Gazette, may, from time to time, by name or by virtue of his office, appoint to be a Collector in any local area, or with respect to any class of persons, for all or any of the purposes of this Act:

(6) "prescribed" means prescribed by rules made by the High Court under this Act.

CHAPTER II.

APPOINTMENT OF GUARDIANS.

5. Where a minor is a person to whom the Indian Succession Act, 1865, applies, a guardian of his person or property, or both, may be appointed by will or other instrument to take effect on the death of the person appointing—

(a) if the minor is legitimate, by the father, or by either parent if the other is dead or incapable of acting;

(b) if the minor is illegitimate, by the mother.

6. Where a minor is a person to whom the Indian Succession Act, 1865, does not apply, nothing in this Act shall take away or derogate from any power to appoint a guardian of his person or property, or both, which is valid by the law to which he is subject.

7. Where it appears to the Court that provision ought to be made—

(a) for appointing a guardian of the person or property, or both, of a minor, or

(b) for declaring the title of a person claiming to be such a guardian,

the Court may make an order accordingly.

8. An order may be made under the last foregoing section, on the application of—

(a) the person desiring to be appointed guardian of the person or property of a minor,

## *The Guardians and Wards Bill, 1886.*

### *(Chapter II.—Appointment of Guardians.—Sections 9-11.)*

- (b) any relative or friend of the minor, or
- (c) the Collector of the district or other local area within which the minor resides or has property, or
- (d) the Collector having authority with respect to the class to which the minor belongs.

9. (1) The application shall be made either to the Court having jurisdiction to entertain the application, or to the District Court having jurisdiction in that place.

(2) An application with respect to the guardianship of the person of a minor shall ordinarily be made to the Court having jurisdiction in the place where the minor resides.

(3) If an application with respect to the guardianship of the person or property, or both, of a minor is made to a Court other than that having jurisdiction in the place where the minor resides, the Court may refuse the application if in its opinion the application would be disposed of more justly or conveniently by any other Court having jurisdiction.

10. (1) The application shall be by petition setting forth the grounds of the application, and stating—

- (a) the age and residence of the minor;
- (b) the nature and value of his property (if any);
- (c) where the person or property of the minor is not in the custody or possession of the petitioner, the person (if any) having the custody or possession of the person or property of the minor;
- (d) what relations the minor has, and where they reside;
- (e) whether an application has at any time been made to the Court or to any other Court with respect to the guardianship of the person or property, or both, of the minor, and, if so, when, to what Court and with what result;
- (f) where the application is to appoint a guardian, the qualifications of the proposed guardian and his willingness to act;
- (g) where the application is to declare the title of a guardian, the grounds on which that title rests; and
- (h) such other particulars, if any, as may be prescribed or as the nature of the application renders it necessary to state.

(2) The petition shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints, and may be received as evidence of the facts stated therein.

11. (1) If the Court is satisfied that there is ground for proceeding on the application, it shall fix a day for the hearing thereof, and cause notice of the application and of the date fixed for the hearing—

- (a) to be served, in the manner directed in the Code of Civil Procedure, on the person (if any) named in the petition as having the custody or being in possession of the person or property of the minor, and on any other person to whom, in the opinion of the Court, special notice of the application should be given; and

- (b) to be posted on some conspicuous part of the court-house, and otherwise published in such manner as the Court, subject to any rules made by the High Court under this Act, thinks fit.

(2) When any part of the property described in the petition is of such nature that a Court of Wards could assume the superintendence thereof, the Court shall also cause a notice as aforesaid to be served on the Collector in whose district the minor resides, and on every Collector in whose district any portion of that part of the property is situate, and the Collector may cause the notice to be published in any manner he deems fit.

12. The Court may direct that the person (if any) having the custody of the minor shall produce him at such place and time as it appoints, and may make such order for the temporary custody and protection of the person or property of the minor as it thinks proper.

13. On the day fixed for the hearing of the application, or as soon afterwards as may be, the Court shall hear such evidence as may be adduced in support of or in opposition to the application.

14. (1) If the law to which the minor is subject admits of his having two or more joint guardians of his person or property, or both, the Court may, if it thinks fit, appoint or declare them.

(2) Separate guardians may be appointed or declared of the person and of the property of a minor.

(3) If a minor has several properties, the Court may, if it thinks fit, appoint or declare a separate guardian for any one or more of the properties.

(4) If the Court appoints or declares a guardian for any property situate beyond the local limits of its jurisdiction, the Court having jurisdiction in the place where the property is situate shall accept the guardian as duly appointed or declared and give effect to the order appointing or declaring him.

# *The Guardians and Wards Bill, 1886.*

## *(Chapter II.—Appointment of Guardians.—Sections 15-17.)*

## *(Chapter III.—Duties, Rights and Liabilities of Guardians.—Sections 18-22.)*

### CHAPTER III.

### DUTIES, RIGHTS AND LIABILITIES OF GUARDIANS.

#### *General.*

Fiduciary relation of guardian to ward. 18. (1) A guardian must act for the benefit of his ward. [Seton's 1 cross, 730, and Act X. 1874, s. 18]

(2) He cannot make any profit out of his office.

(3) With respect to the property of the ward, he stands in the position of trustee for the ward, and is responsible for any loss occasioned to the property by his wilful default or gross negligence.

(4) This fiduciary relation extends to and affects purchases by a guardian of the property of his ward immediately or soon after the ward has ceased to be a minor, and generally all transactions between them while the influence of the guardian still lasts or is recent.

Minor incompetent to act. 19. A minor is incompetent to act as guardian. [Act XIII 1874, s. 19]

#### *Guardian of the Person.*

20. A guardian of the person of a ward is charged with the custody of the ward, and must look to his support, health and education, and such other matters as the law to which the ward is subject requires. [Act XII 1874, ss. 1 and 12.]

21. (1) If a ward leaves the custody of his guardian, he may be compelled by order of the Court to return to that custody. [Act XII 1874, s. 13]

(2) But the Court may refuse to make an order for his return to the custody of the guardian if it appears—

- (a) that the ward has been ill-treated by the guardian; or
- (b) that the conduct of the guardian in any other respect has rendered him unfit to have the custody of the ward; or
- (c) that the ward is, on reasonable grounds not inconsistent with the law to which he is subject, unwilling to return, and, having attained to years of discretion, is capable of exercising a wise choice as to the custody in which he will remain.

(3) The residence of a ward against the will of his guardian with a person who is not his guardian does not of itself terminate the guardianship. [Act XII 1874, s. 14]

22. (1) A guardian of the person appointed or declared by the Court shall not, without the leave of the Court by which he was appointed or declared, remove the ward from the limits of its jurisdiction, except for such temporary purposes as may be prescribed or for the purpose of placing him beyond those limits at an educational institution appointed by the Local Government administering the territories

15. (1) In appointing or declaring the guardian of a minor the Court shall be guided by the law to which the minor is subject and by what appears to be, consistently with that law, for the best interest of the minor with respect to his mental, moral and temporal welfare.

(2) In considering what will be for the best interest of the minor, the Court shall have regard to his age, his relationship to the proposed guardian, the wishes of a deceased parent (if any), and any existing or previous connection of the proposed guardian with the person or property of the minor.

(3) If the minor is old enough to form an intelligent preference, the Court may consider that reference.

(4) In the case of persons to whom the Indian Succession Act, 1865, applies, as between parents diversely claiming the guardianship, neither parent is entitled to it as of right; but, other things being equal in such case, if the minor is of tender years, he should be given to the mother, and if he is of an age to require education and preparation for labour and business, then to the father.

(5) Where the minor is a member of an undivided Hindu family, special weight is to be attached to any claim which the managing member of the family may make to be appointed or declared guardian, and to any objection which may take to an appointment or declaration made for in an application.

(i) The Court shall not appoint a person to be guardian against his will.

16. Nothing in this Chapter shall authorise the Court to appoint or declare a guardian of the person of a minor—

- a) who is a married female cohabiting with her husband, or
- b) whose father is living and is not a minor or, in the opinion of the Court, unfit to perform, or incapable of performing, the duties of a guardian of the person of the minor, or
- c) whose property is under the superintendence of a Court of Wards competent to appoint a guardian of his person.

Where under this Chapter the Court appoints or declares a guardian of the property of a minor who is a member of an undivided Hindu family, it shall, except where it is proved to the satisfaction of the Court that the interests of the ward have been actually imperilled, appoint the guardian subject to such restrictions as may prevent him from interfering with the management of the family.

## *The Guardians and Wards Bill, 1886.*

### *(Chapter III.—Duties, Rights and Liabilities of Guardians.—Sections 23-27.)*

within which the Court is established as an institution to which a guardian may send a ward without the leave of the Court.

(2) The leave granted by the Court under subsection (1) may be special or general, and may be defined by the order granting it.

#### *Guardian of Property.*

**23. (1)** A guardian of the property of a ward must keep that property safely.

(2) In the case of immoveable property, he must not suffer any waste, but must maintain the buildings (if any) thereon and their appurtenances out of the rents and profits of the property.

**24.** Where a guardian of the property of a ward has been appointed or declared by the Court, he shall not, without the previous permission of the Court,—

Limitation of powers of guardian of property appointed or declared by the Court.

ward has been appointed or declared by the Court, he shall not, without the previous permission of the Court,—

- (a) borrow for his ward; or
- (b) mortgage, charge or transfer by sale, gift, exchange or otherwise any part of the immoveable property of his ward; or
- (c) lease any part of that property for a term exceeding three years; or
- (d) transfer any Government securities belonging to the ward, or the shares or other interest of the ward in any company; or
- (e) dispose of any other part of the principal of the property of the ward:

Provided that the Court may, subject to any rules made by the High Court under this Act, exempt a guardian from the necessity of obtaining the permission of the Court under this section, either generally or in special circumstances, and as to either the whole or any specified part of the property of the ward.

**25. (1)** Permission to the guardian to do any of the acts mentioned in the last foregoing section shall not be granted by the Court except in case of necessity or for an evident advantage to the ward.

Practice with respect to limitation of powers of guardian of property.

the last foregoing section shall not be granted by the Court except in case of necessity or for an evident advantage to the ward.

(2) The order granting the permission shall recite the necessity or advantage, as the case may be, describe the property with respect to which the act permitted is to be done, and specify such conditions, if any, as the Court may see fit to attach to the permission; and it shall be recorded, dated and signed by the Judge of the Court with his own hand, or, when from any cause he is prevented from recording the order with his own hand, shall be taken down in writing from his dictation and be dated and signed by him.

(3) The Court may in its discretion attach to the permission the following among other conditions, namely:—

- (a) that a sale shall be made to the highest bidder by public auction, before the Court or some person specially appointed by the Court for that purpose, at a time and place to be specified by the Court, after such proclamation of the intended sale as the Court, subject to any rules made by the High Court under this Act, directs;
- (b) that a lease shall not be made in consideration of a premium, or shall be made for such term of years and subject to such rents and covenants as the Court directs;
- (c) that the whole or any part of the proceeds of the act permitted shall be paid into the Court by the guardian to be invested by the Court on prescribed securities or otherwise disposed of as the Court directs.

(4) Before granting permission to a guardian to do an act mentioned in the last foregoing section the Court may cause notice of the application for the permission to be given to any relative or friend of the ward who should, in its opinion, receive notice thereof, and shall hear, and record the statement of, any person who appears in opposition to the application.

**26. (1)** Where a guardian of the property of a ward has been appointed or declared by the Court, the Court may from time to time, by order, define, restrict or extend his powers with respect to the property of the ward in such manner and to such extent as it may consider to be for the advantage of the ward and consistent with the law to which the ward is subject.

(2) Subject to any such order and subject also to sections 17 and 21, a guardian appointed by or under a will or other instrument shall, with respect to the property of his ward, have such powers and be subject to such restrictions as are conferred or imposed on him by that instrument.

(3) Subject to the foregoing provisions of this section, a guardian of the property of a ward may do all acts which are reasonable and proper for the realization, protection or benefit of the property of the ward and are allowed by the law to which the ward is subject.

**27. (1)** A guardian may apply by petition to the Court for its opinion, advice or direction on any present questions respecting the management or administration of the property of his ward, other than questions not proper, in the opinion of the Court, for summary disposal.

Right of guardian to apply to the Court for opinion in management of property of ward.

[Act XL, 1858, s. 2; Act XX, s. 1; and XI, 1872, s. 20.]

[Act II, 1882, s. 3.]



*The Guardians and Wards Bill, 1886.**(Chapter III.—Duties, Rights and Liabilities of Guardians.—Sections 28, 33.)*

(2) A copy of the petition shall be served upon, and the hearing thereof may be attended by, such of the persons interested in the application as the Court thinks fit.

(3) The guardian stating in good faith the facts in the petition and acting upon the opinion, advice or direction given by the Court shall be deemed, so far as regards his own responsibility, to have discharged his duty as guardian in the subject-matter of the application.

28. Where a guardian of the property of a ward has been appointed or declared by the Court, he shall—  
Obligations on, and privileges of, guardian of property.

(a) if so required by the Court, give a bond, as nearly may be in the prescribed form, to the Judge of the Court to ensure for the benefit of the Judge for the time being, with or without sureties as may be prescribed, engaging duly to account for what he may receive in respect of the property of the ward;

(b) deliver to the Court, within six months from the date of his appointment or declaration by the Court, or within such shorter time as the Court directs, a statement of the immoveable property belonging to the ward, of the money and other moveable property which he has received on behalf of the ward up to the date of delivering the statement, and of the debts due on that date to or from the ward;

(c) exhibit his accounts in the Court at such times and in such form as the Court directs;

(d) if the Court so directs, pay into the Court the balance due from him on those accounts, or so much thereof as the Court directs, in the manner in which money is required by any rules for the time being in force to be paid into that Court;

(e) apply for the maintenance, education and advancement of the ward such portion of the income of the property of the ward as the Court directs, and, if the Court so directs, the whole or any part of the principal of that property; and

(f) be entitled to such allowance, if any, as the Court thinks fit for his care and pains in the execution of his duties.

29. Where a guardian has given a bond duly to account for what he may receive in respect of the property of his ward, the Court may at any time, on being satisfied that the engagement of the bond has not been kept, and upon such terms as to security, or providing that the money received be paid into the Court, or otherwise, as the Court thinks fit, assign the bond to some

proper person, who shall thereupon be entitled to sue on the bond in his own name as if the bond had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon, as trustee for the ward, the full amount recoverable in respect of any breach thereof.

30. Where a guardian has not given a bond as aforesaid, any person, with the leave of the Court, may, as next friend, at any time during the continuance of the minority of the ward, and upon such terms as aforesaid, institute a suit against the guardian, or, in case of his death, against his legal representative, for an account of what the guardian has received in respect of the property of the ward, and may recover in the suit, as trustee for the ward, the full amount found in the suit to have been received by the guardian and not to have been duly accounted for.  
Suit against guardian where administration-bond was not taken.

[Act XL, 1858, s. 19, and Act XX, 1864, s. 19.]

31. Nothing in either of the last two foregoing sections shall be construed to deprive a ward or his legal representative of any remedy against his guardian, or the legal representative of the guardian, which, not being expressly provided in either of those sections, any other beneficiary or his legal representative would have against his trustee or the legal representative of the trustee.  
General liability of guardian as trustee.

[Act XL, 1858, s. 19, and Act XX, 1864, s. 19.]

*Termination of Guardianship.*

32. On the death of one of two or more joint guardians, the guardianship continues to the survivor or survivors until a further appointment is made by the Court.  
Right of survivorship among joint guardians.

[Act XIII, 1874, s. 21.]

33. (1) The Court may, on the application of any person interested, or of its own motion, remove a guardian for any of the following causes, namely:—  
Removal of guardian.

[Act XI, 1858, s. 21, Act XX, 1864, s. 21, and Act XIII, 1874, ss. 22 and 24.]

(a) for abuse of his trust;

(b) for continued failure to perform its duties;

(c) for incapacity to perform its duties;

(d) for gross immorality;

(e) for having an interest adverse to the faithful performance of his duties;

(f) for removal from the local limits of the jurisdiction of the Court;

(g) by reason of the arrival within those limits of some person whose guardianship the Court may think likely to be more beneficial to the ward than that of his guardian; or

(h) in the case of a guardian of the property, for insolvency.

(2) When a guardian has been removed for any such cause, the Court may appoint a successor to him under the provisions of Chapter II.



*The Guardians and Wards Bill, 1886.**(Chapter III.—Duties, Rights and Liabilities of Guardians.—Sections 34-35.)**(Chapter IV.—Supplemental Provisions.—Sections 36-41.)*

**34. (1).** If a guardian desires to resign his office, he may apply to the Court to be discharged.

(2) If the Court finds that there is some other proper person whom it may appoint to be guardian under the provisions of Chapter II, it shall discharge the applicant from the guardianship and appoint the other person in his place.

**35. (1)** The power of a guardian of the person ceases—

- (a) by his removal or discharge;
- (b) by the Court of Wards assuming superintendence of the person of the ward;
- (c) by the ward ceasing to be a minor;
- (d) in the case of a female ward, by her marriage followed by cohabitation with her husband; or
- (e) in the case of a ward whose father was a minor, or deemed unfit to perform, or incapable of performing, the duties of a guardian of the person of the ward, by the father ceasing to be a minor or, as the case may be, to be deemed unfit or incapable as aforesaid.

(2) The power of a guardian of the property ceases—

- (a) by his removal or discharge;
- (b) by the Court of Wards assuming superintendence of the property of the ward; or
- (c) by the ward ceasing to be a minor.

(3) When for any cause a person ceases to be a guardian, the Court may require him to deliver as it directs any property in his possession belonging to the ward.

(4) When he has delivered as the Court directs his property, if any, in his possession belonging to the ward, the Court may declare him to be discharged from his liabilities as guardian, save as regards any fraud which may subsequently be discovered.

## CHAPTER IV.

## SUPPLEMENTAL PROVISIONS.

**36. (1)** The Court may, on the application of any person interested or of its own motion, make an order regulating the conduct or proceedings of any guardian who has not been appointed by a Court of Wards, whether the guardian has been appointed or declared by the Court under this Act or not.

(2) In case of disobedience to an order made under sub-section (1), the order may be enforced in the same manner as an injunction granted under section 492 or section 493 of the Code of

Civil Procedure, as if the guardian were the defendant and the ward the plaintiff.

**37.** If, for the purpose or with the effect of preventing the Court from exercising its authority with respect to a ward, the guardian of the ward removes him from the limits of the jurisdiction of the Court in contravention of the prohibition contained in section 22, he shall be liable, by order of the Court, to fine not exceeding one thousand rupees, or to imprisonment for a term which may extend to six months, or to both.

**38.** If a guardian fails to deliver to the Court, within six months from the date of his appointment or declaration by the Court, or within such shorter time as the Court directs, the statement mentioned in clause (b) of section 28, or to exhibit his accounts in the Court, as required by clause (c) of that section, or to pay into the Court the balance due from him on those accounts, as required by clause (d) of that section,

or if a person who has ceased to be a guardian fails, on the requisition of the Court, to deliver as the Court directs any property in his possession belonging to the ward,

he shall be liable, by order of the Court, to fine not exceeding one hundred rupees, and, in case of recusancy, to further fine not exceeding fifty rupees for each day after the first during which the default continues and to detention in the civil jail until he consents to deliver the statement, or exhibit the accounts, or pay the balance, or deliver the property, as the case may be.

**39.** Nothing in this Act shall prevent a person from being prosecuted under any other law for an act or omission which constitutes an offence against this Act, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act.

Provided that a person shall not be punished twice for the same offence.

**40.** The Court may call upon the Collector, or upon any Court subordinate to the Court, for a report on any matter arising in any proceeding under this Act and treat the report as evidence.

**41.** An appeal shall lie to the High Court from an order made by a District Court—

- (a) under section 7, appointing or declaring or refusing to appoint or declare a guardian; or
- (b) under section 9 sub-section (3), refusing an application; or
- (c) under section 21, making or refusing to make an order for the return of a ward to the custody of his guardian, or

Orders for regulating conduct or proceedings of guardians, and enforcement of these orders

Reports by Collectors and Subordinate Courts.

[Act XI, 1858, s. 22, and Act XX, 1864, s. 22.]

[Act V, 1886, s. 14.]

[Act XI, 1858, s. 23; Act XX, 1864, s. 33; and Act IX, 1861, s. 5.]

*The Guardians and Wards Bill, 1886.**(Chapter IV.—Supplemental Provisions.—Sections 42-46.)**(The Schedule.—Enactments repealed.)*

- (d) under section 24, refusing to grant permission to the guardian to do an act mentioned in that section; or
- (e) under section 26, sub-section (I), defining, restricting or extending the powers of a guardian; or
- (f) under section 33, sub-section (I), removing a guardian; or
- (g) under section 34, refusing to discharge a guardian; or
- (h) under section 36, regulating the conduct or proceedings of a guardian, or enforcing the order; or
- (i) under section 37 or section 38, imposing a penalty.

**42.** Save as provided by the last foregoing section and by section 622 of the Code of Civil Procedure, an order made under this Act shall be final, and shall not be liable to be contested by suit or otherwise.

**43.** The High Court may refuse an application made to it under this Act if in its opinion the application would be disposed of more justly or conveniently by any other Court having jurisdiction.

**44.** The costs of any proceeding under this Act shall, subject to any rules made by the High Court under this Act, be in the discretion of the Court in which the proceeding is held.

**45.** In addition to any other power to make rules conferred expressly or impliedly by this Act, the High Court may from time to time make rules—

- (a) as to the procedure to be followed with respect to applications of guardians for permission to do acts mentioned in section 24;
- (b) as to the security to be required from guardians;
- (c) as to the preservation of statements and accounts delivered and exhibited by guardians;
- (d) as to the inspection of those statements and accounts by persons interested;
- (e) as to the custody of money, and securities for money, belonging to wards;
- (f) as to the securities on which money belonging to wards may be invested;
- (g) as to allowances to be granted to guardians for their care and pains in the execution of their duties; and
- (h) generally, for carrying out the purposes of this Act.

**46.** A guardian appointed by, or holding a certificate of administration from, a Civil Court under any enactment repealed by this Act shall, save as may be prescribed, be subject to the provisions of this Act, and of the rules made under it, as if he had been appointed under Chapter II.

**THE SCHEDULE.****ENACTMENTS REPEALED.***(See section 2.)*

Number and year.	Title or subject.	Extent of repeal
<i>Acts of the Governor General in Council.</i>		
XIV of 1858	Minors (Madras)	The whole.
XL of 1858	Minors (Bengal)	So much as has not been repealed.
XX of 1861	Minors (Bombay)	The whole.
IX of 1861	Minors	The whole.
VII of 1870	Court-fees	Section 19 H, and article 10 of Schedule I.
IV of 1872	Punjab Laws	So far as it relates to Act XI. of 1858.
XIX of 1873	North-Western Provinces Land-revenue.	Section 258.
XIII of 1874	European British Minors	The whole.
XV of 1874	Laws Local Extent.	So far as it relates to any enactment repealed by this Act.
XVII of 1875	Burma Courts	Section 96.
XX of 1875	Central Provinces Laws	So far as it relates to Act XI. of 1858.
XVIII of 1876	Oudh Laws	So far as it relates to Act XI. of 1858.
<i>Madras Regulations.</i>		
V of 1804	Court of Wards	Section 20 and so much of sections 21 and 22 as relates to persons and property of minors not subject to the superintendence of the Court of Wards.
X of 1831	Minors' Estates	Section 3.

## STATEMENT OF OBJECTS AND REASONS.

THIS Bill to consolidate and amend the law relating to Guardian and Ward is based on opinions elicited by a reference to Local Governments and High Courts on the subject of certain defects in the law relating to the guardianship of minors, and its object is to provide a law of Guardian and Ward applicable as far as possible to all classes of Her Majesty's subjects in British India.

2. Among the enactments which the Bill will supersede are Act XL of 1858 and portions of the Madras Code, relating to minors in the Presidencies of Bengal and Madras who are not European British subjects and are not under the superintendence of a Court of Wards; Act XX of 1864, relating to minors in the Presidency of Bombay who are not European British subjects; Act IX of 1861, relating to the custody and guardianship of minors who are not European British subjects; and Act XIII of 1874, relating to the guardianship of European British minors in territories beyond the jurisdiction of the chartered High Courts.

3. The Bill, which follows generally the frame of Act XIII of 1874, is drawn as applicable to all District Courts and High Courts (including the chartered High Courts) and to minors of all creeds and races. But it does not take away any of the powers at present possessed by the chartered High Courts, and it provides that, in the selection of guardians and other matters, regard shall be had to the personal law of the minor. The jurisdiction and authority of Courts of Wards are expressly saved and will not be in any way affected by the proposed law.

4. One effect of the assimilation of the law will be to do away with the rule, which obtains in the Presidencies of Bengal and Bombay, that no person shall be entitled to institute or defend any suit connected with a minor's estate of which he claims the charge until he has obtained a certificate of administration. It is proposed that suits by and against minors shall be regulated by Chapter XXXI of the Code of Civil Procedure, and that, in a Bill which is to be introduced to amend that Code, provision be inserted conferring, among other privileges, on a guardian who has been appointed, or whose title has been declared, under the Guardians and Wards law, a preferential right to be appointed next friend or guardian for the suit.

5. The several sections of the Bill which appear to call for remark will now be noticed in consecutive order.

6. *Section 4, clause (1).*—In connection with section 26, Act XL of 1858, section 30, Act XX of 1864, and section 2, Act XIII of 1874, the question arose whether the age of majority should be dealt with in the Bill. As there was no necessity to deal with it, it was considered expedient to avoid the difficulty of doing so by defining "minor," in the terms of section 11 of the Indian Contract Act, 1872, as a person who has not reached the age of majority according to the law to which he is subject.

7. *Section 4, clause (2).*—"Guardian" has been so defined as to mean any person having the care of the person of a minor or of his property, or of both his person and property. The Bill, therefore, relates to guardians generally except where it is expressed to relate to particular classes of guardians.

8. *Section 5.*—This section follows Act XIII of 1874, which, in recognising in certain circumstances the right of a mother to appoint a guardian, was based on the New York Civil Code. The section goes beyond section 47 of the Indian Succession Act and beyond the English law. But under the English law an appointment by a mother is not now wholly ineffectual, and is likely at no distant date to be declared to be valid except in so far as it may interfere with an appointment by the father.

9. *Sections 9 and 13.*—The High Court and District Court will have concurrent jurisdiction, but the High Court may refuse an application with respect to the guardianship of a minor if in its opinion the application would be disposed of more justly or conveniently by a District Court. Where the application is with respect to the guardianship of the person of a minor, it is ordinarily to be made to the Court having jurisdiction in the place where the minor resides, that being the Court which can most effectively discharge the duties incident to the appointment of a guardian to the person of the minor.

10. *Section 11, sub-section (2).*—The sub-section follows an order made by the High Court of Judicature for the North-Western Provinces with a view to facilitating the discharge by Collectors of their duty of ascertaining and reporting to the Court of Wards from time to time what proprietors may come within the description of disqualified landholders.

11. *Section 14, sub-section (4).*—The rule laid down in this sub-section is, as explained by Sir Arthur Hobhouse with respect to the corresponding section in Act XIII of 1874, based solely on grounds of convenience.

12. *Section 15, sub-section (5), and Section 17.*—As regards a minor who is a member of an undivided Hindu family, it seems to be generally admitted that it is desirable, as a rule, to leave him to his natural guardians without interference. But such a minor has certain rights in respect of the family property, and those rights are capable of being protected by a guardian. The guardian could not assume the management of the common property, and possibly he would, owing to the constitution of the co-ownership, be debarred from taking directly even a share in the management, and be confined to a mere power of control from without and a right in the last resort to demand a partition. But even this limited authority might in some cases be of great importance.

As regards the view hitherto taken by the Courts on this subject, it has indeed been held by the High Courts at Fort William and Bombay that Acts XL of 1858 and XX of 1864 could not be applied where the minor had no rights except as a member of an undivided Hindu family (I. L. R. 5 Cal. 219 and 3 Bom. 431, and 12 Bo. H. C. Rep. 247). Some doubt has been thrown on this view by the case before the Privy Council reported in I. L. R. 8 Cal. 656 (I. L. R. 6 Bom. 595 and 8 Bom. 396); but in any case it is a view which seems to be based on the peculiar wording of those Acts, which have been construed as contemplating an actual and (perhaps) corporeal taking charge of and management of some tangible property. In other words, these cases merely decide that under the particular Acts a manager cannot be appointed for a minor member of a pure joint family, not that such a manager is a thing inconceivable or impossible (I. L. R. 7 Cal. 369).

As regards the provisions of certain enactments which allow the Court of Wards to take charge only of the estate of a minor who is a sole owner (Act IV, 1872, section 35, Act XVII, 1876, section 161, and Bengal Act IX, 1879, section 7), they are to be accounted for by the fact that these enactments were designed mainly to guard against the risk of loss of revenue from an estate being left without any competent person in charge of it. That it was not considered impossible to take charge of the interest of a minor shareholder is manifest from Madras Regulations V of 1804, section 20, and X of 1831, section 3, and from the circumstance that section 14 of Act XL of 1858 and other similar enactments provide for the Collector taking charge of the share of a co-owner who is still a minor on the estate escaping from the management of the Court of Wards owing to the other co-owners having come of age. The Courts of Wards in the North-Western Provinces (Act XIX of 1873) and Central Provinces (Act XVII of 1885) are not precluded from assuming superintendence of the interest of a disqualified person who is a co-owner in an estate with other persons who are not disqualified.

It may be gathered from the proceedings of the Legislative Council, 1854-55, pages 672 *et seq.*, that it was the intention of the framers of Act XL of 1858 that the Civil Court should appoint guardians for minors owning shares in estates, and it would seem that it is only owing to the peculiar wording of the Act, coupled perhaps with a natural disinclination on the part of the Courts to interfere between joint-owners, that that intention has been defeated.

13. *Section 18.*—This section lays down certain general propositions based on the fact that guardianship is a trust, and that the relationship between guardian and ward is one *uberrimæ fidei*, not only while it lasts, but even after it has ceased to exist.

14. *Sections 24 and 25.*—These sections are based on section 18 of the Acts of 1858 and 1864 and the corresponding section of the Act of 1874, on certain provisions in the Code of Lower Canada, and on suggestions received for the amendment of the Acts of 1858 and 1864. They provide that a guardian who has been appointed, or whose title has been declared, by the Court, shall not borrow for his ward, or transfer any part of the principal of his property, without the permission of the Court, and that the Court, before granting its permission, shall satisfy itself that the transaction proposed is either necessary or for the evident advantage of the ward, and, when granting the permission, shall itself record an order setting forth the necessity or advantage and the conditions subject to which it permits the loan to be taken or the transfer to be effected (I. L. R. 5 Cal. 363 and 6 Cal. 161).

These sections will be supplemented by rules made by the High Court under section 44.

15. *Section 28, clause (a), and section 29.*—These provisions are suggested by the case reported at I. L. R. 5 All. 248.

16. *Section 32.*—The rule contained in this section follows from guardianship being a trust. Though the right of survivorship is not acknowledged in England in the case of guardians appointed by the Court of Chancery, yet in practice the survivor or survivors will be re-elected by the Court without a reference. In America there is the right of survivorship among guardians appointed by the Court of Chancery.

17. *Section 33.*—A testamentary guardian may be removed under this section.

18. *Section 41.*—The cases reported at 15 W. R. 492 and 22 W. R. 479 have suggested the specification of the orders from which an appeal shall lie.

19. Acts XL of 1858 and XX of 1864 provide, in sections 27 and 31, respectively, that nothing in those Acts shall authorise the appointment of any person other than a female as the guardian of the person of a female. The cases reported at I. L. R. 10 Cal. 15 and 11 Cal. 574, and the remarks at pages 213-14 of Sayyid Amir Ali's *Personal Law of Muhammadans*, seem to render the re-enactment of the provision inexpedient. Section 15 of the Bill specifies the matters by which the Court is to be guided in appointing a guardian, and one of those matters is the law to which the minor is subject.

20. The provision of Act XX of 1864, that the legal heir of a minor, or the person next in succession to his property, may not be appointed guardian of the person of the minor, has not been repeated. It is considered that the appointment of such persons should not be absolutely prohibited. This was the opinion of the Supreme Council when Act XL of 1858 was about to be enacted (Proceedings of Legislative Council, 1858, pages 576-77), and is the opinion of the Hon'ble Mr. M. Melvill.

21. If the Bill becomes law in its present form, article 10 of Schedule I of the Court-fees Act, 1870, which applies only to the Presidencies of Bengal and Bombay, will become obsolete. It has, therefore, been included in the schedule of enactments to be repealed.

22. A table is appended showing how the principal enactments scheduled for repeal have been reproduced in the Bill or otherwise dealt with.

C. P. ILBERT.

The 12th March, 1886.

*Statement shewing how the principal Enactments scheduled for repeal in the Guardians and Wards Bill have been reproduced in the Bill or otherwise dealt with.*

Enactments scheduled for repeal.	How reproduced or otherwise dealt with.
Act XIV of 1858.	
Section 1 . . . . . 2 . . . . . 3 . . . . . 4 . . . . .	} Sections 20, 25 (e) and 36 of Bill. Section 21 of Bill. Sections 41 and 42 of Bill.
Act XL of 1858.	
Section 1 . . . . . 2 . . . . . 3, paragraph 1 } paragraph 2 } who to institute proviso     } or defend suits on } behalf of minors. 4 . . . . . 5 . . . . . 6, paragraph 1 . . . . . paragraph 2 . . . . . proviso . . . . . 7 . . . . . 8 . . . . . Sections 9, 10 and 11, paragraphs 1 and 2 . . . . . Section 11, paragraph 3 . . . . . paragraph 4 . . . . . 12: when Collector may be directed to take charge of estate. ( <i>Re-</i> <i>pealed in Lower Provinces by</i> <i>Bengal Act IX of 1879.</i> )	Repealed by Act XIV of 1870. Sections 3, 26 and 36 of Bill. Section 8 of Bill. Left to be dealt with in the Bill to amend the Code of Civil Procedure. See para- graph 4 of Statement of Objects and Reasons. Section 8 of Bill. Section 9 of Bill. Section 11 (1) of Bill. Section 13 of Bill. Section 40 of Bill. Sections 7 and 8 of Bill. Section 40 of Bill. Sections 7 and 14 (2) of Bill. Section 28 (f) of Bill. Section 28 (c) of Bill. Unnecessary. The Court of Wards can act in cases in which management by the Collector is desirable.

Statement shewing how the principal Enactments scheduled for repeal in the Guardians and Wards Bill have been reproduced in the Bill or otherwise dealt with—contd.

Enactments scheduled for repeal.	How reproduced or otherwise dealt with.
<b>ACT XL OF 1858 :—contd.</b>	
Section 13	Section 41 of Bill.
14: when Collector may be directed to retain charge of shares and persons of certain minors. ( <i>Repealed in Lower Provinces by Bengal Act IX of 1879, and in Central Provinces by Act XVII of 1885.</i> )	Unnecessary, as Chapter II is framed. See paragraph 12 of Statement of Objects and Reasons.
15: control of proceedings of Collector. ( <i>Repealed in Lower Provinces by Bengal Act IX of 1879.</i> )	Unnecessary, as the Bill is framed.
16, paragraph 1	Section 28 (b) of Bill.
paragraph 2	Section 28 (c) of Bill.
paragraph 3	Compare sections 29 and 30 of Bill.
17	Sections 28 (d) and 45 (e) and (f) of Bill.
18, paragraph 1	Section 26 (3) of Bill.
paragraph 2	Sections 24 and 25 of Bill.
19	Sections 29, 30 and 31 of Bill.
20: continuance of suit after disqualification ceases.	Will be covered by the Code of Civil Procedure.
21 ( <i>Repealed in part in Lower Provinces by Bengal Act IX of 1879.</i> )	Sections 33 and 35 (3) of Bill.
22	Section 38 of Bill.
23, first sentence	Section 34 of Bill.
second sentence	Section 35 (3) and (4) of Bill.
24	Sections 28 (f) and 45 (g) of Bill.
25 ( <i>Repealed in part in Lower Provinces by Bengal Act IV of 1870, section 86</i> )	Sections 20, 28 (c) and 36 of Bill.
26	Section 4 (1) of Bill: and see paragraph 6 of Statement of Objects and Reasons.
27, paragraph 1, first sentence	Section 16 of Bill.
second sentence: guardians of females to be themselves females.	Not reproduced. See paragraph 19 of Statement of Objects and Reasons.
paragraph 2	Section 35 (1) (d) and (e) of Bill.
28	Section 41 of Bill.
29, paragraph 1, first sentence	Sections 4 (4) and 9 of Bill.
second sentence	Section 3 of Bill.
paragraph 2 ( <i>number and gender</i> )	Not reproduced. See the General Clauses Act, I of 1868.
<b>ACT IX OF 1861 :</b>	
Section 1, first sentence	Sections 7, 8, 9 and 10 of Bill
second sentence	Section 11 (1) of Bill.
2	Section 12 of Bill.
3	Sections 7, 13 and 44 of Bill.
4: application of Code of Civil Procedure.	Not reproduced. See section 647 of the Code of Civil Procedure.
5	Section 41 of Bill.
6	Section 42 of Bill.
7	Section 3 of Bill.
8: definition of "Sadr Court"	Not reproduced. See the General Clauses Act, I of 1868.

*Statement showing how the principal Enactments scheduled for repeal in the Guardians and Wards Bill have been reproduced in the Bill or otherwise dealt with—contd.*

Enactments scheduled for repeal.	How reproduced or otherwise dealt with
ACT XX OF 1864 :	
Section 1 . . . . .	Sections 26 and 36 of Bill.
2, paragraph 1 . . . . .	Section 8 of Bill.
paragraph 2 } who to institute or	Left to be dealt with in the Bill to amend
proviso     } defend suits on	the Code of Civil Procedure. See para-
	graph 4 of Statement of Objects and
	Reasons.
3 . . . . .	Section 8 of Bill.
4 . . . . .	Section 9 of Bill.
5, paragraph 1 . . . . .	Section 11 (1) of Bill.
paragraph 2 . . . . .	Section 13 of Bill.
proviso . . . . .	Section 40 of Bill.
6 . . . . .	Sections 7 and 8 of Bill.
7 . . . . .	Section 40 of Bill.
Sections 8, 9 and 10, paragraphs 1 and 2, and	Sections 7 and 11 (2) of Bill. See para-
proviso.	graph 20 of the Statement of Objects
	and Reasons
Section 10, paragraph 3 . . . . .	Section 28 (f) of Bill.
10, paragraph 4 . . . . .	Section 28 (e) of Bill.
11 : when Collector may be directed to	
take charge of estate . . . . .	Unnecessary, as section 7 is framed.
12 . . . . .	Section 28 (a) of Bill.
13 . . . . .	Section 44 of Bill.
14 : procedure when proprietor of	Unnecessary, as Chapter II is framed. See
estate under Collector's charge	paragraph 12 of Statement of Objects and
comes of age.	Reasons.
15 : control of proceedings of Collec-	Unnecessary, as the Bill is framed.
tor.	
16, paragraph 1 . . . . .	Section 28 (b) of Bill.
paragraph 2 . . . . .	Section 28 (c) of Bill.
paragraph 3 . . . . .	Compare sections 29 and 30 of Bill.
17 . . . . .	Sections 28 (d) and 45 (e) and (f) of Bill.
18, paragraph 1 . . . . .	Section 26 (3) of Bill.
paragraph 2 . . . . .	Sections 24 and 25 of Bill.
19 . . . . .	Sections 29, 30 and 31 of Bill.
20 : continuance of suit after disqua-	Will be covered by the Code of Civil Pro-
lification ceases.	cedure.
21 . . . . .	Sections 33 and 35 (3) of Bill.
22 . . . . .	Section 34 of Bill.
23, first sentence . . . . .	Section 31 of Bill.
second sentence . . . . .	Section 35 (3) and (4) of Bill.
24 . . . . .	Sections 28 (f) and 45 (g) of Bill.
25 . . . . .	Sections 20, 28 (e) and 36 of Bill
26 . . . . .	} Sections 20, 22 (1) and 36 of Bill.
27 . . . . .	
28 . . . . .	Section 28 (e) of Bill.
29 : marriage of minors . . . . .	Compare sections 20, 24 and 28 (e) of Bill.
30 . . . . .	Section 4 (1) of Bill : and see paragraph 6
	of Statement of Objects and Reasons.
31, paragraph 1 : as to guardians of	Section 16 of Bill.
married females.	
paragraph 1 : as to guardians of	Not reproduced. See paragraph 19 of
females being themselves fe-	Statement of Objects and Reasons.
males.	
paragraph 2 : guardianship to	Section 35 (1) (d).
cease when husband attains	
majority.	

*Statement shewing how the principal Enactments scheduled for repeal in the Guardians and Wards Bill have been reproduced in the Bill or otherwise dealt with—concl'd.*

Enactments scheduled for repeal.	How reproduced or otherwise dealt with.
ACT XX OF 1864:— <i>cont'd.</i>	
Section 32: saving of Act XXXV of 1858 ( <i>Lunatics</i> ).	Not reproduced.
33 . . . . .	Section 41 of Bill.
34, paragraph 1 . . . . .	Sections 4 (4) and 9 of Bill.
paragraph 2 . . . . .	Section 3 of Bill.
paragraph 3 ( <i>number and gender</i> ) . . . . .	Not reproduced. See the General Clauses Act, 1 of 1868.
ACT XIII OF 1871:	
Section 1 (Formal)	
2 "Minor" . . . . .	Section 4 (1) of Bill.
"Guardian" . . . . .	Section 4 (2) of Bill.
"Court" . . . . .	Sections 4 (4) and 9 of Bill.
3 . . . . .	Section 5 of Bill.
4, paragraph 1 . . . . .	Section 7 of Bill.
paragraph 2 . . . . .	Section 14 (3) of Bill.
paragraph 3 . . . . .	Section 14 (4) of Bill.
5, paragraph 1 . . . . .	Sections 8 and 10 (1) of Bill.
paragraph 2 . . . . .	Section 10 (2) of Bill.
paragraph 3 . . . . .	Section 11 (1) of Bill.
6 . . . . .	Section 12 of Bill.
7 . . . . .	Sections 7, 13 and 44 of Bill.
8, paragraph 1, first and second sentences: application of Code of Civil Procedure.	Not reproduced. See section 647 of the Code of Civil Procedure
third sentence . . . . .	Section 41 of Bill.
paragraph 2 (Forms) . . . . .	Not reproduced.
paragraph 3 . . . . .	Section 45 of Bill.
9 . . . . .	Section 42 of Bill.
10, clause (a) . . . . .	Section 15 (1) and (3) of Bill
clause (b) . . . . .	Section 15 (1) of Bill.
clause (c) . . . . .	Section 15 (2) of Bill.
11 . . . . .	} Section 20 of Bill.
12 . . . . .	
13 . . . . .	Section 21 of Bill.
14, paragraph 1 . . . . .	Section 22 (1) of Bill.
paragraph 2 . . . . .	Section 37 of Bill.
15 . . . . .	Section 23 of Bill.
16 . . . . .	Sections 24 and 25 of Bill.
17 . . . . .	Section 28 (c) of Bill.
18, clauses (a) to (d) . . . . .	Section 28 (a), (c), (d) and (f) of Bill.
18, clause (e) . . . . .	Section 18 (3) of Bill.
19 . . . . .	Section 19 of Bill.
20 . . . . .	Sections 26 (1) and 36 (1) of Bill.
21 . . . . .	Section 32 of Bill.
22 . . . . .	Section 33 of Bill.
23 . . . . .	Section 34 of Bill.
24 . . . . .	Sections 33 (2) and 34 (2) of Bill.
25, paragraph 1 . . . . .	Section 35 (1) of Bill.
paragraph 2 . . . . .	Section 35 (2) of Bill.
Schedule (Forms) . . . . .	Not reproduced.



# PRECIS OF THE OPINIONS REFERRED TO IN PARAGRAPH 1 OF THE • STATEMENT OF OBJECTS AND REASONS OF THE GUARDIANS AND WARDS BILL.

IN correspondence\* with the Government of Bombay in the year 1881, several points were brought to notice on which an amendment of the law relating to the guardianship of the persons and property of minors in that Presidency (Act XX of 1864) was shewn to be required. Before proceeding to carry out these amendments, the Government of India issued a Resolution† inviting the opinions and suggestions of Local Governments and Administrations on the following selected points, with a view to the consolidation of the several Acts and Regulations relating to minors in force in the three Presidencies :—

I.—Whether the provision of Act XX of 1864, section 2, clause 2 (and of the Bengal Act, XI of 1858, section 3, clause 2), prohibiting any person (except in certain cases in which the Court is allowed to direct otherwise) from instituting or defending any suit connected with the estate of which he claims charge unless he has obtained a certificate of administration from the Civil Court, should not be repealed.

I.—Whether a next friend or a guardian ad litem should (by an extension of section 461 of the Code of Civil Procedure) be allowed to execute a decree or receive money or property in the course of litigation, it being made clear that a next friend or guardian ad litem, who is also a guardian appointed under the Minors' Act with power to receive money on behalf of the minor, shall not be required to give security.

II and IV.—Whether the following proposals made by the Hon'ble Mr. Justice Melvill with a view to rendering it unsafe for any person to enter into any transaction affecting immovable property, except with a certificated administrator, should be accepted, namely :—

(a) that any alienation or incumbrance of, and any abandonment of the rights of the minor in, any immovable property, by a guardian, should be made void, unless he holds a certificate under the Minors' Act; and

(b) that the provision in the second clause of section 18 of Acts XX of 1864 and XI of 1858, which requires the previous sanction of the Civil Court to any alienation or incumbrance of immovable property by a certificated guardian, should be repealed.

— Whether, assuming it to be the intention of the legislature (see sections 464, 440 and 441 of the Code of Civil Procedure) that a guardian appointed under the Minors' Act possesses no right as such to appear on behalf of a minor, but that he must sue as next friend or be appointed to defend as guardian ad litem, the Code of Civil Procedure should not be amended so as to make this more clear.

V.—Whether the first clause of section 18 of Acts XX of 1864 and XI of 1858 should not be amended so as to provide that a guardian by appointment or relationship should, when his title is declared by the Court, possess simply the same powers which he possessed before procuring a declaration of title, and that the order of the Court should have no effect except that of declaring his status; and, further,

(a) whether, if the powers of a guardian who owes his status to the mere act of the Court are defined at all, they should not be defined in some way which would indicate that persons having transactions with him should bear in mind his representative character, and should not deal with him as they would if he were acting on his own account.

VII.—Whether (if clause 2 of section 18 of Acts XX of 1864 and XI of 1858 is retained) it should not be made clear that the effect of the Court's sanction to sell, alienate, &c., any immovable property is to give the purchaser a good title to such property, in the absence of fraud or collusion on his part.

VIII.—Whether, if it should be decided to consolidate the law for the whole of British India, the new Act should not be extended to the original local jurisdiction of the Presidency High Courts; and

(b) whether the Courts in appointing guardians of property should not be given power to make appointments limited to particular property.

IX.—Whether the proposed new Act should not be confined to Hindus, Muhammadans and Buddhists, and other persons who have definite personal laws, and the former British Minors' Act, XIII of 1874, made applicable to all other classes of persons and its operation extended to the whole of British India, including the Presidency towns, the jurisdiction of the High Courts in respect of European British Minors being abolished.

2. Local Governments and Administrations were also requested to submit their opinions on any other points which they might desire to bring forward for consideration in connection with the proposed legislation.

3. In the following paragraphs (4 to 240) the views of the Government of India and the remarks of Local Governments and officials on Points I to IX are noted.

I.—Whether the provision of Act XX of 1864, section 2, clause 2 (and of the Bengal Act, XI of 1858, section 3, clause 2), prohibiting any person (except in certain cases in which the Court is allowed to direct otherwise) from instituting or defending any suit connected with the estate of which

*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

*(Point I.—Appearance of guardian in Court without certificate of administration.)*

*he claims charge unless he has obtained a certificate of administration from the Civil Court; should not be repealed.*

4. This proposal was put forward by the Government of India, with reference to difficulties arising on the construction of the clause in question in connection with Chapter XXXI of the Code of Civil Procedure (*Suits by and against Minors, &c.*), and also with reference to a proposal made by the Hon'ble Mr. Justice Melvill that every person who requires the assistance of the Court should be compelled to take out a certificate of administration. The reasons by which the Government of India's proposal was supported are as follow:—

"The fact that a person asserts a claim to be the guardian of a minor, whether by appointment or by relationship, seems scarcely to afford any sufficient reason for absolutely precluding him from acting as next friend or guardian *ad litem* under the provisions of the Civil Procedure Code until he has established his claim to the guardianship under the Minors' Act. If such person is actually entitled to the guardianship by virtue of appointment or relationship, it may be urged that he should certainly be allowed, in preference to any other person, to act for the limited purposes of litigation; but, on the other hand, if he is not so entitled, the circumstance of his having asserted his claim to the guardianship need not apparently be made an absolute disqualification. There are doubtless cases in which the circumstance that a person sets up an unfounded claim to the guardianship of a minor might properly be treated as unfitting him to act as next friend or guardian *ad litem*; but this point might be left to be settled by the Courts, it being understood that the decision should not in any way be made to depend on the circumstance whether the person concerned did or did not put forward a claim to guardianship in connection with the particular suit in which it was proposed that he should act."

5. MR. P. P. HUTCHINS, DISTRICT JUDGE OF MADRAS (AFTERWARDS JUDGE OF THE HIGH COURT, MADRAS),—

says there is no provision in the Madras law corresponding to section 2, clause 2, of Act XX of 1861. He agrees, however, with the Government of India in thinking that the provision in the Bombay and Bengal laws might be repealed.

6. MR. C. G. PLUMER, JUDICIAL COMMISSIONER OF COORG,—

suggests that for section 2, clause 2, of Act XX of 1884 should be substituted the provision of Rule 13 of the Rules for the custody and guardianship of Minors, &c., in Mysore,\* which requires that any guardian or manager appointed under the rules shall be admitted by the Courts as guardian *ad litem*.

7. MR. E. BARCLAY, GOVERNMENT SOLICITOR, MADRAS,—

would go further even than Mr. Justice Melvill proposed, and provide that every person should be prohibited from interfering with the estate of any minor, within a limit of value to be fixed by Government, without obtaining a certificate of

administration. From this rule, however, he would except undivided shares of minors who are members of a joint Hindu family; in which cases he would provide for the Collector being *ex officio* manager unless and until a certificate is issued to some qualified private person. He suggests that the rule should embrace moveable as well as immoveable property, and he does not think it would affect so large a number of estates as the Government of India seem to anticipate (see paragraph 7 of the Resolution of 17th October, 1882).

With regard to the proposal put forward by the Government of India, Mr. Barclay writes as follows:—

"I think Chapter XXXI of the Code of Civil Procedure should be amended, and that no person should be allowed to institute a suit on behalf of a minor unless such person be manager of his estate (the Collector) or the holder of a certificate of administration. Such manager or the holder of a certificate, as he will sue in his representative character only, should not, I think, be made personally liable for costs, unless the Court finds by its decree that the suit was brought vexatiously; but provision might be made for his giving security for costs by depositing cash or Government securities belonging to the estate of the minor. With regard to suing for debts due by the estates of minors, the manager of the estate of a minor or the holder of a certificate of administration of his estate, as the case might be, could be made defendant in the same way as the executor of a will or the administrator of the estate of a deceased person is now made defendant in a suit to recover a debt due by the estate of a testator or intestate. The amendment of Chapter XXXI of the Code of Civil Procedure would apply only to such cases as might come within the provisions of the new Minors' Act."

8. MR. ANSAR-UD-DIN, PRESIDENCY MAGISTRATE, MADRAS,—

knows many cases in which persons entitled by virtue of relationship to the guardianship of a minor act as next friend or guardian *ad litem* already, and he thinks it desirable that this arrangement should, in view of difficulties arising from attending the Courts to take out a certificate, be continued.

9. MR. J. W. HANDLEY, CHIEF JUDGE OF THE MADRAS COURT OF SMALL CAUSES,—

thinks the clause in question should be repealed, because its tendency is, in all minors' suits of small value, and in all cases where minors are defendants, to cause a deadlock.

10. MR. G. MUTUSWAMY CHETTIAR, JUDGE OF THE MADRAS COURT OF SMALL CAUSES,—

agrees with Mr. Handley.

11. THE MADRAS BOARD OF REVENUE—

concur with the Government of India.

12. MR. JUSTICE WEST—

thinks no person wishing to sue as next friend on behalf of a minor should be subjected to any restriction other than those involved in proper rules as to costs.

\* See Gazette of India, 27th April, 1872, Part I, p. 453.

*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

**(Point I.—Appearance of guardian in Court without certificate of administration.)**

**13. SIR CHARLES SARGENT, CHIEF JUSTICE, BOMBAY,—**

considers the clause in question should be repealed, both because it is, generally speaking, in the interest of minors that *any* person properly qualified under section 445 of the Civil Procedure Code should be allowed to act for a minor as his next friend or guardian *ad litem*, and because a certificated administrator may not fulfil the conditions prescribed by that section. He suggests, however, that the practice now prevailing in the Bombay High Court of requiring persons wishing to institute a suit for a minor to obtain the consent of the Court should be adopted.

**14. THE HON'BLE MR. PAUL, ADVOCATE GENERAL OF BENGAL,—**

thinks the clause in question should be repealed, but that at the same time the Courts should exercise some control, and to this end suggests that the next friend should be required to obtain the sanction of the Court.

In regard to the Hindu joint family question, please see his remark in paragraph 380, *infra*.

**15. MR. T. T. ALLEN, SUPERINTENDENT AND REMEMBRANCER OF LEGAL AFFAIRS, BENGAL,—**

says the clause in question contains a perfectly intelligible and proper direction, which has long been acted upon with advantage to the people; and he thinks it should be maintained in spite of the rule in the Civil Procedure Code. He argues further that the two provisions are scarcely inconsistent, inasmuch as that contained in the Minors' Act very properly requires a regular guardian to have his authority for acting sanctioned by the District Judge, while that contained in the Civil Procedure Code merely authorises any other person at his own risk and where there is no regular guardian to act in behalf of a minor; the two provisions consequently referring to two different classes of cases.

**16. MR. JUSTICE FIELD, OF THE CALCUTTA HIGH COURT,—**

notes that there is a very important difference between suits brought under the clause in question and suits to which Chapter XXXI of the Civil Procedure Code is applicable; namely, that in the former case the person acting ought to appear as the plaintiff or defendant *upon the record*, while in the latter the minor himself appears as plaintiff or defendant on the record. The result he describes as follows:—

“Where a decree is made against a minor, he is bound by such decree, although there has been no enquiry whether the transaction is for his benefit, except in cases of fraud, collusion or error (see *Daniell's Chancery Practice*, 5th Edition, pp. 148, 149, 156, 157). Where, on the other hand, the person who has obtained the certificate of administration is the plaintiff or defendant upon the record, there may be a subsequent enquiry as to whether he acted in the interests of the minor or not, and this for more than one purpose.”

Mr. Field suggests that it should be made clear that a person who has obtained a certificate under the Minors' Act should sue and be sued in his own name.

**17. THE JUDGES OF THE CALCUTTA HIGH COURT.—**

(collectively) say Mr. Justice Melvill's proposal, that every person who requires the assistance of the Court should be compelled to take out a certificate of administration, would make it impossible for the provisions of Chapter XXXI of the Civil Procedure Code to be employed in certain cases, and they do not see any sufficient reason for adopting it.

They concur with the Government of India that there may be cases in which a person who, though entitled to claim the charge of the minor's estate, does not choose to claim it, and may yet be the fittest person to act as next friend or guardian to the minor for a particular suit; and they agree with the Government in considering that in such cases the question whether such person should be appointed next friend or guardian *ad litem* may properly be left to be decided by the Court which has the case before it, and can draw its own inferences from the conduct of the party as to his fitness for the appointment.

**18. SIR ROBERT STUART, (LATE) CHIEF JUSTICE, NORTH-WESTERN PROVINCES,—**

strongly objects to Mr. Justice Melvill's proposal to require certificates in all cases.

**19. MR. JUSTICE OLDFIELD—**

writes as follows:—

“Only guardians holding certificates should, as a rule, be permitted to institute suits or make applications on behalf of minors; but a discretion may be given to the Court to allow the next friend to appear when no certificate has been taken out. In regard to minors who are defendants, the provisions of Chapter XXXI, Civil Procedure Code, for appointing guardians *ad litem* are proper and adequate.”

**20. MR. JUSTICE STRAIGHT—**

writes as follows:—

“There is undoubtedly much confusion caused by the concurrent existence of the second part of section 3 of the Bengal Minors' Act and the provisions of Chapter XXXI of the Civil Procedure Code, and we have more than once found considerable complication and difficulty caused thereby. I generally concur in the remarks made upon this matter in paragraph 5 of the Minute of the Government of India; and I think that, while the prohibition to suits being instituted without certificate might be done away with, amendments might be introduced into Chapter XXXI of the Code which would effectually protect the minor litigant's interests.”

**21. MR. H. J. SPARKS, JUDICIAL COMMISSIONER OF OUDH,—**

approves of the Government of India's proposal.

**22. MR. B. W. COLVIN, (LATE) JUNIOR MEMBER OF THE BOARD OF REVENUE, NORTH-WESTERN PROVINCES,—**

approves of Mr. Justice Melvill's proposal that every person who requires the assistance of the Court should be compelled to take out a certificate of administration.

*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

*(Point I.—Appearance of guardian in Court without certificate of administrations.)—*

managed without any reference to the Courts; but in all cases which do come before a Court the Court is even now obliged to satisfy itself that the person claiming to act for the minor is duly qualified to represent his interests, and it seems better that when such an enquiry is once made it should confer a general protection upon the minor, rather than one limited to the particular case before the Court. Mr. Colvin would, however, except from such a rule all properties below a certain minimum of value, arbitrarily fixed, but open to reduction as experience is gained and the people become familiar with the rule.

23. MR. W. DUTHOIT—

sees no objection to the Government of India's proposal if his recommendations under Point II (see paragraph 57 of précis) are adopted. For his opinion on Mr. Justice Melvill's proposal, please see paragraph 291, *infra*.

24. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER, NORTH-WESTERN PROVINCES AND OUDH,—

concurs with the majority of the officers consulted by him in thinking that Mr. Justice Melvill's proposal that every person who requires the assistance of the Court should be compelled to take out a certificate of administration should not be accepted, his reasons being that its adoption is not shown to be required, and that it would increase litigation.

He agrees with the Government of India in thinking that any doubts regarding the correspondence of the second clause of section 3 of Act XL of 1858 with Chapter XXXI of the Civil Procedure Code should be set at rest; but he observes that the advisability of altogether omitting that clause to some extent depends on how far, if at all, the Revenue Courts of the North-Western Provinces are bound to follow the Code of Civil Procedure where the North-Western Provinces Rent Act (Act XII of 1881) prescribes no special procedure for their observance. On this subject, he says, there has been a recent Full Bench ruling of the High Court, which he has not however yet had an opportunity of considering; and at present he can only request that the position of minors in Revenue Courts be borne in mind in any proposed legislation affecting section 3 of Act XL of 1858.

25. MR. JUSTICE SMYTH, OF THE PUNJAB CHIEF COURT,—

says applications for certificates of administration are seldom made in the Punjab; that they are usually made only when rival claimants dispute the guardianship of the person or property of a minor relative; and that such disputes appear to be few in number. He would greatly regret any change which would have the effect of increasing the number of minors' cases in the Courts. (This, apparently with reference to Mr. Justice Melvill's proposal noted in paragraph 4, *supra*.)

Numerous suits are, he says, brought in which minors are either plaintiffs or defendants, and as a rule relatives have, under the *proviso* to section 3 of Act XL of 1858, without much difficulty been allowed to sue or defend without being required to obtain a certificate of administration; "and

the same practice is continued under Chapter XXXI of the new Code of Civil Procedure." If section 461 is extended, as proposed by the Government of India (see paragraph 47 of précis), Mr. Smyth thinks the second clause of section 3 of Act XL of 1858 might safely be repealed, so far as the Punjab is concerned.

26. LALLA MADAN GOPAL, PLEADER, OF DELHI,—

thinks the second clause of section 3 of Act XL of 1858 should, as proposed by the Government of India, be repealed. He considers the limitation which it imposes is undesirable in the interests of minors; and, further, that it is rendered useless by Chapter XXXI of the Civil Procedure Code.

In another part of his memorandum, however, he expresses approval of Mr. Justice Melvill's proposal that every person who requires the assistance of the Court should be compelled to take out a certificate of administration, thinking it should be adopted, in the interests of the minor, in spite of any inconvenience which might result.

27. LALLA GURDHARI LAL, PLEADER, OF DELHI,—

thinks guardians should be compelled to take out a certificate of administration, excepting only in cases where the estate is of small value.

28. COLONEL C. A. McMAHON, COMMISSIONER AND SUPERINTENDENT, AMRITSAR DIVISION,—

submits the following proposals on the subject of requiring guardians to take out certificates of administration:—

"I would leave it optional to a guardian to take out a certificate; but at the same time I would make it legal for a person indebted to a minor's estate to refuse to pay the money demanded from him to any person who had not taken out a certificate.

"I would not only retain the present power (see Mr. Justice Melvill's Minute, page 3, second paragraph on the page) of a minor to sue or defend a suit through his next friend or guardian, in cases in which the next friend or guardian does not profess to claim the charge of the property; but I would extend this liberty to all cases, whether the next friend or guardian claims charge of the property or not, giving the opposite party, however, the right in cases in which the minor's next friend or guardian claims the charge of the property to require the latter to take out a certificate of administration in separate proceedings. The law might provide for the suit being stayed or postponed for a sufficient time to enable this step to be taken."

He continues:—

"In cases in which a man's position as guardian, whether by reason of a provision in a will or by near relationship, is clear, I do not think it is desirable otherwise than as above provided to force the guardian to take out a certificate. As pointed out in the papers under reference, the taking out of a certificate is apt to foster undesir-

*Precis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

*(Point I.—Appearance of guardian in Court without certificate of administration.)*

able litigation, and in the great majority of cases the necessity for taking out a certificate would not arise unless the necessity were artificially created by legislation."

**\* 29. MUHAMMAD LATIF, EXTRA ASSISTANT COMMISSIONER OF JHANG,—**

thinks the clause in question might safely be repealed, because it has been practically superseded by the beneficial rules enacted in Chapter XXXI of the Civil Procedure Code. If this is done, he suggests the insertion in the Code of a clause empowering the Court to accept as next friend or guardian *ad litem* any administrator certificated under the Minors' Act (apparently, in preference to any other person.)

**30. UMAR BAKHSI, PLEADER, OF MULTAN,—**

thinks the clause in question should be repealed, and that the Civil Procedure Code should be amended so as to provide that where a guardian has been appointed by a Civil Court (? certificated) he shall, in preference to others, be appointed next friend or guardian *ad litem*.

**31. COLONEL E. P. GURDON, COMMISSIONER AND SUPERINTENDENT, MULTAN DIVISION,—**

thinks the clause should be repealed, both in view of the provisions of Chapter XXXI of the Civil Procedure Code, and having regard to the fact that the proviso admits of wide and varied departures from the strict rule which the clause enacts. If the clause is repealed, he suggests that a clause should be inserted in the Civil Procedure Code legalizing the acceptance by the Civil Court of a certificated administrator as next friend or guardian *ad litem* wherever there is one.

**32. MR. H. T. RIVAZ, GOVERNMENT ADVOCATE, PUNJAB,—**

thinks the clause should be repealed and Chapter XXXI of the Civil Procedure Code amended so as to deal exhaustively with its subject-matter. He continues:—"I think it might be made clear that, where there is a guardian holding a certificate, the Court should accept such guardian as the person *prima facie* entitled to represent the minor plaintiff or defendant, and that the claims of such guardian should only be postponed on proof of incapacity or unfitness. The chapter might then go on to lay down the procedure which is to govern cases where no certificated guardian has been appointed, with regard to which full provision is already made in Chapter XXXI as it at present stands, though I think it might be made more clear as to what is the exact effect of any omission by the Court to carry out the provisions of the chapter in their integrity. Several cases have occurred lately in this province in which a minor plaintiff or defendant has been represented throughout in the Lower Courts by an apparently competent representative, but where such representative appears to have been accepted by the Court without any enquiry or any formal proceeding under Chapter XXXI of the Code. In many of these cases the Chief Court, when the facts have been brought to its notice, has felt bound to cancel the whole of the proceedings and order a re-trial after proper steps have been taken by the Lower Court under Chapter XXXI; thus in some cases rendering void *ab initio* proceedings which have really been conducted throughout with due regard

to the minor's interests, and in which the defects in the appointment of his representative are merely formal. I think, therefore, Chapter XXXI might attempt to point out what defects in the procedure prescribed must be considered fatal to the validity of the proceedings, and what may be considered mere irregularities not necessarily rendering the proceedings void, if no substantial injury to the interest of the minor can be shown to have resulted."

**33. THE LIEUTENANT-GOVERNOR OF THE PUNJAB—**

thinks it doubtful whether any amendment of the Civil Procedure Code is really required on the score of its conflict with Act XL of 1858, section 3, clause 2; and says that, so far as the Punjab is concerned, no practical difficulty seems likely to arise from the maintenance of both provisions of the law.

**34. SARDAR GURDIAL SINGH, EXTRA ASSISTANT COMMISSIONER,—**

thinks the clause should be removed, and a provision inserted in its place to the effect that where a guardian has been appointed under the Minors' Act no one else shall be allowed to act for the minor.

**35. MR. R. J. CROSTHWAITE, JUDICIAL COMMISSIONER, CENTRAL PROVINCES,—**

argues that clause 2 of section 3 of Act XL of 1858 and Chapter XXXI of the Civil Procedure Code are not in conflict, inasmuch as the Courts, being allowed a discretion under the latter enactment, would exercise it so as to secure the appointment of a certificated administrator, who has a legal right to represent the minor, where there is one and he is willing to act.

Where, however, the certificated administrator is not willing to act, the proviso to section 3 of Act XL of 1858 lets in another person, and the omission from the corresponding clause of Act XX of 1864 of the words "or for any other sufficient reason" is therefore undoubtedly an error.

He thinks clause 2 of section 3 of Act XL of 1858 might be repealed as proposed by the Government of India; but he would prefer to let it stand and to bring the corresponding clause of Act XX of 1864 into complete accord with it. If the clause is repealed, he says, suits might be brought by next friends merely for the purpose of substantiating a claim to the charge of a minor's estate.

Referring to Mr. Justice Melvill's proposal (*supra*, paragraph 4), he considers it should not be adopted, because it would greatly increase litigation and would put difficulties in the way of realising petty sums due by minors.

**36. MR. BEHARI LAL BASU, PLEADER, OF HOUSHANGABAD,—**

writes:—

"In the Bombay Act it is incumbent on the creditor to take out a certificate before he can proceed against a minor, the claim exceeding Rs. 250; thus it entails great hardship on the creditor, who is bound to take some preliminary steps for the assertion of his claim, thereby incurring trouble and expense."



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"But this section in the Minors' Act does not seem called for, as it is a matter of procedure, and any change which is conducive to the welfare of the minor can be introduced in the Procedure Code. Any guardian who has obtained a certificate under the Minors' Act should not be required to appear as next friend in civil cases. Chapter XXXI of the Civil Procedure Code should not be made applicable to a certificated guardian."

37. MR. J. W. CHISHOLM, OFFICIATING COMMISSIONER, NARBADA DIVISION,—

observes that the tendency of Mr. Justice Melvill's proposals mentioned in paragraphs 3 and 6 of the Resolution (Points I, III, and IV) is to make applications to the Courts for certificates of administration as numerous as possible. He is opposed to this policy for the following reasons:—

Certificates are at present rarely applied for, and to make them compulsory would be undesirable and would certainly be distasteful to the people. Nor would such a provision do much to protect the interests of minors, because these are as a rule well looked after by the immediate relations or natural guardians, and where loss occurs it results (in the Central Provinces) not from wrongful assumption of guardianship but from abuse of powers by rightful guardians, and it is not possible to follow up the grant of a certificate by controlling the proceedings of the guardian. The proceedings antecedent to the grant of a certificate would, moreover, cause much inconvenience and expense, which would not be compensated by any benefit to the estate of the minor; and another consequence of introducing such a procedure would be that, to avoid trouble, near relations of minors would continue to act without certificates, with the result that many of the transactions entered into by them would, if challenged, be declared void, and this would lead to much dishonest litigation.

For these reasons, Mr. Chisholm would prefer that the application for a certificate should continue to be optional, as provided in section 2 (2 section 3) of Act XL of 1858. He would omit the latter clauses of that section as being separately provided for in Chapter XXXI of the Civil Procedure Code, and would clearly provide in that chapter for certificated guardians being allowed to appear in all cases in the Civil Courts on account of the minors whom they represent.

38. LIEUTENANT-COLONEL C. H. GRACE, DEPUTY COMMISSIONER, JABALPUR,—

approves of the Government of India's proposal, but suggests that the Court, in appointing a guardian [*ad litem*] in "doubtful cases," should see that he is fit for the trust, that he has no interest adverse to that of the minor, and that he is a relation or kinsman of the minor.

39. THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES,—

considers Mr. Justice Melvill's proposal that every person who requires the assistance of the Court should be compelled to take out a certificate of administration is both unnecessary and impolitic. The experience of the Central Provinces is that it is not the usurpation of the office of guardian, but the abuse of its powers, that is the source of litigation; and the Chief Commissioner believes that the proposed provision would lead to inconvenience and increased litigation.

Referring to Mr. Crosthwaite's remarks [*supra*, paragraph 35] as to the supposed conflict between the provisions of the Minors' Act and those of Chapter XXXI of the Civil Procedure Code, the Chief Commissioner suggests that it would be well to get rid of any uncertainty on the subject by making it clear that, if the Court allows it, a person otherwise qualified to act may sue on behalf of a minor, even though he has not obtained a certificate.

40. THE RECORDER OF RANGOON—

discusses the relative bearing of section 3, clause 2, of Act XL of 1858, and Chapter XXXI of the Civil Procedure Code, and arrives at the following conclusions:—

"It would seem therefore that, so far as the institution and defence of suits is concerned, if any person obtains a certificate of administration under Act XL of 1858, such person, and such person only, could institute or defend a suit connected with the estate, creditors could deal with him and he could deal with debtors. No alteration of the law has been made in such a case by the passing of Chapter XXXI, except to make the guardian sue as next friend and to make him in some instances liable for the costs of a suit.

"But in cases where no person obtains a certificate under Act XL of 1858, or gets leave to sue without a certificate under its provisions, in such cases the passing of Chapter XXXI has made a great difference, for it enables any person who does not claim the charge of the minor's estate without applying for a certificate of administration to institute suits on his behalf as next friend, and any person to institute suits against his estate by getting a guardian for the suit appointed, and no person need claim the charge of the minor's estate unless he pleases.

"It seems to me to come to this, that the passing of Chapter XXXI of the Code of Civil Procedure enabled the estate of a minor to be got in and distributed without any certificate of administration being applied for under Act XL of 1858, unless on the application of some person interested in the minor that Act was put into force, in which case, if the application was granted, the estate would be administered under the provisions of the old Act, whereas before the Chapter XXXI became law the estate of a minor could not be got in or distributed without putting the provisions of Act XL of 1858 in force if any question had to be litigated.

"The Government of India appears to think that the effect of passing Chapter XXXI of the Code has been to make it applicable to a certain extent to persons who have obtained certificates under Act XL of 1858, and no doubt to a very limited extent it is, as under it the next friend, who would be the certificate-holder, may be ordered to pay costs personally; but I cannot see, as would seem to be implied by the 9th paragraph of the Resolution of the Government of India, that Chapter XXXI would so far apply to a certificate-holder as to render it necessary for him to be appointed a guardian *ad litem* under it: it seems to me that he has the position of guardian *ad litem* without it."

He does not approve of Mr. Justice Melvill's proposal (see paragraph 4, *supra*), regarding which he writes as follows:—

"It seems to me that it would not be for the

*Precis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

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Benefit of minors or of persons who had claims against their estates that no person should be able to sue on their behalf, and no person should be able to sue them, without first getting out certificates of administration; and it seems to me that any danger which would attend dealing with the estates of minors by uncertificated persons is sufficiently guarded against by the fact that any person may come to the Court under section 4 of Act XL of 1858 and apply that a person may be appointed to guard the interests of the infant; and if the Court choose to grant the application and appoint a guardian, I take it that the power of the uncertificated person would at once cease, and that, if the litigation entered on by him was improper, he could be punished by being made to pay the costs."

Nor does he think the proposal of the Government of India, to repeal the second clause of section 3 of Act XL of 1858, should be carried out. Regarding this he writes:—

"If that alteration is made, it seems to me that a safeguard which the law now provides for minors would become less effectual. Suppose a debtor to the estate of a minor forces a person interested in the minor to go to Court: if that person does not claim the charge of the minor's property, Act XL of 1858 does not stand in his way; he sues under Chapter XXXI of the Civil Procedure Code, and any benefit which may accrue from the suit would be secured to the minor. If the proposed alteration in the Civil Procedure Code is made, namely, that no next friend should be allowed to take any benefit on behalf of the minor unless he satisfies the Court that it will be applied for the benefit of the minor, the debtor thus secures the proper guarding of the rights of the minor. Again, if the person who makes the claim on behalf of the minor is also claiming the right to have charge of the property of the minor, the debtor can, and it seems to me rightly can, prevent him taking advantage of Chapter XXXI of the Code and compel him to take out an administration certificate, thus again securing the rights of the minor; but if the alteration suggested by the Government were made the debtor could not compel him to take out a certificate, and a proviso making him give security that any benefit accruing from the litigation should be applied on behalf of the minor is not nearly so effectual when taken from a person who claims a right to have charge of a minor's property as when taken from a person who claims no such right, but, without being interested in the minor's property, has merely asked the assistance of the Court to get him his rights.

"Again, take the case of a suit brought against a minor. If no person claims the right to have charge of the property, the creditor very rightly comes in under Chapter XXXI and secures his rights, and the rights of the minor are adequately represented by a guardian *ad litem*; but if any person does claim the right to have charge of the property of the minor, I do not think the rights of the minor are adequately secured by appointing such person guardian *ad litem*; it could not be done under the present state of the law; he would have to take out a certificate; but if the law was altered as suggested by the Government, it might be done and, as it seems to me, the rights of the minor be thereby prejudiced.

"I do not quite see that the alteration sugges-

ted by the Government is necessary to enable the person who thinks he has a right to take charge of the property of a minor to come in under Chapter XXXI; if no one challenges him he will make no claim to have the charge of the minor's estate, and he will act under Chapter XXXI; but if any one challenges him, it will no doubt have the effect, as the law now stands, of compelling him to take out a certificate.

"Another point of view which I submit may be worthy of consideration is the change which the alteration of law proposed by Government would have in cases where the person who claims the right to have charge of the minor's property wished to deal with it himself alone. At present he must establish to the satisfaction of the Court his right to so deal with it and that it will be dealt with for the benefit of the minor. Once he has done that no person other than he can represent the minor as a party in a suit, and no decrees could be got against the estate of the minor without making him a party. If the alteration suggested by the Government were carried out, and a person who claimed the right to have charge of the property of a minor was not bound to take out a certificate in order to be made a defendant in a suit against the minor, might not a fraud be committed by a person claiming the right to the property of a minor getting appointed a guardian *ad litem* and suffering a decree to be executed against the property of the minor? Such a case could not happen if the Government alteration is not carried out, because such a person would have to take out a certificate before being made a defendant."

41. THE JUDICIAL COMMISSIONER OF BRITISH BURMA—

considers that the clause in the Minors' Acts should be repealed, and the Courts allowed full discretion under the Civil Procedure Code. He observes that the interests of guardians appointed under the Minors' Acts may often, in special cases, be opposed to those of the minors.

42. THE CHIEF COMMISSIONER OF BRITISH BURMA—

invites attention to the remarks of the Recorder of Rangoon (*supra*, paragraph 10) regarding the construction of section 3, clause 2, of Act XL of 1858 and Chapter XXXI of the Civil Procedure Code, and suggests that the law should be so expressed as to convey the meaning there assigned to it.

He agrees that Mr. Justice Melvill's proposal (see paragraph 4, *supra*) should not be adopted; but he observes that, for the reasons given by the Recorder (see paragraph 10, *supra*), it appears desirable to maintain the second clause of section 3 of Act XL of 1858.

43. MR. J. KNOX WIGHT, DEPUTY COMMISSIONER OF CACHAR,—

says the repeal of the second clause of section 3 of Act XL of 1858 would doubtless in some ways be a great boon to intending minor suitors, but that the ultimate effect would be that self-constituted guardians would seldom or never apply for a certificate of administration, except in cases where there is a dispute among rival guardians. He considers it desirable in the interests of minors that certificates should be taken out, and he is therefore opposed to the proposed repeal. To

***Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.***

***(Point II.—Execution of decrees, &c., by next friends and guardians ad litem.)***

remedy the anomaly pointed out in paragraph 5 of the Resolution, he would compel all guardians by virtue of relationship to take out a certificate before suing on behalf of minors.

44. MR. H. MUSPRATT, DISTRICT JUDGE OF SYLHET,—

considers the adoption of Mr Justice Melvill's proposal (*supra*, paragraph 4) would cause great inconvenience.

45. BABU KOYLAS CHUNDER GHOSE, GOVERNMENT PLEADER, SYLHET,

makes some remarks bearing on the conflict between clause 2 of section 3 of Act XI. of 1858 and Chapter XXXI of the Civil Procedure Code.

46 THE RESIDENT AT HYDERABAD—

agrees in the remarks in paragraph 5 of the Resolution, as to the conflict between clause 2 of section 2 of Act XX of 1861 and Chapter XXXI of the Civil Procedure Code. But he suggests that instead of repealing that clause it should be amended so as to run as follows:—

“No person shall be entitled to institute or defend any suit connected with the estate of a minor unless and until he shall have obtained from the Civil Court a certificate of administration in respect of such estate:—

“Provided that in cases when no such certificate has been granted, any Court having jurisdiction may, when the property in litigation is moveable property, or when the value of the property, in litigation does not exceed Rs. 500, allow any relative of a minor to institute or defend a suit in his behalf.”

He “does not anticipate that the number of guardians by relationship who would have to take up certificates [under such a provision] would be materially larger than at present, except in the case of uncontested applications. In these there would probably be an increase, and attendance at Court would create a certain amount of hardship, which would, however, be minimized by a judicious resort to the proviso in section 5, *Populay Minors' Act*.” “It would,” he says, “further be necessary to extend the provisions of section 414, Civil Procedure Code, by substituting ‘section 419’ for ‘section 412.’”

II—*Whether a next friend or a guardian ad litem should (by an extension of section 461 of the Code of Civil Procedure) be allowed to execute a decree or receive money or property in the course of litigation it being made clear that a next friend or guardian ad litem, who is also a guardian appointed under the Minors' Act with power to receive money on behalf of the minor, shall not be required to give security.*

48. MR. S. SUBRAMANIYA IYER, HIGH COURT VAKIL, MADRAS,—

is strongly of opinion that neither guardians nor next friends should be allowed to take money out of Court on behalf of a minor, whether before or after decree, without giving security.

49. MR. PLUMER—

would add to the clause which he proposes should take the place of clause 2 of section 2 of Act XX of 1864 [see paragraph 6 of *précis*] a proviso to the effect that no guardian *ad litem* who has not obtained a certificate from the Court shall be allowed to receive or take any money or other property due to the minor under a decree in any

suit in which he has acted as guardian on behalf of the minor unless he has first obtained leave of the Court which passed the decree, &c., and gives satisfactory security that such money or other property shall be applied to the benefit and use of the minor.

50. MR. BARCLAY—

says that if his suggestion [see paragraph 7 of *précis*] that the right to sue for and to defend minors or their estates be given only to the managers of their estates (the Collectors) and the holders of certificates of administration, section 161 of the Code of Civil Procedure would, in cases coming within the provisions of the new Minors' Act, be unnecessary.

51. THE MADRAS BOARD OF REVENUE—  
concur with the Government of India.

52. SIR CHARLES TURNER, (LATE) CHIEF JUSTICE OF MADRAS,—

suggests, in connection with section 461 of the Civil Procedure Code, that every Court obtaining control over property, of which there is no trustee, belonging to a minor for whom no guardian of the property has been appointed, should be required to give such directions as, having regard to the nature of the property, may sufficiently protect it from waste and secure its proper application.

A rule of this kind is, he says, already followed in the Madras High Court.

53. MR. JUSTICE WEST—

thinks the Court should have a discretion as to who may receive money or other property won for a minor by a next friend.

He further suggests specific provision being made that an administrator duly appointed should have power to receive and pay money for the minor under decrees, and also power to settle disputes in actual litigation or likely to lead to litigation, also that a proviso might be added affirming the general principle of the voidableness as against the minor of fraudulent and collusive transactions imputable to the person benefiting by them.

54. SIR CHARLES SARGENT AND MR. JUSTICE MELVILL—

approve of the Government of India's proposal.

55. MR. JUSTICE FIELD—

writes as follows:—

“Section 461 sufficiently provides for the interests of the minor in respect of money or other things received or taken by the next friend or guardian *ad litem* in those suits to which the chapter of the Code of Civil Procedure applies. In suits brought by a certificated manager, he would have the same control over the money or property of the minor which he would exercise in matters unconnected with litigation, and the proper discharge of his duty should here be secured, as I have already pointed out (see paragraph 362 of *précis*), by requiring him to give security commensurate with the value of the property entrusted to his management. This is the rule in the case of receivers, mercantile agents and other persons discharging fiduciary duties. The same rule should be made applicable to persons discharging similar duties in respect of a minor's estate.”

56. THE JUDGES OF THE CALCUTTA HIGH COURT—

(collectively) see no objection to the adoption of the Government of India's proposal: but they



**Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.**

- (Point III.—Voidance of alienations, &c., made by uncertificated Guardians.)  
(Point IV.—Whether Court's Sanction should be required to alienations.)

would require the next friend or guardian *ad litem* to give adequate security (in all cases, apparently).

**57. MR. DUTHOIT—**

supports the following proposals made by Messrs. Melvill and West (J.J.):—

• *By Mr. Justice Melvill.*—Execution of a decree in favour of a minor should not be granted to a "next friend" or a "guardian for the suit" until such person take out a certificate entitling him to the care of the minor's estate.

*By Mr. Justice West.*—When a decree is obtained in favour of a minor by a next friend, the next friend should be allowed to execute the decree either on terms of giving security, or leaving the money to be dealt with by the Court, or on terms of taking out a certificate of administration; but a certificated administrator should in all cases be entitled to obtain execution of a decree obtained in favour of a minor by a next friend.

He says he can see no objection to the first of these proposals, which "corresponds somewhat with the provision of the Roman law contained in the early part of *Dig. IV. 4, 7, § 2*;" but he would "prefer to read into Mr. Justice Melvill's proposals that of Mr. Justice West, which closely corresponds with the later provision of the Roman law contained in the latter part of the same passage of the *Digest*." He adds "If the money is paid into Court, I would advocate a provision in the law allowing the Court to invest it in Government stock or promissory notes."

Mr. Duthoit prefers such a provision to that suggested by the Government of India.

**58. MR. H. J. SPARKS AND THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER, NORTH-WESTERN PROVINCES AND OUDH,—**

approve of the Government of India's proposal.

**59. LALLA MADAN GOPAL—**

suggests that it should be provided in section 461 of the Civil Procedure Code that "an application for execution of decree may be made by the next friend of a minor decree-holder, but he is not to take out the money without giving security."

**60. COLONEL C. A. McMAHON—**

writes as follows:—

"I would repeal section 461 of the Civil Procedure Code. If the person who has to pay the money does not see the necessity, for his own protection, of forcing the guardian or next friend to take out a certificate, as provided for in my paragraph 4 [see paragraph 28 of *précis*], I do not see that the Civil Court need trouble itself about the matter."

**61. MUHAMMAD LATIF—**

suggests that the only change required in the law is the addition of a clause to section 461 of the Civil Procedure Code empowering a next friend or guardian *ad litem* to receive property in execution of a decree.

He also suggests that the provision in that section regarding security is unnecessary and should be removed altogether.

**62. UMAR BAKSH—**

thinks a certificated guardian should have a right to execute a decree obtained either by himself or by any other person who has acted as next friend before his own appointment. He also thinks certificated guardians should not be required to give security, but that other persons should be

tion to dispense with security in the case of near relatives acting as guardians.

He further suggests that it should be left optional with guardians desiring to execute a decree either to give security or to take out a certificate of administration.

**63. COLONEL GURDON—**

agrees with Muhammad Latif (paragraph 61, *supra*) that no security should be required from any guardian under section 461 of the Civil Procedure Code, adding that the provision is unnecessary if the Courts work section 443 properly.

**64. SARDAR GURDIAL SINGH—**

thinks no one should be allowed to receive money on behalf of a minor in execution of a decree unless he either holds a certificate of guardianship or tenders sufficient security.

**65. MR. R. J. CROSTHWAITE—**

says the proposed amendment of section 461 of the Civil Procedure Code would be an unquestionable gain.

**66. LIEUTENANT-COLONEL GRACE—**

approves of the Government of India's proposal.

**67. THE JUDICIAL COMMISSIONER OF BRITISH BURMA—**

approves of the proposed amendment of section 461 of the Civil Procedure Code, except that he would not fetter the discretion of the Courts as to taking security.

**68. THE CHIEF COMMISSIONER OF BRITISH BURMA—**

approves of the Government of India's proposal.

**69. MR. H. MUSPRATT—**

concurs in the proposed extension of section 461 of the Civil Procedure Code, but would not except the rule as to security.

[See also remarks by—

the Recorder of Rangoon, in paragraph 40 of *précis*; and

Mr. Wiggin, in paragraph 370 of *précis*.]

*III and IV.—Whether the following proposals made by the Hon'ble Mr. Justice Melvill with a view to rendering it unsafe for any person to enter into any transaction affecting immovable property, except with a certificated administrator, should be accepted, namely:—*

(a) *that any alienation or incumbrance of, and any abandonment of the rights of the minor in, any immovable property, by a guardian, should be made void, unless he holds a certificate under the Minors' Act; and*

(b) *that the provision in the second clause of section 18 of Acts XV of 1864 and XL of 1858, which requires the previous sanction of the Civil Court to any alienation or incumbrance of immovable property by a certificated guardian, should be repealed.*

**70.** In regard to proposal (a), the Government of India pointed out that it would require very careful consideration with reference to the facts, peculiar to India, (1) that the number of minors owning immovable property without the intervention of trustees is very large, and (2) that cases constantly arise in which it is necessary to deal with the immovable property of minors by way of sale, mortgage, &c. These two facts would, if

*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

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number of guardians by relationship taking out certificates, and this would on all much trouble on the people in attending the Courts, and would also tend, by reason of the business being made a Court matter, to foster acrimonious disputes. "Further, it may be observed that the Government does not possess any definite knowledge as to the supposed evils of the existing system, beyond the fact that a considerable amount of litigation arises regarding transactions effected by guardians; but whether this amount of litigation is large, considering the number of the transactions, may be open to doubt. In connection with this point, a further question presents itself, *viz.*, whether litigation of the kind under consideration usually arises from persons wrongfully usurping the position of guardian or from the rightful guardians abusing their powers. If the latter is the true cause, the plan suggested by Mr. Justice Melvill would scarcely afford a remedy, inasmuch as the guardian, after he had been granted the certificate, would, under the second of the two proposals embraced in that plan, be left to act without the sanction of the Court. On the other hand, if Mr. Justice Melvill's first proposal were adopted without his second, it may perhaps be anticipated that the number of cases coming before the Courts under the second clause of section 18 of Act XX of 1864, and the corresponding provision of the Act of 1858, would be so great as to render it doubtful whether it would not be beyond the power of the Courts to deal with them with that degree of care which is essential in such matters."

71. MR. HUTCHINS—

is opposed to the adoption of proposal (a). He thinks the law as it stands already makes it "unsafe to enter into any transaction affecting a minor's immoveable property," and says it is only fair to the minor that persons buying such property should have to satisfy themselves that the transaction is an equitable one. This safe-guard would be removed if guardians were certificated, since the certificate would tend to inspire confidence in the mind of the purchaser as to the guardian having absolute power to deal with the property; and that would be an undesirable result, Mr. Hutchins's experience showing that litigation in these cases generally arises from the rightful guardian, who can easily obtain a certificate, abusing his powers.

Mr. Hutchins would except from his remarks the case of undivided families, "and perhaps even of some other joint proprietors."

72. MR. S. SUBRAMANIYA IYER, HIGH COURT VAKIL, MADRAS,—

thinks it would be unwise to give guardians any absolute authority to bind minors by alienations of their estates.

73. MR. PLUMER—

strongly protests against the adoption of proposal (a), for the reasons given in paragraph 7 of the Government of India's Resolution. He thinks there can be little doubt that litigation arises principally, if not entirely, from abuse of powers by rightful guardians, and that the proposal is therefore rendered useless by proposal (b), independently of the other objections to it.

He says with Mr. Hutchins (see paragraph 71, *supra*) that much keenness is displayed under existing circumstances by purchasers of minors' property, in ascertaining that the transaction is an equitable one and therefore ultimately binding on the minor.

74. MR. W. WILSON, DIRECTOR OF REVENUE SETTLEMENT AND AGRICULTURE, MADRAS,—

does not think either proposal (a) or (b) should be adopted, remarking that, although they may be in the interest of the guardian and the alienee, he cannot see how they can be regarded as being in the interest of the minor, for whose protection the law is intended.

75. MR. E. BARCLAY, GOVERNMENT SOLICITOR, MADRAS,—

approves of proposal (a), as being in accordance with his suggestion (see paragraph 7 of précis) that no one but the manager or certificated administrator should have power to deal with a minor's estate.

76. THE MADRAS BOARD OF REVENUE—

concur in the Government of India's remarks.

77. SIR CHARLES TURNER—

writes:—

"For reasons which are fully stated in the Resolution of the Government of India, it does not appear expedient to prohibit guardians from dealing with the immoveable property of minors unless they have obtained a certificate.

"In no country is the compulsory recourse to Courts more distasteful to the people, and in no country is property in land more minutely subdivided or interests in it more largely held by minors. The Mitakshara, which makes every son on his birth a co-owner with his father, obtains throughout this Presidency, except in Malabar and South Canara, and in those countries, in many Brahmin families and under the tarwad system of Malabar and South Canara, minors on their birth become co-owners of the tarwad estates."

78. MR. JUSTICE MELVILL—

suggests that, to meet the Government of India's objections to his proposal (a), cases in which the minor's property does not exceed Rs. 500 should be excepted. With this limitation, and with the exclusion of managers of joint Hindu families (as to whom, see paragraph 379 of précis), the inconvenience to the public and the labour entailed upon the Courts would, he says, probably not be great, especially if the District Court were authorised to form its decision upon evidence taken by a Subordinate Court at no great distance from the residence of the parties. With these limitations, Mr. Melvill still thinks that it is desirable that every person who assumes a right to take charge of the property of a minor should be required to submit himself to an examination of his fitness; and that, when his fitness has been once ascertained and certified by the Court, he should then be left free to deal with the minor's property without further interference, but subject to the right of the minor to impeach, when he attains his majority, any alienations made by the administrator. \* \* The Court has good opportunities for ascertaining the general fitness of an administrator, but it has not the means of satisfying itself as to the advisability of any proposed alienation. It is very liable to be misled by a fraudulent administrator, and it might be very hard upon the minor if a sanction obtained from an imperfectly informed authority were to render the alienation unimpeachable.

"But the case is different when the administrator is the Collector or an officer of the Court. Here, at all events, the Court will not be wilfully misled, and it will have all the information which the administrator can afford. It might be advis-

*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

*(Point III.—Voidance of alienations, &c., made by uncertificated Guardians.)*

able to provide for a proclamation or advertisement inviting persons to come forward who might have any objection to a proposed alienation. With these precautions, I think that the sanction of the Court to alienations might properly be given, and that transactions so sanctioned should not afterwards be liable to be impeached."

• 79. MR. T. T. ALLEN—

dissents from proposal (a). He says "it would cause great inconvenience to refuse powers of alienation to any but certificated guardians, and to deny them rights which their several systems of personal law give them. It would also inundate the Judge's Court with work of a trivial character."

• 80. THE JUDGES OF THE CALCUTTA HIGH COURT—

concur generally in the views expressed in paragraph 7 of the Government of India's Resolution. They cannot support Mr. Justice Melvill's proposal (a), thinking no sufficient cause is shown for adopting it, and that it would cause great hardship, and explaining particularly that it would involve a serious change in the Hindu law, under which alienations by the manager continually take place during the minority of some member of the family, although he holds no certificate of administration.

• 81. MR. JUSTICE OLDFIELD—

disapproves of Mr. Justice Melvill's proposal (a). He writes:—

"The objections to any such enactment, which are fully set out in the Resolution, appear to me conclusive. Such evils as exist are due not so much to persons usurping wrongfully the office of guardians, as to abuse of their powers by rightful guardians, and are nothing in comparison to those which would issue from insisting on certificates of administration being taken out: not only would the general inconvenience be great, but the interests of the minor would probably be neglected in numerous instances."

• 82. MR. JUSTICE STRAIGHT—

thinks the adoption of Mr. Justice Melvill's proposal (a) would not be satisfactory, and would certainly, in the North-Western Provinces, cause enormous inconvenience.

• 83. MR. B. W. COLVIN—

approves of Mr. Justice Melvill's proposal (a) provided estates of small value are excepted.

• 84. MR. DUTHOIT—

says, with reference to the Government of India's remarks in paragraph 7 of the Resolution, (1) that he sees no reason to apprehend that the Courts would be swamped with minors-protection business; (2ndly) that in most districts of the North-Western Provinces and Oudh the subordinate Civil Courts are so distributed that, if the proposals which he has made elsewhere [see paragraph 291 of précis] should be approved, no appreciable hardship from having to attend Court need be caused to the people; and (3rdly) that he sees no reason to suppose that minors-protection business would, in the North-Western Provinces and Oudh, be in any large measure contentious.

It will be seen from paragraph 291 of this précis that Mr. Duthoit is inclined to support Mr. Justice Melvill's proposal (a). He suggests, however, that if it is adopted it should (besides being amended as there suggested) carry a proviso that it shall not apply to the case of a Hindu minor who

is a member of an undivided family, wherein is an adult member capable of managing the family property.

• 85. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER, NORTH-WESTERN PROVINCES AND OUDH,—

invites attention to the opinions expressed by Messrs. Oldfield and Straight, *J. J.* [paragraphs 81 and 82, *supra*]. He writes: "If this proposal were adopted, it might result that the number of guardians who would be obliged to take out certificates would be so large that the Courts might fail to deal effectively with the numerous cases that would come before them; or that the trouble and annoyance of having to take out certificates would deter many persons from undertaking the office of guardian whereby the interests of minors would suffer. The inconveniences pointed out in paragraph 7 of the Resolution would undoubtedly follow the adoption of the proposal; and the facts stated by Mr. Duthoit [see paragraph 291, *infra*] and also by Mr. Justice Oldfield [see paragraph 8, *supra*] show that the proposal would fail to secure its object, since the litigation which arises on this subject is chiefly caused, not by persons wrongfully usurping the position of guardian, but by rightful guardians abusing their powers."

• 86. MR. JUSTICE SMYTH—

says suits in which minors after attaining their majority contest alienations made during their minority by their guardians are not numerous in the Punjab, and that his experience is that persons acting as guardians, whether they are the rightful guardians or not, do not often abuse their powers, but usually try to do what they think best for the minor. He adds that his impression is that it is the person who is rash enough to take a conveyance from the guardian rather than from the minor himself who suffers most under the present system, and observes that in such cases the remedy lies in the alienee's own hands.

He considers that, for the reasons stated in paragraph 7 of the Resolution, it would be very unwise to adopt Mr. Justice Melvill's proposal (a) in the Punjab, "where, on the whole, the people get on very well without having recourse to certificates."

• 87. MUHAMMAD LATIF—

is strongly opposed to Mr. Justice Melvill's proposal (a), on the grounds that it is unnecessary that the ignorance of the people would prevent their getting news of so serious a change having been made, and that it would in rease litigation and unnecessarily impede the administration of justice. He adds that the ordinary law sufficiently provides for calling guardians to account for mal-administration of a minor's estate.

• 88. UMAR BAKHSH—

thinks the drawbacks attending proposal (a), resulting from requiring a large number of people to have recourse to the Courts, outweigh any advantages which it may possess.

Further on, however, he suggests that alienations by certificated guardians who are not relatives of the minor, in favour of persons with whom they have personal dealings, should be made unsafe, if not declared altogether void. Cases have come to his knowledge in which guardians have indirectly derived personal benefit from such transactions, and it is, he says, very hard in such cases to prove actual fraud.

• 89. COLONEL E. P. GURDON—

is strongly opposed to proposal (a), and agrees with Muhammad Latif [paragraph 87, *supra*]

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that the Hindu and Muhammadan laws sufficiently guard the interests of minors in the matter in question.

90. MR. H. T. RIVAZ—

thinks proposal (a) would work great injustice in the Punjab, "in many parts of which the people still remain persistently ignorant of all enactments which conflict with their usual practices, and where no evils are apparent as the result of the existing system. Cases no doubt occasionally occur in the Courts where minors, on attaining majority, sue to contest alienations of their property made during their minority by persons purporting to act as their guardians. In these cases, which are not numerous, I should say that the alienations contested are upheld as often as they are set aside, and my experience is that in a very small minority of the cases does it appear that the guardian has really abused his powers as such, or seriously neglected the interests of his ward, or in fact acted otherwise than for the benefit of the minor. Any dishonesty which appears is usually that of the minor or his advisers, who, feeling when the former comes of age that property which during his minority was sold for fair value and for his benefit has much increased in value in late years, immediately seek to repudiate the transaction with the sole view of preventing the *bona fide* purchaser from reaping the fruits of what has eventually turned out to be a profitable bargain. I therefore think that the objections so forcibly put forward in paragraph 7 of the Government of India Resolution deserve the greatest weight and consideration so far as the Punjab is concerned."

91. MR. R. J. CROSTHWAITE,—

referring to paragraph 7 of the Resolution, says litigation regarding transactions effected by guardians arises, according to his experience, almost entirely from rightful guardians abusing their powers, and occurs generally where the Hindu law is applicable, the question usually raised being whether the minor is bound by the act of the manager of the family property.

92. MR. BEHARI LAL BASU,—

referring to paragraph 7 of the Resolution, argues that the difficulties there stated as likely to be caused to guardians by the adoption of Mr. Justice Melvill's proposal (a) ought not to be allowed to prevent the enactment of any provision tending to the welfare of the minor, whose interests it is the duty of the State to protect; and he considers that proposal well calculated to check the proceedings of dishonest guardians.

He suggests that, if that proposal is adopted, something should be done to reduce court-fees chargeable on the certificates of guardians.

Referring to the possible objection that the general requiring of certificates would tend to upset the joint family system, he says "there is a marked change in the advanced parts of India, where the true notions of the joint family are disappearing."

93. LIEUTENANT-COLONEL GRACE—

says that in the Central Provinces "litigation does not arise from persons wrongfully usurping the position of a guardian, but it often arises from rightful guardians abusing their powers in respect to transactions effected by them."

He does not think it necessary to adopt proposal (a), observing that the interests of minors are otherwise sufficiently guarded, inasmuch as they, on attaining majority, can, within the time allowed by the Statute of Limitation, question the

acts of their guardians during their minority and take legal action; and guardians, purchasers, &c., on whom the *onus probandi* is thrown, have to justify and vindicate their doings."

94. THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES—

regards proposal (a) as unnecessary and impolitic. The taking out of a certificate, he says, affords no guarantee that the holder will not abuse his trust; while, on the other hand, such a provision as is proposed would tend to hasten unduly the disintegration of the joint family system, which is already proceeding fast enough.

95. THE COMMISSIONER OF THE TENASSERIM DIVISION—

considers that "any change in the direction of making the obligation to take out a certificate, &c., more stringent than at present, as suggested by Mr. Justice Melvill, is, in the present condition of this province [British Burma], much to be deprecated."

He continues: "My reasons for holding this opinion are so clearly stated in paragraph 7 of the Resolution, which, I think, is applicable to all legislation of this description, that it is unnecessary to go into them; but I may add that in this province, during the years when the Special Court maintained that the Indian Succession Act was practically applicable to all classes, the real hardship and unnecessary litigation which such measures really inflict on all, but especially on the poorer and more ignorant portion of the population, in a country like this, were very clearly brought to light."

96. THE RECORDER OF RANGOON—

agrees with the Government of India that the balance of considerations is in favour of not adopting proposal (a).

97. THE JUDICIAL COMMISSIONER OF BRITISH BURMA—

does not approve of proposal (a).

He writes: "It seems to me that the time cannot be far distant when administrative arrangements could be made enabling a specific class of local officials corresponding to the *Juges de Paix* of the Code Napoleon to watch over the interests of minors by controlling the appointment of guardians and nominating a *conseil de famille* and surrogate guardians in certain localities for every minor therein. Great hardship would, I consider, be involved in the general application of Mr. Melvill's principle so long as the District Judges' Courts are the only Courts which can deal with such matters."

98. THE CHIEF COMMISSIONER OF BRITISH BURMA—

considers the reasons stated in paragraph 7 of the Resolution justify the rejection of proposal (a).

99. MR. J. KNOX WIGHT—

fully concurs in the reasons advanced by the Government of India in paragraph 7 of the Resolution for rejecting proposal (a). That proposal, he says, involves a great change in existing customs for which no necessity has been made out.

100. MR. H. MUSPRATT—

concurs in the remarks in paragraph 7 of the Resolution.

**Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.**

**(Point IV.—Whether Court's sanction should be required to alienations.)**

**101. BABU KOYLAS CHUNDER GHOSE—**

observes that the adoption of proposal (a) would seriously affect the interests of minors, especially in cases where there are numerous sub-divisions of an estate.

**102. COLONEL W. HILL, COMMISSIONER OF COORG—**

says the objections to proposal (a) which are stated in paragraph 7 of the Resolution apply fully to the circumstances of Coorg.

**103. THE RESIDENT AT HYDERABAD—**

says that if proposal (a) is adopted certificates would be necessary before almost any transaction affecting the immovable property of a minor could be entered into. "The number of applications for certificates would be vastly increased; and the benefit accruing to the property of minors in a small minority of cases would be counterbalanced by the detriment to property for want of necessary action during the delay which the process of obtaining a certificate would entail. Nor would the adoption of this proposal avert that class of injury which arises from the abuse of their powers by lawful guardians."

[See also remarks by Mr. J. W. Chisholm in paragraph 37 of précis.]

104. In regard to Mr. Justice Melvill's proposal (b)\* taken separately, the Government of India thought it might be partially adopted. Even if proposal (a) were rejected (see paragraph 70 of précis). They wrote: "In cases in which no person has a legal claim to the guardianship, and the Court accordingly exercises a free choice in the selection of the guardian, it seems clear that the sanction of the Court to the sale or alienation of immovable property should be required, as in such cases the Court is in a certain sense answerable for the guardian; but when the Court merely decides that a person is entitled to the guardianship by appointment, and also when it decides that a person is entitled thereto by virtue of relationship, the necessity of insisting upon such a restriction is perhaps open to doubt. In these cases it might suffice if the guardian were allowed the option of submitting the transaction to the Court for sanction, if he thought it necessary to do so for his own protection or for the satisfaction of an intending purchaser of the property."

**105. MR. HUTCHINS—**

sees no necessity for making a distinction between a certificated and an uncertificated guardian; but if any is to be made, he thinks that proposed by the Government of India is reasonable. He thinks every guardian should have the option of bringing any important matter before the Court, and should (for the particular purpose of the reference, apparently) be required to take out a certificate.

**106. MR. S. SUBRAMANIAM IYER—**

strongly approves of Mr. Hutchins's suggestion that all guardians should have the option of applying to the Court for advice.

**107. MR. WIGRAM—**

writes:—

"As regards the alienation, whether by gift, sale or mortgage, of property in which minors

have a joint interest, I think that it would save much litigation to enact that no such alienation or relinquishment of a minor's right should be valid without the sanction of the District Court, and that if the sanction of the Court was obtained the alienation could not be challenged by the minor unless by a regular suit instituted on his behalf within six months. It would, of course, be requisite to provide that a formal inquiry should be held either by the District Court or through a Subordinate Court whether the alienation was necessary and expedient, and, if the mother was alive, her objection, if any, should be duly considered.

"I would expressly limit this jurisdiction to cases where a particular branch of an undivided family was represented by minors. The assent of the minor's father would, as now, imply the assent of the children."

**108. MR. PLUMER—**

thinks that in the case of certificated guardians the sanction of the Court should certainly be required, and that this is necessary in order to prevent derelictions of duty on the part of persons for whose conduct the Court is in a way responsible, and who would without such supervision be tempted to go wrong. He explains that this would not throw any great burden on the Courts, the number of certificated guardians not being large.

In the case of alienations, &c., by guardians whom the Courts have decided to be entitled by appointment or by virtue of relationship to act as guardian, he thinks it might be left optional to either the guardian or the intending alienee himself to apply to the Court to sanction the alienation.

**109. MR. E. BARCLAY—**

thinks that, at any rate in cases where it is proposed to sell immovable property above a certain value, or to lease it beyond a certain term, or to encumber it beyond a certain amount, the sanction of the Court should be required (in the case of both certificated and uncertificated guardians, apparently). He points out that the case quoted by Mr. Justice Melvill (L. L. R. 5 Cal. 363) does not render alienations by certificated administrators absolutely unimpeachable, and that they can be set aside if fraud or illegality be shown; but he thinks the learned Judge's views might be met in the following way:—

"The Act might provide that in all instruments of alienation and incumbrance of a minor's immovable property, the manager or certificated administrator should be described as such, and that the order of Court sanctioning the alienation or incumbrance should be recited, and that it should appear on the face of the instrument that it is made in pursuance of such order; and the Act might declare that the title of the purchaser, lessee or incumbrancer taking under an instrument containing such particulars shall, in the absence of fraud or illegality, be held conclusive as against the minor and all persons claiming under him."

**110. THE MADRAS BOARD OF REVENUE—**

concur with the Government of India.

**111. SIR CHARLES TURNER—**

thinks the sanction of the Court should be required only in the case of alienations and incumbrances of large amount, and that no sanction should be required in the case of properties of small value, because the attendant expenses would prove at

\* (2) That the provision in the second clause of section 18 of Acts XX of 1864 and XL of 1858, which requires the previous sanction of the Civil Court to any alienation or in-



*Pré- is of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

*(Point IV.—Whether Court's sanction should be required to alienations.)*

112. MR. JUSTICE WEST—

would, in the case, of minors having a sole or separate estate, give all guardians the right to come into Court and get proposed transactions approved. As to guardians appointed by the personal law of the minor, he would not bind them any further than this; and as to those appointed—not merely recognized—by the Court, he would make them subject “to such restrictions as their certificates might impose.”

113. SIR CHARLES SARGENT—

thinks “the consent of the Court should be required in all cases to give effect to alienations (except leases for a short term of years) and incumbrances of or upon the minor's immoveable property, as well as to any compromise of the minor's interest in that property, and that, too, as well by the certificated administrator as by any other person claiming to have charge of the property.” He thinks “that the importance attached to the granting of a certificate is greatly exaggerated, and that the powers of such administrator without the consent of the Court should be confined to what is strictly management.”

He suggests that the permission to alienate or encumber should be given by the Civil Court of the district in which the property in question is situated, where the minor has property in more than one district.

114. THE HON'BLE MR. PAUL—

thinks the modification suggested by the Government of India might perhaps be safely adopted, but that the relinquishment of control should not extend any further. He does not think purchasers should be protected any further than they are at present in their dealings with a minor's estate.

115. MR. T. T. ALLEN—

dissents from Mr. Justice Melvill's proposal (b). He considers it necessary to retain the second clause of section 18 of Act XL of 1858. Where a minor's property is considerable, he says, a certificate is almost invariably taken out, and the great value of the Act is in the protection which the clause in question affords the minor against improper alienation of the *corpus*; while when alienation is necessary the sanction of the Judge, which is almost conclusive evidence of the necessity of the sale, vastly strengthens the purchaser's security, so that a better price is realised.

116. THE JUDGES OF THE CALCUTTA HIGH COURT—

see no objection to repealing the second clause of section 18 of Act XL of 1858.

117. MR. JUSTICE STRAIGHT—

thinks clause 2 of section 18 should be retained, and that all guardians appointed by the Court, whether in right of a will or deed or by its own selection, should be brought within its purview.

118. MR. H. J. SPARKS—

approves of the Government of India's proposals. (Please also see his remarks in paragraph 160, *infra*.)

119. MR. B. W. COLVIN—

approves of Mr. Justice Melvill's proposal to repeal the clause. His experience shows that the Court is commonly unable to obtain evidence upon which to form an opinion with any confidence as

is apt to become a dangerous screen to the misdoings of guardians. The only practical value of the clause, he says, is that it gives some publicity to a guardian's doings; but this is scarcely *necessary*, and the advantage, moreover, such as it is, is more than counterbalanced by the considerations stated above. The real checks are to be found in the intervention of the minor's other relatives and friends, and in the liability of the guardian to being hereafter called to account by the minor himself; and when these fail, the Court's sanction in particular cases supplies no effective substitute for them.

120. MR. DETHOIT—

does not think Mr. Justice Melvill's proposal to repeal the clause altogether is well-advised; but he sees no objection to a modification of it by the substitution of the words “longer period than that of the minority of the proprietor” for the words “period exceeding five years.”

(Please also see his remarks in paragraph 194, *infra*.)

121. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER, NORTH-WESTERN PROVINCES AND OUDH,—

is disposed to agree with Mr. Justice Melvill, though he thinks the matter does not seem so important as to require a special amendment of the existing law. He adds that “the suggestion made in paragraph 8 of the Resolution, that guardians by appointment or relationship should be allowed the option of submitting any transaction to the Court for sanction, seems open to the objection that it would be likely to produce on the part of guardians a disposition to produce for sanction only those transactions in which they wished to obtain an official screen to questionable proceedings.”

(Please also see his remarks in paragraph 162, *infra*.)

122. MR JUSTICE SMYTH—

writes:—

“I am inclined to agree in the views of the Government of India as expressed in paragraph 8 of the Resolution. But where a guardian who owes his status merely to the act of the Court makes an alienation of immoveable property without the sanction of the Court, I am of opinion that the alienation should not be treated as absolutely void. If it appear that the parties to the alienation acted in good faith, and that the transaction was for the benefit of the minor, I do not think that the transaction should be held to be void merely because the guardian owed his status to the act of the Court and omitted to obtain the Court's sanction to the alienation. The *onus* of proving that the alienation was effected in good faith, and was for the minor's benefit, would be on the person who affirmed its validity.”

123. LALLA MADAN GOPAL—

thinks the second clause of section 18 of Act XL of 1858 should be retained, and extended to all guardians, whether certificated or not.

He further suggests that an explanation should be added declaring that alienations made without sanction will be not absolutely void, but merely avoidable on proof that the guardian acted *malafide*, and that the transaction was not a proper one.

124. LALLA MOHAN LALL AND MIAN ASDULIA, PLEADERS, OF AMRITSAR,—

**Precis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.**

**(Point IV.—Whether Court's sanction should be required to alienations.)**

mere act of the Court, the Court should be required to make a summary investigation as to the propriety of the alienation or encumbrance suggested; and further that a proviso be added declaring that "no such summary investigation should be held to be complete within the meaning of the Act unless the near relations of the minor, if any, or any friend interested in his welfare, have had an opportunity of protesting or objecting before the Court against the suggestions of the Public Curator or other administrator within a term to be fixed by the Court, of which due notice shall be given to them."

125. COLONEL C. A. McMAHON—  
writes:—

"I would leave the guardian to deal with the minor's property at his own risk. An *ex parte* reference by a guardian to a Civil Court for sanction to a proposed alienation might be very injurious to the minor's interests; for the Court would only have the *ex parte* representations of a possibly dishonest or interested man to go on.

"I do not think a reference of this character is worth the trouble and expense it involves, and I think it would be better for all concerned to leave the guardian to act on his own responsibility and risk."

126. MUHAMMAD LATIF—  
considers it desirable to require the Court's sanction "where the Court exercises direct control over the property of the minor," but that sanction should not be required where the guardian holds his position by virtue of relationship or by virtue of a deed of appointment. In the latter cases the guardian ought, he thinks, to be held responsible to the minor for his acts.

127. UMAR BAKHSH—  
suggests that every transaction involving property of the value of Rs. 1,000 and upwards should be declared invalid unless it has the sanction of the Court.

128. COLONEL GURDON—  
writes:—  
"Where of course there is no person with any legal claim to the guardianship of a minor, *e.g.*, no kinsman or other person who according to the personal law of the minor can claim as a right the guardianship, and when in such case the Court has selected a person to administer the minor's property, it may no doubt be advisable and just that the previous sanction of the Court should be required to render valid any alienation of a minor's immoveable property; but the application of this restriction to cases where there are persons legally entitled to guardianship according to Hindu and Muhammadan law, is, I think, to be deprecated. at any rate, if such a provision be retained, its application should only be obligatory upon guardians 'appointed by the Court.' All other guardians might be allowed at their option to apply to the Court or not, if required for the satisfaction of an intending purchaser of the property (*vide* paragraph 8 of Government of India's Resolution)."

129. MR. H. T. RIVAZ—  
considers the Government of India's proposals reasonable and worthy of adoption.

He suggests that the effect of an alienation by a certificated guardian without the Court's sanction might be made clearer than it is at present. He writes: "I take it that a sale or mortgage by a certificated guardian without the sanction of the

Court is not absolutely void, but voidable at the option of the minor when he attains majority, if he chose to repudiate the transaction, and subject to a refund by the minor of so much of the consideration money as has been expended for his benefit or for the benefit of his estate. If this is not the law under the section as it at present stands, I think the section should be at least modified to the extent above indicated, and I should be glad myself to see the section go further, and give the Court a discretion to refuse to set aside a sale (though the Court's sanction was wanting) if it was made clearly to appear that the transaction was a *bond fide* one made in the interests of the minor. This would cause no hardship to the minor, as in such cases it is a well established principle that the *onus* lies upon the party contracting with the minor's representative to show that the transaction was *bond fide* and for the benefit of the minor."

130. MR. R. J. CROFTSWAITE—  
fully concurs in the Government of India's proposals.

131. MR. J. W. CHISHOLM—  
would repeal the second clause of section 18, because in cases of alienation no real check can be applied by the Civil Court, and consequently the sanction contemplated by the clause is often given on incomplete information, and places additional difficulties in the way of a minor should he sue, on obtaining his majority, to set aside any alienation made by his guardian as unnecessary. Such suits can, he says, always be brought, and by this means minors often recover properties wrongfully alienated.

132. THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES—  
concurs in the Government of India's proposals.

133. THE RECORDER OF RANGOON—  
would retain the second clause of section 18. If it does not do much good, he says, at all events it does not do much harm.

134. THE JUDICIAL COMMISSIONER OF BRITISH BURMA—  
thinks the clause should be retained. He writes:—

"It is quite true that in granting sanction under the Act the Court has nothing to guide it but the *ex parte* statements of the administrator himself, but in the absence of complete arrangements (such as those alluded to in the preceding paragraph)\* the necessity of obtaining sanction acts as a wholesome though partial check, and should not, in my opinion, be done away with."

135. THE CHIEF COMMISSIONER OF BRITISH BURMA—  
says there appears to be no sufficient reason for repealing the clause.

136. MR. J. KNOX WIGHT—  
thinks the clause should be retained, because it tends to the benefit of the minor and the purchaser alike as well as to the protection of the guardian. The necessity for moving the Court, he says, prevents the making of improper bargains.

(Please also see his remarks in paragraph 179, *infra*).

137. COLONEL W. HILL—  
agrees that "it will suffice if guardians are allowed the option of submitting transactions to the

\* See paragraph 27 of *precis*.

***Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.***

**(Point V.—Right of certificated administrator to appear in Court.)**

**Point VI.—Declaration as to powers of Guardians)**

Court for their own protection or for the satisfaction of an intending purchaser of property."

**138. THE RESIDENT AT HYDERABAD—**

approves of the Government of India's proposals.

[See also remarks by—

Mr. W. Wilson, in paragraphs 74 and 151 of précis ;

Mr. Justice Melvill, in paragraph 78 of précis ;  
the Hon'ble Mr. O'Sullivan, in paragraph 154 of précis ;

Mr. Justice Oldfield, in paragraph 227 of précis ;

Mr. Justice Field, in paragraph 258 of précis ;

Khan Ahmad Shah, in paragraph 296 of précis ;  
and

Sardar Gurdial Singh, in paragraph 297 of précis.]

*P.—Whether, assuming it to be the intention of the legislature (see sections 464, 440 and 441 of the Code of Civil Procedure) that a guardian appointed under the Minors' Act possesses no right as such to appear on behalf of a minor, but that he must sue as next friend or be appointed to defend as guardian ad litem, the Code of Civil Procedure should not be amended so as to make this more clear.*

**139. MR. HUTCHINS—**

would require that every one suing on behalf of a minor should either have taken out a certificate or obtained the previous leave of the Court—the latter provision to meet cases where the rightful guardian is the defendant or is interested in the defendant or is averse to taking legal proceedings.

He adds that where the minor is a defendant the intention seems to be that he should be sued as under the protection of his guardian, where one has been certificated or appointed by the Court of Wards or a Civil Court, section 143 of the Civil Procedure Code being to this extent controlled by section 461 ; and that it is only where there is no such guardian that the particular tribunal is to appoint a guardian *ad litem*.

**140. THE HON'BLE MR. O'SULLIVAN, ADVOCATE GENERAL OF MADRAS,—**

suggests that in all suits against a minor the administrator should be made a party as guardian *ad litem*, but that the Courts should have power to permit a friend or relative of the minor also to appear to defend the suit in cases in which such a course appears to be advisable ; also that the administrator should have authority to institute suits on behalf of the minor, with power to the Court to give the conduct of any particular suit, or classes of suits, to any person named, other than the administrator.

**141. THE MADRAS BOARD OF REVENUE, MR. H. J. SPARKS, LIEUTENANT-COLONEL GRACE AND THE JUDICIAL COMMISSIONER OF BRITISH BURMA—**

agree with the Government of India that the Code should be amended in the direction indicated.

**142. SIR CHARLES TURNER—**

suggests that "except where the conduct of the guardian is impugned or his personal interest is in conflict with that of the minor, the Court should be required to recognise as guardian *ad litem*, if he be willing to undertake the duty, the person who by the personal law is entitled to the

**143. MR. JUSTICE WEST—**

thinks no person wishing to sue as next friend on behalf of a minor should be subjected to any restriction other than those involved in proper rules as to costs.

He further thinks it might be explicitly provided that an administrator duly appointed should, as such, be a tutor capable of representing the minor in all litigation without further appointment.

**144. MR. B. W. COLVIN—**

sees no reason why there should be any separate application to be appointed guardian *ad litem* in cases where there is a certificated guardian. The certificated administrator should, he thinks, be *ex officio* guardian *ad litem* to the minor in his charge.

**145. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER, NORTH-WESTERN PROVINCES AND OUDH,—**

"agrees that if any amendment of the law is to be undertaken, it would be well to amend the Code of Civil Procedure so as to make it clear what is the status of a guardian appointed under the Minors' Act in respect of suits instituted on behalf of or against the minor whom he represents."

**146. MR. H. MUSPRATT—**

says Chapter XXXI of the Civil Procedure Code, "gives rise to no difficulty in the appointment of next friends or guardians *ad litem*, and nothing has yet come under notice so as to call for any modification of the provisions."

**147. COLONEL W. HILL, COMMISSIONER OF COORG,—**

writes :—

"Guardians who have obtained a certificate under the Minors' Act should be empowered to sue as such without the further intervention of the Court as required by section 443 of the Civil Procedure Code ; at the same time an order of any Court appointing a guardian should not be held as giving any one who has not obtained a certificate any further authority over a minor."

[See also remarks by—

Mr. Plumer, in paragraph 6 of précis ;

Sir Charles Sargent, in paragraph 13 of précis ;  
the Hon'ble Mr. Paul, in paragraph 14 of précis ;

Muhammad Latif, in paragraph 29 of précis ;

Umar Bakhsh, in paragraph 30 of précis ;

Colonel E. P. Gordon, in paragraph 31 of précis ;

Mr. H. T. Rivaz, in paragraph 32 of précis ;

Sardar Gurdial Singh, in paragraph 34 of précis ;

Mr. Behari Lal Basu, in paragraph 36 of précis ;

Mr. J. W. Chisholm, in paragraph 37 of précis ;

Lieutenant-Colonel Grace, in paragraph 38 of précis ;

the Recorder of Rangoon, in paragraph 40 of précis ;

the Judicial Commissioner of British Burma, in paragraph 41 of précis ; and

Mr. Wigram, in paragraph 370 of précis.]

**VI.—Whether the first clause of section 18 of the**



***Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.***

**(Point VI.—Declaration as to powers of Guardians.)**

declared by the Court; possess simply the same powers which he possessed before procuring a declaration of title, and that the order of the Court should have no effect except that of declaring his status; and further,

(a) *Whether, if the powers of a guardian who owes his status to the mere act of the Court are defined at all, they should not be defined in some way which would indicate that persons having transactions with him should bear in mind his representative character, and should not deal with him as they would if he were acting on his own account.*

148. The Government of India specially invited suggestions on the latter of these two points. The remarks contained in the following paragraphs which refer to this point are marked "[a]" on the margin.

149. MR. HUTCHINS—  
observes that Madras Regulation V of 1804, section 21, clause fourth, gives no greater powers to a guardian appointed by the Court of Wards or the Zila Court than to other persons acting as guardian. As an indication of what the law should be on this point, he refers to his remarks noted in paragraph 71 of this précis.

150. MR. PLUMER—  
says the legal powers and liabilities of guardians, whether acting by virtue of appointment, relationship or selection by the Court, are the same, and he sees no advantage in defining the powers of either class. Persons dealing with guardians may well, he thinks, be left to protect their own interests.

151. MR. W. WILSON—  
writes as follows:—

"With reference to paragraphs 8 and 10 of the Resolution, I have to observe that where the instrument of appointment defines the powers of a guardian, he can deal with the property in accordance therewith without reference to the Courts. A guardian by relationship however and a guardian by appointment whose powers in respect of the property are not defined in the instrument of appointment are in precisely the same position as guardians appointed by the Court, and there is therefore no reason for relieving them of obligations—such as reference to the Court before sale—which are imposed on guardians appointed by the Court, nor of subjecting them to disabilities to which Court-appointed guardians are not liable. I think therefore that in the cases of guardianship by relationship and guardianship by appointment, where the instrument of appointment does not define the powers of the guardian, the order of the Court should operate merely as a declarator of status, but should, subject to the same conditions, confer on such guardians all powers possessed by Court-appointed guardians. I would further suggest that, where, in the case of guardianship by appointment, the instrument of appointment in the opinion of the Court restricts the powers of the guardian to the detriment of the minor, his powers should be extended in such manner as the Court may direct, the exercise of such extended powers by the guardian being subject to the provisions of section 18 [of Act XX of 1864]. From the operation of the second clause of this section all acts of guardians by appointment in pursuance of their instruments of appointment should be expressly exempted; but in all other cases the provisions of the section should in my opinion be strictly maintained."

152. MR. E. BARCLAY—

considers that, in cases where a Court decides that a person is entitled to a certificate of administration by virtue of appointment or by relationship, the same strictness should be required as to accounting for moveable property and as to the alienation or incumbrance of immoveable property, as in other cases excepting that in the former case, he would not require the administrator to furnish security. He would, however, expressly give the Court power to refuse a certificate for good cause shown.

He further thinks the duties of the manager (Collector) and the certificated administrator should be defined with as much particularity as possible, so as to prevent mistakes on the part of a Collector who might have to take temporary charge of a minor's estate, or on the part of others who might go wrong through ignorance.

153. MR. ANSAR-UD-DIN—  
concurs in the Government of India's proposals.

154. THE HON'BLE MR. O'SULLIVAN—  
writes:—

"The Act should define and limit the powers of persons to whom certificates of administration may be granted with regard to managing, charging or alienating the property of minors, and I think the sanction of the Court should be required in order to render valid any alienation of immoveable property of a value exceeding Rs. 500."

And again,

"I think it of the utmost importance either that the power of the administrator to deal with the property of the minor should be defined in the Act, or that the sanction of the Court should be required, so that third persons may be able to rely upon the title of the administrator and his capacity to bind the interests of the minor; and, in order that the interests of the minor may not be sacrificed, the Court should be at liberty to entertain objections by a friend or relative of the minor against any proposal or application by the administrator."

155. MR. J. W. HANDLEY—

thinks that if the powers of guardians are to be defined at all, the definition given in Acts XX of 1864 and XL of 1858, section 18, should be considerably narrowed. He suggests that the Courts might be left to decide in every case, in accordance with the well-established rule, whether the action of guardians has been consistent with the proper discharge of their duties.

156. MR. G. MUTTUSWAMY CHETTIAR—  
agrees with Mr. Handley.

157. THE MADRAS BOARD OF REVENUE—

"would suggest whether it might not with advantage be enacted that, in dealing with the property of their wards, guardians (including those owing their status to the mere act of a Court) should have the rights and powers, and be subject to the duties and liabilities, of a trustee, as laid down in the Indian Trusts Act, II of 1882."

158. SIR CHARLES TURNER—

recommends that, where the guardian derives his powers solely from the act of the Court, those powers should be defined.

He further suggests provision being made that, except when the powers of a guardian are extended by the personal law of the minor or a special direc-

*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

*(Point VI.—Declaration as to powers of Guardians.)*

tion of the creator of the trust, his powers of investment shall be limited by the provisions of section 20 of the Trustee Act [? Trusts Act, II of 1882.] He says that applications are not unfrequently made and granted for the issue of certificates to collect debts to the guardians of minors who, if of age, would be entitled to represent this estate of the deceased, and that there is at present no statutory provision authorizing this procedure.

159. MR. JUSTICE FIELD—

says section 18 of Act XL of 1858 has given rise to a considerable amount of litigation.

He thinks the expression "may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a minor" has not been happily chosen, and that the powers of a manager ought to be defined in other language. "According to English law," he says, "a lease made by a testamentary guardian to last beyond the minority of the ward was absolutely void as soon as the infant came of age. A Statute was subsequently passed (11 Geo. IV and 1 Wm. IV, cap. 64) under which an infant or his guardian might, with the sanction of the Court, accept renewals of leases and grant leases which should be valid, although they exceeded the period of the minority of the infant. The practice under this Act will be found in Chapter XLV of Mr. Daniell's Chancery Practice, and the principle of these Statutes deserves consideration in considering any amendment of Act XL of 1858."

He also observes that the clause authorising certificated guardians to collect and pay all past claims, debts and liabilities due to, or by, the estate of the minor would seem to indicate that a person who has obtained a certificate under the Minors' Act is entitled to collect debts without any further authority, but that this view has not always been taken by the Courts. He gives a reference to *In re Ratanissa Begum*, 2 B.L.R., 129.

(Please also see his remarks in paragraph 258, *infra*.)

160. MR. H. J. SPARKS—

considers that guardians who owe their status to the mere act of the Court "should have power similar to those exercised by managers appointed by the Court of Wards, and should have no power to alienate or encumber the minor's immoveable property, or to dispose of any valuable moveable property, without the orders of the Court. They should, in fact, be servants of the Court."

161. MR. DETHOIT—

writes regarding the Government of India's proposal as follows:—

"I do not think this proposition feasible further than that the guardian, when transacting business on the part of the minor might be required to describe himself as guardian of the minor. I am unable to distinguish, as regards the management of a minor's affairs, between the status of a 'legitimate' and the status of a 'dative' guardian. Unless the action of the guardian, in the absence of fraud or collusion, fully binds the minor, the interests of minors would suffer."

In this connection he refers to some remarks of Mr. Justice Markby pointing to the duty of persons dealing with representatives to satisfy themselves that the latter are acting for the benefit of their principals.

162. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER OF THE NORTH-WESTERN PROVINCES AND OUDH—

says it is clear that a guardian by appointment or relationship should acquire no fresh powers to

deal with the estate through the act of the Court in recognising his title; and that a guardian by appointment should, in consequence of such recognition, lose no powers already vested in him and that in this respect section 18 of the Minors Act seems to require amendment.

He thinks there is reason for supporting the suggestions made by Mr. Sparks (paragraph 160 *supra*). He continues:—"Another suggestion may be made, namely, that if it be made clear that guardians by appointment or relationship acquire no new powers through the act of the Court in declaring their status, guardians appointed by the Court should be permitted to exercise, with respect to the property concerned, all the powers which the owner might exercise if not a minor, subject to the limitation already provided in the second clause of section 18, and subject also to any further limitations which the Court might think fit to impose at the time of granting the certificate. If the proposal made by Mr. Justice Oldfield [see paragraph 363, *infra*] for the taking of bonds for due administration of the trust be adopted, the powers that would thus devolve on guardians would not be unduly large."

In regard to the second point mentioned in paragraph 10 of the Government of India's Resolution, the Lieutenant-Governor and Chief Commissioner thinks no special provision is necessary, as it would be the duty of all interested persons to ascertain for themselves the extent of the guardian's powers, and they can do so at very small cost.

163. MR. JUSTICE SMYTH—

writes:—

"I think the form of certificate given to a guardian should be prescribed by the Act, and it should indicate clearly the extent of the powers conferred on the guardian. Two forms might be prescribed,—one for guardians who owe their status to appointment or relationship, and the other for guardians who owe their status to the mere act of the Court. In this way any person dealing with a certificated guardian will have only to ask him to produce his certificate, and will be able to ascertain from it the nature of the powers which he exercises."

164. LALLA MADAN GOPAL—

submits a list of restrictions of sorts which he thinks should be placed on the powers of guardians.

165. LALLA GIRDHARY LAL, PLEADER, OF DELHI,—

thinks one of those restrictions, *viz.*, that a guardian should not be allowed to arrange for a ward's marriage without the permission of the Court, should not be prescribed, because it would cause unusual and unnecessary litigation.

166. LALLA MOHAN LALL AND MIAN ASDULLA,—think it right that the order of a Court should, in the case of guardians owing their status to the mere act of the Court, operate no further than as a declaration of status.

167. COLONEL C. A. McMAHON—

writes:—

"I would limit the effect of taking out a certificate of administration to a mere authoritative declaration of status, leaving it to the minor, on attaining his majority, to contest the validity of the guardian's acts on their merits if he so disposed. I think it most undesirable to place any restriction on the power of the minor to impeach the conduct

*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

*(Point VI.—Declaration as to powers of Guardians)*

of the guardian (see Mr. Justice Melvill's Minute, page 3) on the ground that the latter took out a certificate or obtained the sanction of the Civil Court to his proposed alienation of immoveable property."

168. MUHAMMAD LATIF—

says the first clause of section 18 gives the guardian greater powers than are allowed him under either the Hindu or the Muhammadan law; he thinks this very objectionable, and suggests that "a certificated guardian should be placed on no better footing, on the mere strength of the certificate he holds, than that which he held originally, namely, when he held no such certificate, and the effect of the certificate should be no more than to declare his status;" and further:—

"As to the definition of the powers of guardians who owe their status to the mere act of the Civil Court, I think it enough to say that these powers are well defined in the Hindu and Muhammadan law, and no change is desirable."

He also thinks it should be expressly declared (1) that the guardian in dealing with the minor's property is acting merely in his representative capacity, and (2) that his acts shall be open to objection by the minor, (i) if the latter, on attaining the age of puberty, finds his interests were prejudiced by the guardian's acts, whether sanction was obtained to the alienation of his immoveable property or not, or (ii) on the ground of fraud or collusion between the manager and the dealer, or (iii) on the ground of some misrepresentation of facts within the knowledge of the purchaser at the time the sanction was obtained.

169. CHAK BAKISH—

thinks it very desirable that the powers of guardians of all kinds should be defined. He argues that unless this is done confusion will result, with reference to the varying rules of Hindu law, Muhammadan law and custom and the powers supposed to be derived from the Court making an appointment; also, that it is desirable that guardians appointed by the Court should be denotatively given wider powers, for the benefit of the minor, than they would have under either the Hindu or the Muhammadan law.

His reason for placing all guardians on the same footing in this respect is that different rules applying to different classes of guardians seem unnecessary and would cause complications.

He thinks the powers given by clause 1 of section 18 of Act XL of 1858 should be maintained with this amendment, that the minor shall have the right, on attaining his majority to impeach the acts of his guardian on the ground of fraud or gross carelessness on his part.

He agrees with the Government of India that the powers of all guardians should be defined in some way which would indicate that they should not be dealt with as if they were acting on their own account.

170. COLONEL GURDON—

says "there is much truth in Muhammad Latif's arguments paragraph 168, *supra* against the retention of section 18 of Act XL of 1858, especially with reference to the different relative powers which a guardian of a minor and the minor himself, if he were not thus disqualified, possess."

171. MR. H. T. RIVAZ—

considers the first of the Government of India's proposals good, but doubts the advisability of attempting to carry out the second. He says the

general principles of law requiring that in dealing with representatives special caution should be exercised are well understood, and he fears that "an attempt to exhaust this subject in a single section of a legislative enactment might lead to complications and difficulties instead of serving any useful end."

172. THE LIEUTENANT-GOVERNOR OF THE PUNJAB—

agrees with Mr. Rivaz.

173. SARDAR GURDIAL SINGH—

thinks the powers conferred by section 18, clause 1 of Act XL of 1858 are too wide.

He suggests that a simple provision should be made to the effect that guardians "appointed under the Act" [? certificated] have, subject to the general control of the Court, power to do all acts necessary for the proper management and protection of the minor's estate.

174. MR. J. W. CHISHOLM—

writes:—

"It is no doubt important that transactions entered into by guardians in good faith should not be liable to be set aside except for fraud or other adequate cause. Section 18, however, confers on a certificated guardian practically all the powers of a proprietor. As in point of fact the guardian only represents the proprietor owing to his temporary disability as a minor, and as there are circumstances under which the action of guardians in regard to the property can be subsequently set aside, in my opinion the wording of the section should be altered in the sense suggested in paragraph 10 of the Government Resolution."

175. LIEUTENANT-COLONEL GRACE—

approves of the Government of India's proposals. He thinks the dealings of guardians with other persons in respect of the minor's property should be held to be those of a "trustee."

176. THE RECORDER OF RANGOON—

sees no objection to the Government of India's [a] proposals.

177. THE JUDICIAL COMMISSIONER OF BRITISH BURMA—

writes:—

"There can, in my opinion, be no doubt that the first portion of section 18 of Act XL of 1858 should be amended. The status of the guardian and the powers vested in him should be much more clearly defined; and I cannot but think that section 8 of Chapter II, Tit. X, Lib. I, of the Belgian Code might with advantage be consulted on this subject."

178. THE CHIEF COMMISSIONER OF BRITISH BURMA—

considers clause 1 of section 18 might with advantage be amended as suggested by the Government of India.

179. MR. J. KNOX WIGHT—

writes:—

"With reference to paragraph 10 of the Resolution, I am of opinion that the first clause of section 18, Act XL of 1858, should be so amended as to make the powers of the certificated guardians equal to those of non-certificated ones. I think section 18 is quite exhausted, and does not require any amendment; but if it is to be

*Frécis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

*(Point VII.—Effect of Court's sanction to alienations)*

interpreted in the way Mr. Justice Melvill has done,\* words may be added to it to make the powers of certificated guardians co-extensive with those of guardians appointed by virtue of relationship, excepting only in this point that the latter have uncontrolled power, whereas the former must secure the sanction of the Court in some cases.

"As regards the concluding portion of paragraph 10, I think there is no necessity for introducing any technical provision in the matter indicated therein. Although no such provision is contained in the existing Act, no difficulty is said to have arisen in practice."

180. MR. H. MUSPRATT—  
thinks it is necessary to define what powers guardians should exercise, whether by virtue of a certificate of appointment or of relationship.

181. BABU KOYLAS CHUNDER GHOSE—  
considers it is necessary to make any provision such as that suggested in the second clause of paragraph 10 of the Resolution.

COLONEL W. HULL—  
concurs in the Government of India's proposals.

183. THE RESIDENT AT HYDERABAD—  
concurs in the Government of India's proposal regarding the first point. He further makes the following suggestions:—

"The powers of a guardian who owes his status to the mere act of the Court should be especially defined at the time of his appointment, and should be limited to all acts necessary for the efficient management of the estate, the best lines to follow probably being those laid down for the duties and liabilities of trustees.† Any alienations extending beyond short leases, and any expenditure from the estate upon marriage or other ceremonies, should be prohibited except under the order of the Court."

[Please also see remarks by Mr. Justice West in paragraph 112, *supra*.]

VII.—*Whether (if clause 2 of section 18 of Acts XX of 1861 and XL of 1858 is retained) it should not be made clear that the effect of the Court's sanction to sell, alienate, &c., any immovable property is to give the purchaser a good title to such property, in the absence of fraud or collusion on his part.*

184. The Government of India explained that if such is not the effect the sanction would, from the purchaser's point of view, afford little or no protection, and the minor's property would consequently be depreciated in value.

184A. MR. HUTCHINS, THE MADRAS BOARD OF REVENUE, MR. H. J. SPAERS, THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER, NORTH-WESTERN PROVINCES AND OUDH, MR. H. T. RIVAZ, THE CHIEF COMMISSIONER OF BRITISH BURMA AND THE RESIDENT AT HYDERABAD—  
concur in the Government of India's proposal.

185. THE RECORDER OF RANGOON—  
sees no objection to it.

186. MR. PLUMER—  
thinks no hard-and-fast rule should be laid down as to the effect of the Court's sanction.

The mere sanction, without any declaration as to its effect, he says, is useful in affording a check

on dishonest or incapable guardians; and he does not think it necessary to protect the alienee by declaring its effect, because the law as it stands affords him a sufficient guide.

187. MR. R. RY. A. L. V. RAMANA PUNTULU GARU, SUBORDINATE JUDGE OF MADURA,—

agrees with Mr. Justice West "that *bonâ fide* transactions affecting the immoveable property of minors, entered into by certificated administrators with the previous sanction of the District Court, should bind minors to the same extent as alienations made by the managing members of undivided Hindu families."

188. THE HON'BLE MR HUMAYUN JAH, BAHADUR,—

agrees with the Government of India, but would say "in the absence of fraud (or collusion) on the part either of the guardian or of the purchaser."

189. SIR CHARLES TURNER—  
writes as follows:—

"The 2nd clause of section 18, Act XL of 1858, does not confer on purchasers a title which the minor may not dispute. The sanction of the Court implies that the transaction as presented to it appeared to be for the interest of the minor. In order that the property of minors may not be depreciated by the difficulty of making as valid a title as can be made by an owner, it may be desirable to enact that where the Court is satisfied that the full market-value has been given for the property and [?] that the guardian [?] has secured the investment of the price in certain specified securities, the title of the purchasers shall be defeated only on proof of fraud."

190. SIR CHARLES SARGENT—  
thinks the title acquired by the alienee with the consent of the Court should be conclusive against the minor.

191. THE HON'BLE MR. PAUL—  
discusses the case reported in I. L. R., 5 Cal., 363, quoted by Mr. Justice Melvill, which, he says, he does not understand to have decided that a sanctioned sale cannot be impeached on ordinary grounds. Mr. Paul "conceives that the object of clause 2 of section 18 of the Acts was to prevent any such dealings as those prohibited without sanction, and that the sanction is required for the benefit of the minor, and has no reference to the security of the purchaser." He "doubts the wisdom of discharging guardians from responsibility for such transactions or of protecting purchasers in them, unless the transactions are capable of bearing full scrutiny," and he "does not see how the depreciation of price in such a transaction can be avoided without accepting the risk of affirming transactions injurious to infants, and so doing more harm than any such depreciation in price can do."

192. MR. JUSTICE STRAIGHT—  
thinks sanction should, except where it has been obtained by fraud or misrepresentation, be conclusive of the vendee's or mortgagee's title.

193. MR. B. W. COLVIN—  
would do away altogether with the necessity for sanction (see his remarks in paragraph 119 of, *piece*).

194. MR. DETHGOT—  
writes with reference to the Government of India's proposal as follows:—  
"I would have a separate section in the Act

\* See Home Department's Proceedings No. 168 for October, 1882, *ante* 24.

*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

*(Point VIII.—Extension of new law to Presidency-towns.)*

ne it to cases in which immoveable property is alienated with the sanction of the Court. I think that guardians should be allowed to dispose of moveables, and to make temporary alienations of immoveables, without the sanction of the Court, and to alienate immoveables permanently with the sanction of the Court; and that as regards both sets of cases the full authority of the guardian to bind the minor, except of course in the event of fraud and collusion, should be declared."

(Please also see his remarks in paragraph 161, *infra*.)

195. LALLA GIRDHARI LAI—

considers that "an alienation made by a guardian with the Court's permission should be held conclusively binding on the minor unless he proves fraud."

196. UMAR BAKSHI—

suggests that the sanction of the Court should have no more effect than this, that the transaction will be presumed to be binding on the minor unless he proves that both the guardian and the purchaser were guilty of fraud, or that the sanction was obtained by misrepresentation which was known to the purchaser.

197. MR. BEHALI LAL BASU—

suggests that the enquiry made by the Court before giving sanction should not be a summary one; and that friends and well-wishers of the minor should be given an opportunity to oppose an application for sanction, and should be allowed to offer an appeal against the sanction when given. With these safeguards, he would enact that the sanction makes the transaction valid to all intents and purposes, and that the minor may impugn it, on reaching his majority, only on the ground of fraud or collusion.

198. LIEUTENANT-COLONEL GRACE—

proves of the Government of India's proposal, it would also insert "want of necessity" as a ground for disputing an alienation.

199. THE JUDICIAL COMMISSIONER OF BRITISH BURMA—

precautes the amendment suggested by the Government of India. He writes—

The materials after the examination of which sanction is given are very unsatisfactory, and mistakes are often made. Looking to these circumstances, the title now given under the Act seems to be quite sufficient, and not too precise to be dangerous."

200. MR. H. MUSRATI—

views the Court merely acts upon a one-sided statement or on proofs adduced by the applicant; and would not, therefore, treat the sanction as conclusive evidence of the real necessity for the transaction when the ward, after attaining majority, desires to impeach the alienation.

Regarding the question of sanction, he further writes as follows:—

"I have found it a good plan to direct a Civil Court to make enquiries and to see that the creditors really do hold bonds, &c., duly executed by the previous owners.

"I think it would be advisable also to allow the strict Judge to give his consent to the minor's representative jointly with the co-sharers creating derivatives or giving long leases to parties wish-

ing to mortgage, coffee, chinchona, quarrying, &c., on portions of an estate from which little or no profit is derived. The powers to the Judge on all these matters should be clearly defined, and he should have to sit with, say, two Assessors unconnected with either party when deciding such matters. Before any decision was given, the Judge and the Assessors should determine in what way publicity should be given to the applications to enable the reverend fathers or friends or any one to show cause against the said applications."

201. BABU KOYLAS CHUNDER GHOSE—

considers it unnecessary to make any such amendment as that proposed by the Government of India, because it is he says, always understood that the Court's sanction will avail nothing if it was obtained by fraud or collusion.

[ See also remarks by—

Mr. Justice Melvill, in paragraph 78 of précis;

Mr. Wigram, in paragraph 107 of précis;

Mr. E. Bayley, in paragraph 109 of précis;

Mr. J. W. Clisholm, in paragraph 174 of précis;

Mr. Justice Field, in paragraph 258 of précis; and

Khan Ahmed Shah, in paragraph 296 of précis.]

1 III.—*Whether, if it should be decided to consolidate the law for the whole of British India, the new Act should not be extended to the original local jurisdiction of the Presidency High Courts.*

202. The Government of India thought this might be done, a section like section 159 of Act V of 1881 being inserted to abolish the old jurisdiction. One advantage would be that the Government would be placed in a better position than at present for dealing with the question of the local operation of a guardian's appointment, and this might be arranged for by the insertion of a section like section 59 of Act V of 1881, making the appointment of a District Court operative throughout the province and giving the High Courts power to make an appointment to hold good throughout the entire local extent of the Act. A further question would, it was said, arise in connection with this point, namely:—

(b) *whether the Courts in appointing guardians of property should not be given power to make appointments limited to particular property.*

The remarks contained in the following paragraphs which refer to this last point are marked "[b]" on the margin.

203. MR. E. BARCLAY—

thinks it might be advisable to make the new Act applicable "to the Presidency-towns and to the High Courts," but says that if this is done some difficulty might be felt in declaring who should be the temporary manager of a minor's estate in a Presidency-town pending an application for a certificate of administration.

He suggests that a certificate of administration should be made to extend throughout the province in which it is granted, and where specially so ordered by the Court granting it throughout the local extent of the Act; the powers of a temporary manager (in the mufassal, the Collector), however, extending only over his own district.

He thinks the suggestion on point (b) should not be adopted, because questions might arise as to who should represent the minor on legal proceedings being taken in respect of property not comprised



*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

*(Point IX.—Personal application of new law.)*

204. THE MADRAS BOARD OF REVENUE—

have nothing to urge against the proposal to extend the new Act to the Presidency-towns.

205. MR. JUSTICE WEST—

approves of that proposal.

206. MR. JUSTICE MELVILL—

approves of all the Government of India's proposals under this head.

207. THE HON'BLE MR. PAUL—

thinks the law for the Presidency-towns and the law for the Mufassal should only be assimilated if the former is found suitable for adaptation to the Mufassal, as, being the more comprehensive, it should in his opinion form the model for legislation.

Referring to sections 2, 4, 5 and 10, *et seq.*, of Act XL of 1858, he argues that there is no local limit to the operation of certificates under the present law. He continues: "Consequently I do not see any objection to making the guardian's power extend generally to all the minor's property. It does not, of course, follow that the authority of the Court should be required to warrant dealing with a minor's property in all parts of the country; but where a guardian of the estate is required, I do not see why all the property of a minor in India, or at least in the Presidency, should not be in his charge. Any inconvenience which might arise from the property being widely scattered might be remedied by giving the Court power to limit its appointment to special property."

208. MR. JUSTICE STRAIGHT—

says the proposal to enact a provision similar to the proviso to section 59 of Act V of 1881 would obviate difficulties of a kind which have more than once arisen in the North-Western Provinces.

209. MR. H. J. SPARKS—

approves of all the Government of India's proposals under this head.

210. MR. B. W. COLVIN—

approves of the proposal to enact a provision similar to the proviso to section 59 of Act V of 1881.

211. MR. DUTHOIT—

considers there can be no objection to the proposal that a District Court certificate should hold good for a province, while applications for a certificate to hold good for the whole of British India should be made to the High Court.

212. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER, NORTH-WESTERN PROVINCES AND OUDH,—

approves of the proposal to insert a section like section 59 of Act V of 1881, and also of the proposal on point (b).

213. MR. BEHARI LALL BASU—

considers it desirable that the special procedure of the Presidency-towns should be abolished and the proposed Act made applicable to them as well as to the Mufassal.

In regard to point (b), he says there may be instances in which a provision like that proposed by the Government of India may be required, but he thinks it preferable that one person only should have the responsibility of managing the entire estate of a minor.

214. THE RECORDER OF RANGOON—

sees no objection to any of the Government of India's proposals under this head.

215. THE JUDICIAL COMMISSIONER OF BRITISH BURMA—

sees no objection to the extension of any general consolidated Minors' Act to the Presidency-towns, or to the proposal on point (b).

216. MR. J. KNOX WIGHT—

considers the Government of India's proposals a move in the right direction.

[See also remarks by—

Sir Charles Turner, in paragraph 221 of précis; the Judges of the Calcutta High Court, in paragraph 226 of précis;

the Hon'ble Mr. O'Sullivan, in paragraph 218 of précis;

Sir Charles Sargent, in paragraph 254 of précis; and

Lalla Madan Gopal, in paragraph 351 of précis.]

*IX.—Whether the proposed new Act should not be confined to Hindus, Muhammadans and Buddhists, and other persons who have definite personal laws, and the European British Minors' Act, XIII of 1874, made applicable to all other classes of persons and its operation extended to the whole of British India, including the Presidency-towns, the jurisdiction of the High Courts in respect of European British minors being abolished.* *Point I. Personal application new law.*

217. The Government of India's views on this question were stated as follows:—

"As regards the classes of persons to whom the proposed Act should apply, it may be observed that the division which the law at present makes into European British subjects on the one hand, and all other persons on the other, involves the continuance of a state of things which is now passing away, and appears, moreover, to be based on no intelligible principle. It is not clear, for instance, why an Eurasian, who, though not a European British subject, is for all practical purposes on exactly the same footing, should be placed in the matter of guardianship in a different position from a European British subject. In this matter the only true distinction appears to be that recognized in the Succession Act, namely, between such persons as Hindus, Muhammadans and Buddhists, who have definite personal laws which the Government are bound to respect, and other persons who possess no such laws. From this point of view it appears to the Governor General in Council that the present opportunity might also conveniently be taken to make Act XIII of 1874 (the European British Minors' Act, 1874) applicable to the latter class of persons in the same way as the Succession Act is made applicable to them. If this were done, Act XIII of 1874 might be extended to the whole of British India, including the Presidency-towns, the jurisdiction of the High Courts in respect of European British minors being at the same time abolished. The proposed new Act would then be applicable to Hindus, Muhammadans, Buddhists and other persons exempted from Act XIII of 1874, and the law in regard to minors would be rendered simple and complete."

218. MR. W. WILSON—

approves of these proposals.

*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

*• • (Point IX.—Personal application of new law.)*

219. MR. E. BARCLAY—

thinks the new Act should apply to all minors being British subjects and possessed of property in British India, except infant members of an undivided Hindu family possessing merely an undivided share in the family property. "It would," he continues, "probably be thought advisable to incorporate some of the provisions of the European British Minors' Act, 1874, in the new Act, but I think, as a general rule, the certificated administrator should be appointed guardian of the minor's person. It would not, I should say, be desirable to appoint the temporary manager guardian of the person."

Mr. Barclay raises a question as to the power of the Indian legislature to abolish the jurisdiction of the High Courts over infants.

220. THE MADRAS BOARD OF REVENUE—  
concur with the Government of India.

221. SIR CHARLES TURNER—  
writes as follows:—

"An Act similar to Act XIII of 1874 might be framed, applicable to all Courts, including the chartered High Courts, and dealing with minors of all creeds and races, provided that it does not abridge any of the useful powers at present possessed by the chartered High Courts, that it contains a declaration that in the selection of guardians regard shall be had to the personal law of the minor, and that in making provision for the custody of the property of the minor who is a member of an undivided Hindu family, the Court shall, except in a case in which it is established that the interests of the minor have been actually impeded, abstain from interference with the powers of the managing member.

"The object of the law is to provide for the maintenance and education of the minor in a manner suitable to his means and position and to protect his property, and the same measures which would secure these results in the case of Europeans, Eurasians and Native Christians would ordinarily be appropriate to the case of persons of other races or creeds."

222. MR. JUSTICE WILKES—  
writes:—

"A new Act should, I think, extend to all classes of the community. I cannot see why this scope might not be given to it. It would take for granted that under different laws there were natural or legal guardians, and proceed on that basis to prescribe their general duties and define their rights."

223. SIR CHARLES SARGENT—  
thinks that as regards the separate property of a Hindu minor, and all the property of other minors "the general provisions of the Act of 1874 might be retained and extended to Europeans as well as natives" (His suggestions for the amendment of the Act in detail are noted elsewhere).

224. MR. JUSTICE MEWILL—  
approves of the Government of India's proposals.

225. THE HON'BLE MR. PAUL—  
does not see that any distinction need be made between the various races, except as to the persons to be selected or recognized as guardians.

226. THE JUDGES OF THE CALCUTTA HIGH COURT—  
concur in the views of the Government of India, and, if they are carried into effect, consider there

would be no objection to extending the provisions of both Acts (that for Hindus, &c., and that for all other persons, including European British subjects, to the Presidency towns care being, however, taken to preserve any special jurisdiction at present vested in the High Courts.

227. MR. JUSTICE OLDFIELD—  
writes as follows:—

"I think Act XIII, 1874, might, as suggested in the Resolution of the Government of India, be made applicable to persons other than Muhammadans, Hindus and Buddhists in the same way as the Succession Act, with such modifications as may appear called for.

"The powers in section 16 [of Act XIII of 1874] conferred on guardians would be generally too restricted, and I see no object in requiring the Court's sanction to alienations, except in the cases referred to in paragraph 8 of the Resolution."

228. MR. JUSTICE STRAIGHT—

considers the principle put forward by the Government of India as a sound one.

229. MR. B. W. COLEMAN—

thinks the Government of India's proposals correct.

230. MR. W. DUNHILL—

contests the views expressed by the Government of India, as to the propriety of having separate enactments for Hindus, &c., and for Europeans and the like. He sees no necessity for making any such classification, and is in favour of the proposal on the ground of its being open to the objection attending "class legislation." He advocates the enactment of a single general law applicable to all classes, and he suggests that it should be based on Act XIII of 1874 (see paragraph 291, *infra*).

231. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER, NORTH WESTERN PROVINCES AND OUDH—

says the proposals made by the Government of India require full and mature consideration.

In regard to the proposed extension of Act XIII of 1874, he writes:—

"The special jurisdiction of the chartered High Court of these provinces over European British subjects seems to stand thus. Section 12 of the Letters Patent of the Court confers on it the like power and authority with respect to the persons and estates of infants within the North-Western Provinces as that which is exercised in the Lower Provinces by the Calcutta High Court. It is believed that the Calcutta High Court exercises over infants the same jurisdiction that was conferred on the Supreme Court by section 25 of the Letters Patent of 1874. This section authorised and empowered the Supreme Court to appoint guardians and keepers for infants and their estates according to the order and course observed in England. The Lieutenant-Governor is aware that Act XIII of 1874 is in most respects a reproduction of the law of England regarding minors, and he recognises the great advantage of having that law codified in a readily accessible form. The advisability of conferring on the District Courts a jurisdiction concurrent with that of the High Court over European British minors may, perhaps, also be conceded. But if, in the exercise of their jurisdiction, the chartered High Courts now have regard to domicile in determining the proper law

*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

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nonage and other matters, Sir Alfred Lyall would, in the event of the proposed legislation being proceeded with, preserve the existing practice of those Courts, and extend it, in the case of European British minors, to those portions of British India to which Act XIII of 1874 now applies."

In regard to the proposal to pass two separate Acts, *viz.*, one for Hindus, &c., and one for Europeans and the like, he writes:—

"The division of the population into two classes—(a) those possessed of definite personal laws which the Government is bound to respect, and (b) other persons who possess no such laws—seems open to objection. It is true that this division was adopted in the case of Act X of 1865 and Act V of 1881; but the subject now under discussion and that covered by the two Acts just named differ in some important respects, and in any case it would seem that the appropriateness of the proposed division should be decided on its merits, and that it should not be adopted merely on the ground of analogy. It would seem to be considered that European British subjects, Christians, Parsis, Jews and the other miscellaneous classes of persons to whom Act V of 1881 [Act X of 1865] applies have no definite personal laws which the Government is bound to respect. But it has already been shown that European British minors have a definite personal law, *viz.*, the law of England; and it seems hardly appropriate to place these persons in the category of those who have no personal laws which the Government is bound to respect. Besides, the distinction, as now worded, seems likely in practice to offend the susceptibilities of some of those classes of persons who are considered to have no personal laws (that the Government is bound to respect, since it might create an impression that the Government regards itself as bound to respect the special laws of Hindus and Muhammadans more than those of Europeans and other classes of the community. If a measure were passed on the lines now indicated, it would be difficult to secure to any of the classes affected the enjoyment of their own personal law, by the insertion in the contemplated Act of a section similar to section 332 of Act X of 1865, which empowers the Governor General to exempt any race or tribe from the operation of the Act. Such a section might, indeed, be used to exempt a race or tribe which might be found to have a definite personal law which the Government was bound to respect; but its effect would be to bring the tribe so exempted under the second Act referred to in paragraph 13 [of the Resolution], which would apply primarily to Hindus, Muhammadans and Buddhists. For those reasons it seems desirable that the distinction recognized in the Succession Act should be not applied in the present instance without a full consideration of all the consequences that may flow from it."

232. COLONEL C. A. McMAHON—

approves of the proposals of the Government of India.

233. SARDAR GURDIAL SINGH—

approves of the proposed class distinction.

234. LIEUTENANT-COLONEL GRACE—

thinks that "if it should be decided that a general consolidated Act is necessary for the protection of the person and property of minors throughout British India, it should be on the lines of the Suc-

235. THE RECORDER OF RANGOON—

sees no objection to the Government of India's proposals.

236. THE JUDICIAL COMMISSIONER OF BRITISH BURMA—

thinks it would be in every way desirable to carry out the proposals made by the Government of India.

237. THE CHIEF COMMISSIONER OF BRITISH BURMA—

thinks it would doubtless be desirable to carry out the Government of India's proposals if any consolidated Act is passed.

238. MR. J. KNOX WRIGHT—

considers the Government of India's proposals a move in the right direction.

239. COLONEL W. HILL—

agrees with the Government of India as to following the precedent of the Succession Act.

240. THE RESIDENT AT HYDERABAD—

agrees with the Government of India.

(See also remarks by—

the Hon'ble Mr. O'Sullivan, in paragraph 248 of *précis*, and

Mr. R. J. Crosthwaite, in paragraph 273 of *précis*.)

241. In the following paragraphs (242 to 282) are noted the remarks and suggestions of Local Governments and officials relative to the proposed consolidation of the law relating to minors, and to the necessity for new legislation on this subject at the present time.

242. MR. H. WIGRAM—

considers it highly desirable to consolidate the law. He mentions that the Madras law is contained in the following enactments:—

Madras Regulation V of 1801,  
Madras Regulation X of 1831,  
Act XIX of 1841,  
Act XXI of 1855,  
Act XVI of 1858,  
Act XXVII of 1860, and  
Act IX of 1861.

In regard to some of these enactments he considers it desirable that amendments should be made as indicated below:—

He refers to a decision of the Madras High Court that under Madras Regulation X of 1831 the Civil Courts had no jurisdiction to appoint a guardian where the Court of Wards might take an estate in hand but did not do so; and suggests "that in the case of all large estates, whether they pay revenue to Government or not, the Court of Wards should continue to exercise jurisdiction, and that in smaller estates, where the minor is the sole heir, or where a distinct branch of an undivided family becomes, by the death of its head, represented by minors only, the District Court should have jurisdiction to appoint a guardian, and that preference should be given to the mother, if of sufficient capacity;" and further, as regards the custody of minors, "that the Courts should follow the same rule in the case of those subject to the Succession Act as in the case of those not subject to it, namely, that the Court should do in every case what it considers best for the interests of the minor."



*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

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And in regard to Act IX of 1861, he says:—

"Applications under this Act have been made to me regarding the custody of Muhammadan children whose parents were dead and disputes had arisen between the paternal and maternal relatives. I always felt a difficulty in deciding whether I ought to follow the Muhammadan law, or refuse to appoint as guardians persons excluded by section 19 of Regulation V of 1801."

243. MR. HUTCHINS—

gives a list of the enactments in force in the Madras Presidency regarding minors.

244. MR. PLUMER—

also gives a list, and says his experience has been that the law in Madras (so far as it refers to minors not subject to the Court of Wards) has been practically inoperative.

He agrees that a case has been made out for the amendment of the Bombay and Bengal Acts

245. THE HON'BLE MR. HUMAYON JAH—

approves of the proposal to consolidate and amend the law.

246. MR. E. BARCLAY—

approves of the proposed consolidation and re-enactment of Madras Regulation V of 1801, Act XL of 1858, Act XX of 1861 and Act XIII of 1874.

247. MR. ANSAR-UD-DIN—

quotes the Regulations and Acts in force in Madras, and says he does not think they require any amendment. If the proposed consolidation is carried out, he recommends that the Madras law should not be modified during the process.

248. THE HON'BLE MR. O'SULLIVAN—

thinks "an Act, founded upon Act XL of 1858, might be applied to the whole of British India and to all classes of minors except in cases where the Court of Wards has intervened."

249. MR. J. W. HANDLEY—

doubts whether any amendment of the Regulations (which he cites) in force in Madras is required. He thinks all that is necessary would be a short Act giving the Courts power to appoint guardians for all minors for whom none have been otherwise appointed (*i.e.*, those who have not been taken in hand by the Court of Wards), and this only in the event of the High Court, to whom the question had been referred, deciding that Madras Regulation X of 1831 cannot be construed so as to give this extended power as it stands.

He deprecates any legislation which would further facilitate the interference of the Courts with the action of guardians by relationship or appointment, thinking it best, for reasons which he gives, that suits against them should not be encouraged.

250. MR. P. SREENAVASA RAO, JUDGE OF THE MADRAS COURT OF SMALL CAUSES,—

agreeing with Mr. Handley, "deprecates any legislation which would unnecessarily interfere with the liberties of the people," and shows that the policy of the Madras legislature has always been to avoid such interference. On the question of the power of the Courts to appoint guardians for minors who have not been taken in hand by the Court of Wards, he quotes authorities showing that the Courts have full powers in such cases, but he would not object to a short Act declaring the law.

251. MR. G. MUTTUSWAMY CHETTIAR—

cites the law in force in Madras, and says he considers further legislation unnecessary. The only point in which that law fails, he says, is that it does not reach small estates; but this is unavoidable, both because of the peculiar constitution of Hindu families, and because the Collectors are already overworked.

He agrees with Mr. Handley in thinking a short declaratory Act might be passed of the nature, and in the circumstances, noted in paragraph 249 of this précis.

252. THE MADRAS BOARD OF REVENUE—

say the necessity for amending the law relating to minors and other disqualified persons in the Madras Presidency has long been acknowledged, and that some years ago a Bill was drawn up to introduce the requisite amendments, among which were some of those suggested in the Government of India's Resolution. The Board concur with the Government of India's proposal to consolidate the whole law for British India, and suggest (paragraph 8 of their Proceedings) that the new Act should extend not only to minors but to all persons incapacitated by sex, infirmity or imprisonment from managing their property.

They note that on the passing of the new Act the law relating to the Madras Court of Wards will require re-casting; they remind the Government of India that the Madras law relating to minors is contained in the following enactments:—

Mad. Reg. III of 1802	Act XIX of 1841
Mad. Reg. V of 1804	Act XXI of 1855
Mad. Reg. X of 1831	Act XIV of 1858,
	and Act IX of 1861;

and they suggest that care should be taken to declare in the new Act that its provisions shall not extend to such estates, under the jurisdiction of the Court of Wards as the Court of Wards may think proper to take under its protection.

253. SIR CHARLES TURNER—

gives a review of the law in force in the Madras Presidency, showing (1) that it is, as interpreted by the Courts, defective in that it leaves certain minor children adequate protection, and (2) that it fails to provide sufficiently for the representation and protection of minors whose property becomes the subject of litigation. His remarks on the second of these points will be found abstracted in other parts of this précis, his remarks on the first point show—

(a) that "the Civil Courts in the Madras Presidency have, in the matter of guardianship, such general powers as are inherent in Courts which have jurisdiction to try all suits of a civil nature except where such jurisdiction is limited by enactment, and the District Courts have the powers conferred on them by the Regulations and Acts;"

(b) that under a High Court ruling of 1871, section 8 of Madras Regulation X of 1831 is held to give no power to appoint guardians for minors whose estates the Court of Wards could have, but has not taken under its management, or for minors entitled as co-partners to estates paying revenue or rent directly to Government;

(c) that under section 3 of Madras Regulation V of 1801 the Local Government may decline to pass an order bringing an estate under the Court of Wards, although the Collector has made a report with a view to such an order being passed, and that it is obviously unreasonable to expect the Local Government to pass such an order in the case of

*Excerpts of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

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Faiyadwari estates (supposing the term "property" to include such estates), while there are other cases, too, in which the Local Government might, for excellent reasons, decline to pass such an order.

Sir Charles Turner says it cannot be desirable that in the cases mentioned the persons and property of minors should be left without protection, and that the necessity of affording protection has been shown by experience. He suggests, as regards estates held in co-partnership, that excepting only in those cases where the co-partnership consists of a father and a son, the District Court should have power to appoint guardians where the Collector has satisfied himself of the necessity for intervention.

He also points out that Act IX of 1861 makes no express mention of the *property* of minors, and does not empower the Court to confer power to deal with such property on the person whom it recognizes or appoints as guardian; also that it is defective in that it makes no express provision for the supersession or removal of a guardian once appointed. In regard to the first of these two points, he suggests that, in view of possible misapprehensions in the past as to the effect of recognizing or appointing a guardian, it may be desirable that in the contemplated legislation the acts of such guardians done *bona fide* in the interests of minors should be validated; and further that, in any case, it is obviously desirable that there should be an express declaration of the powers which, independently of the personal law of the minor, the Court is authorized to confer on a guardian in respect of a minor's property; also that the Court should have power to interfere and appoint guardians of the persons and managers of the property of minors either on the report of the Collector or of its own motion in cases subject to the jurisdiction of the Court of Wards in which the Government has declined to authorize the Court of Wards to take charge of the estate, or in other cases where there is no guardian or manager and it is proved to be desirable in the interests of the minor that an appointment should be made.

In view of the defects mentioned in the foregoing clauses of this paragraph and the abstracts from his Minute noted in other paragraphs of this paper, Sir Charles Turner concurs in the proposal to consolidate and amend the law. He mentions that the Madras High Court in November, 1874, advised the Government of Madras that it would be desirable "to repeal the old enactments and by new legislation provide for the proper guardianship of minor proprietors and the management of their property," and further points out that "in view of the circumstances that the Regulations and Acts dealing with minors and their property are so numerous, and that the High Courts have in addition to administer the written and unwritten law of England in the case of European minors, the Indian Law Commission of 1879 indicated this branch of the law as specially calling for codification."

254. SIR CHARLES SARGENT—

thinks it highly desirable that there should be but one Act regulating the care and administration of the persons and property of all minors throughout British India.

He considers that an Act framed on the lines indicated in his Minute, with such other provisions as the English law may suggest, would be a valuable addition to the Indian Codes.

255. THE HON'BLE MR. PAUL—

thinks it would be desirable to assimilate the law for Bengal and Bombay, but cannot advise as to Madras. The fact that the Mitakshara law prevails in that Presidency should, he suggests, be taken into consideration.

Further on he remarks that Acts XI of 1858 and XX of 1861 are "obviously open to great improvement, both in language and substance."

256. MR. T. T. ALLEN—

says the points taken up in Mr. Justice Melvill's Minute of August, 1881, in every instance refer to matters wherein either the Bombay Act differs from the Bengal Act or the circumstances of Bombay differ from those of Bengal.

The Bengal Act, he says, works well and is now well known and understood, and he can see no good reason for interlarding with it. He adds, "I think nothing can be so mischievous as, from a hankering after symmetry, to repeal a good law against which no complaints have been made, in order to re-enact it with some slight variations that are certain to escape notice by parties concerned, and thus lead to future loss and confusion." He is therefore opposed to any change being made in the law.

257. THE GOVERNMENT OF BENGAL—

concur generally in the views expressed by Mr. Allen, and see no sufficient reason for interfering with Act XI of 1858.

258. MR. JUSTICE FIELD—

thinks it desirable that an amended and consolidated Act should be passed for the whole of (British) India, and recommends that the provisions of Act IX of 1861 be incorporated. Speaking generally he considers the following are the main lines upon which the new Act ought to be framed:—

*First*.—All persons dealing with the property of minors without any certificate obtained from the Civil Court should be left to the general law applicable to persons of their class and to those transactions into which they may have entered. It would be extremely difficult and, to my mind, dangerous to attempt to reduce to propositions in the form of sections of an Act those principles applicable to Hindus, Muhammadans and other classes in India which regulate the power of dealing with property belonging to minors or in which minors have an interest, in the numerous cases in which questions as to the extent of that power may arise. Take, for example, the case of alienations made by the guardians of minors in cases of alleged necessity (see this question discussed in the Privy Council case above referred to—*Durga Prasad v. Kesho Prasad Singh*). The question under what circumstances such alienations are justified has been repeatedly before the Privy Council (see the case of *Hannoman Prasad Pandey v. Mussant Daboo Atunraj Koonari*, 6 Moore's L. Ap. Cases, 393), and has been repeatedly in various forms before the High Courts in India. It would be extremely difficult to formulate in a single proposition or series of propositions the various cases in which alienation on the ground of necessity can be justified or otherwise."

*Secondly*.—It should be enacted generally that persons dealing with the estate of an infant and taking the profits thereof are responsible at the suit of the infant suing through a next friend while under age, or in person after attaining majority, such responsibility being determined according to

*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

*(Proposed consolidation and necessity for new legislation.)*

the law applicable under section 24 of the Bengal Civil Courts Act, VI of 1871, and the corresponding provisions in force in other parts of India. 'If a man,' says Mr. Daniell, 'intrudes on the estate of an infant, and takes the profits thereof, he will be treated as a guardian, and held responsible for the same to the infant in a Court of Equity.' (Daniell's Chancery Practice, Vol. II. p. 1204). In those cases in which a certificate had been obtained under the provisions of the Act the person who obtained such certificate should of course be under the general control of the Court; should be bound to give security, if the Court saw fit to require it, and to render an account. His powers of leasing might be regulated by statutory provisions, while his power of alienation, should be subject to the direction of the Court to be obtained in a summary way. In this latter case, his act, so far as third parties were affected, ought to be valid except in cases of fraud or collusion."

259. MR. JUSTICE TOTTENHAM—

agrees with Mr. Justice Field that it is desirable to pass a consolidated Act for the whole of (British) India.

260. THE JUDGES OF THE CALCUTTA HIGH COURT—

(collectively) consider Act XL of 1858 is, "in several respects defective; that its language is, in some instances, indistinct; and that legislation is desirable for the purpose of amending the Act, bringing it into more complete accordance with Chapter XXXI of the Civil Procedure Code, and placing the whole law on the subject on a clearer and better defined footing."

They also "concur with the Government of India in thinking that the opportunity might advantageously be taken to consolidate the Acts and Regulations which at present govern the subject in various parts of the country in a single enactment applicable to the whole of British India."

261. SIR R. STUART—

urges that Act XL of 1858 should be left alone.

262. MR. JUSTICE STRAIGHT—

considers it would be highly desirable to consolidate the law relating to minors for the whole of British India in one well-considered and comprehensive Act.

263. MR. H. J. SPARKS—

approves of the proposal to consolidate the law for the whole of British India.

264. MR. W. DUTHOIT—

thinks it desirable that the law for the whole of British India should be consolidated, it, as appears to be the case, that course is practicable.

[For his suggestions regarding such consolidation, see paragraph 291, *infra*.]

265. MR. JUSTICE SMYTH—

is not aware that any practical difficulty has arisen in the Punjab in the working of Act XL of 1858. The Act is not, however, much used, he says, in that Province.

266. MUHAMMAD LATIF—

agrees that Act XX of 1861 requires amendment.

He is "sure the country will hail with satisfaction and gratitude a consolidated Minors Act extending over the whole of British India and

embodying the provisions of Acts IX of 1861, XXVII of 1860 and IX of 1875, in regard to each of which much uncertainty prevails at present."

267. UMAR BAKSHI—

agrees that Act XX of 1861 requires amendment.

He suggests that the new Act should incorporate Acts IX of 1861 and IX of 1875 (Majority), as well as Act XL of 1858.

268. COLONEL GURDON—

thinks the time has arrived for a general consolidated Act applicable to the whole of British India.

He thanks Umar Bakshi's suggestion to include Act IX of 1875 (Majority) in the new enactment is worthy of consideration.

269. MR. H. T. RIVAZ—

writes:—

"So far as I know, no serious inconvenience has been felt in the Punjab with reference to the working of Act XL of 1858. The reported cases under the Act are, so far as this province is concerned, few in number, and disclose no particular difficulties experienced in applying the Act; and the result of my experience, so far as it goes, is that the machinery of the Act is very seldom set in motion in this province, and when it is set in motion amply meets the requirements of the case. The proposal therefore to extend the application of the Act and confer wider powers on the Court appears to me, so far as the Punjab is concerned to be unnecessary."

270. THE FINANCIAL COMMISSIONER OF THE PUNJAB—

writes:—

"The general tendency of the proposed legislation is to make the relation of guardian and minor much more legal than it has hitherto been in the Punjab, and to give occasion to greatly increased resort to the Civil Courts for certificates of administration. The Financial Commissioner thinks that both these changes are neither required nor desirable in the Punjab. The present system works easily, gives little trouble either to the people or the Courts, does not, Colonel Davies believes, give occasion to any large amount of litigation, and appears to be generally acceptable. In many cases it may work as an actual family bond."

"There seems to the Financial Commissioner therefore, little necessity for fresh legislation, but if a new enactment be determined upon, it should be merely one declaring and making clear the present practice, and not innovating upon or making it more stringent."

271. THE LIEUTENANT-GOVERNOR OF THE PUNJAB—

writes:—

"The alterations which are suggested by the learned Judges of the Bombay High Court, and discussed in the Resolution under reply, would have a tendency to bring the question of guardianship and minority more under the control of the Civil Courts than is at present the case in the Punjab. \* \* \* It will be seen that the authorities who have been consulted are generally in favour of maintaining the practice which now exists in the Punjab. No difficulty or inconvenience has hitherto been experienced in working the provisions of the existing law, and the Lieutenant-Governor, concurring in the opinions which have been offered, would prefer to leave guardianship, its duties and responsibilities, to be controlled and worked in accordance with custom and public feeling, rather than

***Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.***

***(General suggestions for the amendment of the Minors' Act.)***

to bring it under the active interference of the Civil Courts. So long as negotiations regarding the property of minors are conducted in accordance with general principles of equity, there is great advantage in their being carried on out of Court. Sir Charles Aitchison understands that this is practically the view expressed in paragraphs 5, 7 and 8 of the Resolution, and it will be seen that Mr. Justice Smyth and the Government Advocate would go even further and would not allow the alienation of the immoveable property of a minor by a certificated guardian to be voided otherwise than reason of bad faith."

**272. SARDAR GURDIAL SING—**

agrees that Act XX of 1864 requires amendment, though he does not concur in all the amendments proposed by the Judges of the Bombay High Court.

He also thinks Act XL of 1858 stands in need of revision.

He suggests that the new law should consolidate Acts XL of 1858, XX of 1864, IX of 1861, and IX of 1875.

**273. MR. R. J. CROSTHWAITE—**

considers "the law might with advantage be consolidated in the way proposed by the Government of India."

**274. MR. L. NEILL, OFFICIATING COMMISSIONER, NAGPUR DIVISION,—**  
writes:—

"The Law [Act XL of 1858] appears to me to work well, and I am not prepared to advocate any change in it.

"With regard to acts done by guardians or representatives of minors, our Courts at present act on the equitable understanding that third parties, who profit by their dealings with minors, shall strictly satisfy themselves that the guardians or representatives act *bona fide* and with due respect to the minors' interests."

**275. MR. BENARI LAL BASU—**

says "Act XL of 1858 is not complete by itself and the reported cases tend to show that the Act needs amendment;" and again, "I am inclined to think the Act needs amendment. It is expedient and desirable that a general consolidated Act be passed for the whole of British India."

**276. MR. J. W. CHISHOLM—**

writes:—

"I agree in the view that the Act [XL of 1858] is defective, and that amendments should be introduced to remedy defects pointed out which in practice have been found to exist. The best course, as suggested, is to have a general consolidated revised Minors' Act applicable to the whole of British India."

**277. LIEUTENANT-COLONEL GRACE—**

agrees that the defects pointed out by Mr. Justice Melvill in Act XX of 1864 (and Act XL of 1858) should be amended.

**278. THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES—**

approves of the proposal to consolidate the various enactments relating to minors.

**279. THE CHIEF COMMISSIONER OF BRITISH BURMA—**

says no practical necessity has shown itself in British Burma for any amendment of the law, and that, in fact, the law is very little used there.

**280. MR. J. KNOX WIGHT—**

considers it very desirable to pass a consolidated Act remedying defects and bringing the whole law relating to minors within the scope of one enactment. The new Act should, he suggests, embody Act IX of 1861 and the enactments relating to Courts of Wards, as well as other enactments dealing with the subject of the rights and duties of guardian and ward.

**281. MR. H. MUSPRATT—**

considers it desirable that the existing laws should be re-enacted, with the necessary modifications, in the form of a general consolidated Act applicable to the whole of British India.

**282. BABU KAYLAS CHUNDER GHOSE—**

remarks:—"The defects pointed out in Act XX of 1864 no doubt require amendment."

**283.** In the following paragraphs (284 to 297) *General suggestions for the amendment of the Minors' Acts.* are noted suggestions of a general kind for the amendment of the law and suggestions which are not referred by their authors to any particular section of any Act, on points not directly connected with the Government of India's proposals.

**284. THE HON'BLE MR. O'SULLIVAN—**

suggests that "upon the minor attaining majority, the administrator should be entitled to be discharged from his liabilities, acts of fraud, subsequently discovered, being excepted."

**285. SIR CHARLES TURNER—**

suggests that, in the new Act, the Courts should be given a discretion to appoint more guardians of a minor's property than one, where the circumstances of the case so require.

**286. THE GOVERNMENT OF BOMBAY—**

submit correspondence dating from 1865 relative to a proposal to amend the Act by constituting the Taluqdari Settlement officer in Gujarat a Court of Wards. It is requested that the Government of India should consider this question in connection with the contemplated legislation.

**287. THE BOARD OF REVENUE, LOWER PROVINCES,—**

bring to notice the following point which they say has practically hampered the free exercise of a discretion which the law intended to leave to the Court of Wards as to taking properties under charge of the Court, and which they suggest should be cleared up when the new Act is framed:—

"Whether, under the provisions of Act XL of 1858, a Judge has the power to appoint a manager of the property of a minor and a guardian of his person, if the estate of the minor consists in whole or in part of land or any interest in land (as mentioned in the repealed section 12\* of the Act), or whether (if the property is not such as to fall within the purview of section 10 of the Act) the Judge has no other alternative than to apply to the Court of Wards to take charge of the person and property of the minor under section 10 of the Bengal Wards Act, 1879; and whether in the event of the Court of Wards refusing to take such charge, the Judge is powerless to make other arrangements for the management of such property."

It is stated that the Legal Remembrancer expressed the following opinion on the point:—

"The last sentence of section 2, Act XL of 1858, placing the property of minors under the protection

\* Repealed in the Lower Provinces by Bengal Act IX of 1879.

**Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.**

**(General suggestions for the amendment of the Minors' Acts.)**

of the Civil Courts imposes on those Courts the necessity of making provision for the management of that property when properly applied to."

**288. MR. JUSTICE FIELD—**

brings to notice a case illustrating the difficulty mentioned by the Board of Revenue.

[In regard to a similar difficulty felt under the Madras law, see paragraphs 242 and 249 to 253 of précis.]

**289. MR. BIHARI LALL BASU—**

suggests that a clear distinction should be made between estates which may be taken up by the Court of Wards and estates for which a guardian may be appointed under the Minors' Act.

**290. MR. B. W. COLVIN—**

suggests that some provision should be made, as in section 10 of Bengal Act IX of 1879 (Court of Wards), for giving the Court of Wards discretionary powers as to assuming charge of an estate made over to it by the Civil Court.

**291. MR. DUTHOIT—**

quotes statistics and states certain facts from which he draws the inferences "that hitherto in the North-Western Provinces, Act XL of 1858 has been, comparatively speaking, inoperative, and that neither the personal benevolence of the friends of minors, nor the public benevolence of the district officer, can be trusted to secure for the persons concerned the benefits of the existing law."

He thinks it is desirable that, in the North-Western Provinces and Oudh (of which Provinces alone he writes), greater protection should be to minors than is given by the present law, though he would not go so far in this direction as some of the proposals made by the Judges of the Bombay High Court would tend. The proposals made by Mr. Justice West in his Minute dated 21st August 1881 (Home Department's Judicial Proceedings No. 169 for October 1882) are, he gathers, intended to prevent the hardship arising from litigation, but he shews that the amount of litigation (in the North-Western Provinces and Oudh) is not large. Referring to the remarks of the Government of India in paragraph 7 of its Resolution, he says this litigation is mainly due to a total disregard shewn by guardians of the rights of minors who are members of an undivided family, and adds that it is of a very debasing kind. He writes:—

"During the minority of a member of a joint Hindu family the adult coparceners alienate the family property; and when the minor member attains his majority the family combines to oust the absence on the ground that the alienation was invalid, as made to the prejudice of the minor without legal necessity. What constitutes 'necessity' sufficient to justify the alienation of Hindu family property is a difficult question to decide, and in most cases of this kind the value of the property, or more, is absorbed in the litigation regarding it."

\* \* \* The law as it stands does not touch them; for (Mayne's *Hindu Law and Usage*, section 307) the Mitākshara theory of a coparcenary is that all the coparceners are joint owners of the property, but only as members of a corporation in which there are shareholders but no shares; and there is consequently no specific property vested in the minor to which the provisions of Act XL of 1858 can be applied."

He then proceeds to show certain objections, having regard to the Hindu law, to the adoption

of Mr. Justice West's proposals (i) that, where there is imminent danger of the common property being dissipated, the District Court should be given power on its own motion, or on cause shown, to "take measures for securing the infant's share of it;" and (ii) that the Court should be allowed, "even when no such apprehension exists, to provide, when the necessity is obvious, for the minor's nurture and education according to his station in life."

He approves, however, of the principle of Mr. Justice Melvill's proposals (Minute, dated 23rd August, 1881, Home Department's Judicial Proceedings, No. 168 for October, 1882):—

(1) that in the case at least of every considerable estate, and especially when it consists of immovable property, every administrator should be obliged to show his fitness before he meddles with the property; and

(2) that this object should be effected—

(a) by compelling everyone who requires the assistance of the Court to obtain a certificate, and

(b) by rendering it unsafe for any person to enter into any transaction affecting immovable property except with a certificated administrator;

except that in clause (1) he would read "in the case of every estate not below Rs. 250 in value, every administrator," &c., and in clause (b) he would omit "immoveable."

He does not approve of Mr. Justice West's proposal to oust the Revenue-authorities from jurisdiction under the Minors' Act or of the proposal to bar the interference of the High Court except on a point of law or on a reference made by the District Court, or of the proposal to require proceedings to be initiated in the District Court, and by it delegated to some other Court. Regarding Sir Michael Westropp's suggestion (Minute, dated 19th November, 1881, Home Department's Judicial Proceedings No. 170 for October 1882), to meet the case of the Hindu joint family, he considers it does not require legislation.

He further criticises certain other proposals made in Mr. Justice West's Minute, on points which are not taken up in the Government of India's Resolution.

Mr. Duthoit's own views as to what is required for the protection of minors he describes as follows:

"*First*—We want to make the assistance of the State readily accessible to the public; and not force people, as is done at present, to the expense or trouble of going to the head-quarters of a district for the settlement of a minor's protection, excepting under special circumstances.

"*Secondly*—We want to lead people to apply for certificates, and not to feel the doing so, or the acceptance of the care of a minor's property a burden.

"*Thirdly*—We want, on the one hand, to calm the sensitiveness of the Revenue-authorities as to the danger of being overwhelmed with minor's affairs. \* \* \* and we want, on the other hand, to engage their sympathies in those affairs, and to obtain from the Revenue-authorities in regard to them such limited assistance as it may be possible for those authorities to give."

For the carrying out of these views he submits the following proposals:—

"I would work up into the new law the provisions of the existing law for curators in cases of



*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

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succession (Act XIX of 1841), for the care of the persons and property of minors (Act XL of 1858), for the custody of minors (Act IX of 1861), for the Court of Wards (Chapter VI, Act X of 1873, and Chapter VII, Act XVII of 1876), so far at any rate as minors are concerned, and those of the 'European British Minors Act, 1874, the arrangement of which last-named Act I would take as the basis of the arrangement of the new statute."

"In cases in which European British subjects are concerned, or in which an estate of Rs10,000 or upwards is involved, the application for protection of the minor's interests should, I think, be made to the District Court. In all other cases the Munsifs' Courts should, I think, have jurisdiction."

"I would extend the provisions of section 4, Act XL of 1858, and would allow the Collector to move the Civil Court in all cases, whether the property does, or does not, consist, wholly or in part, of land or an interest in land."

"I would give to the Civil Courts power to consult the Revenue-authorities as to the fitness of persons proposed as guardians or managers, and as to whether it would, or would not, be advisable that the manager should be a public officer, and I would give to the Local Government power to oust the jurisdiction of the Civil Courts by a declaration in the *Gazette* that it is advisable that the property and person of a particular minor should be cared for by a public officer to be named by it. \* \* \* With the exception noted, I would have all business connected with the protection of minors brought in the first instance into the Civil Courts, and would leave to those Courts discretion as to the mode in which such protection should be afforded, whether through a private person or through a public officer."

"I would remunerate, by a percentage on the value of the estates protected, all persons, whether private or public—in the latter case Government would take the remuneration and pay the salaries—who might be appointed curators."

"I would have one or more public curators in each district. I would leave the appointment and the superintendence of these officers to the Revenue-authorities. I would make Collectors and Deputy Commissioners Courts of Wards. The present system, under which the Board of Revenue is in the North-Western Provinces the Court of Wards, is, I think, cumbersome and unduly burdensome to the estates placed under it."

"I would leave it to the Court which is possessed of the application to say whether the care of the person and the property of the minor should be vested in a private person, in a public curator in the Court of Wards. But I would make the orders of the Munsif appealable in this behalf to the District Judge, and I would further give to the Collector power to appeal to the District Judge against a Munsif's order making over an estate to the Court of Wards, and to Government right of appeal to the High Court from an order of the District Judge to that effect."

"I would levy on each final order passed upon an application for protection an *ad valorem* stamp-duty at somewhat less than the present rate, whether the order be for administration by a private person, by a public curator or by the Court of Wards; but I would remit the duty altogether when the value of the property in respect of

"I would direct that, except in special circumstances, the reason for finding, which should be recorded by the Court, all costs of a successful application should be payable out of the estate."

He continues:—

"I do not think that the labours of district officers would be increased if the scheme I have proposed were adopted. With public curators, and remunerated private persons available for the charge of estates of minors, the duties of the district officer as a Court of Wards would, I think, be so diminished as to more than counterbalance the extra supervisory labour which my scheme would throw upon him."

"The system which I have proposed may possibly be unsuited to the circumstances of other parts of India. If, as is most probable, the varying circumstances of the country require a varying agency for the protection of minors, it will be easy to leave the assignment of such agency to the Local Governments subject to the sanction of the Governor General in Council. But I venture to suggest that the principles of directing the costs of a successful application to be paid out of the estate, and of remunerating all guardians of the property of minors, should find a place in the Act, and that in the assignment of the agency of working the Act, the necessity of bringing its benefits as near to the door of the people as possible should not be lost sight of."

Mr. Duthoit further submits the following suggestions:—

"A.—I would require, in each application made by a private person for the issue of a certificate of guardianship, a declaration of the age of the minor verified as provided by sections 51 and 52 of the Code of Civil Procedure; and I would require a public officer when making an application under the statute to certify that he has made inquiry as to the age of the minor, and that such age has been found to be as stated in the application. The age of a minor is easily ascertained when he is *infans, infans proximus*, or even *pubertati proximus*; but as 'full age' is approached the difficulty becomes greater, and I have known an instance of great trouble and expense caused by the omission to ascertain the age of the child when the application for an Act XL of 1858 certificate was made, and the consequent doubt as to the time at which the child's minority ceased."

"B.—I would provide that, in default of guardians appointed by testament, the guardians-at-law should, in the absence of special reasons to the contrary, be appointed guardians of the person, and that an order of a subordinate Civil Court setting aside testamentary guardians, whether of the person or property, or guardians-at-law of the person, should require the confirmation of the District Court before it takes effect; and that from an order of a District Court setting aside testamentary or 'natural' guardians of the person an appeal should lie to the High Court."

"C.—I would suggest that advantage be taken of this opportunity to consolidate into one enactment the entire law of *Tutela* and *Curatela*; in other words, that the necessary provisions of Act XXXV of 1858 and of the various Courts of Wards and care-and-custody-of-minors enactments should be gathered up into the new statute."

"D.—And if this be done, I would suggest that the case of spendthrifts should be treated along with that of lunatics, and that, as regards both these classes of persons, use should be made of a

*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

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provided by sections 407 to 410 of the French *de Civil*. It is notorious that the state of the law as regards what are called in this part of India *idā potā* cases—suits by sons or grandsons of a tenor of *Dindyal Lal*, v. *Jagdeep Narayan Singh*, L. R. 4 I. A. 247—is unsatisfactory; and the aid of the legislature is, I think, greatly needed regarding it. By means of provisions analogous to those of the French Code (sections 3 to 515—the Collector or Deputy Commissioner should take the place of the *tribunal de première instance* in section 492, *et seq.*, and the Commissioner that of the *Cour d'appel* in sections 0 *et seq.*), protection might, I think, be afforded minor members of an undivided Hindu family without shocking the prejudices of the people. The Courts of Wards in the North-Western Provinces and Oudh already (*cf.* section 194, Act XIX of 1873, and section 162, Act XVII of 1876) undertake the protection of estates from the management of which the proprietors apply to be disqualified; and managing members of undivided families (as a father with male issue) are practically treated as proprietors. With the safeguard of a family council, I do not think that there could be political danger in allowing the Government to disqualify a spendthrift, for whose property a curator might thereupon be applied for, if given, under the statute.”

292. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER, NORTH-WESTERN PROVINCES AND OUDH—

Forwards copy of a volume of the Proceedings of North-Western Provinces and Oudh Government (in file), containing some correspondence which, it is suggested, may be of interest in connection with the proposed amendment of the law.

293. MR. BEHARI LAL BASU—

Suggests that “District Court” should be used instead of “Civil Court” throughout the new Act, and the definition in section 29 of Act XI of 1873 removed.

294. MR. H. J. SPARKS—

Suggests that some principles might be laid down as to the guidance of the Court, in appointing a guardian of the person or property, as has been done in section 10 of Act XIII of 1874.

295. UMAR BAKSH—

Suggests that regular suits for the guardianship or custody of minors should be distinctly prohibited, on the ground that if they are allowed the object of the Special Minors' Act will be defeated.

296. KHAN AHMAD SHAH, EXTRA ASSISTANT COMMISSIONER, HOSHIAHPUR,—

Submits remarks and recommendations to the Government for consideration in connection with the amendment of the law:—

It would be next to impossible to insist on every guardian being certificated, both because of the great numbers of minors owning property, and because of the small value of that property in many cases. At the same time, the interests of minors do at present suffer from the dishonesty of guardians by relationship who are uncertificated, and therefore free from control; and as regards other guardians no proper enquiry is made to ascertain whether they are entitled (or fit) to give certificates.

Recommendations—

1) Guardians should be compelled to take out

property exceeds Rs 3,000 in value or yields an income of more than Rs 30 per month:

(2) certificated guardians should be required to submit half-yearly accounts to the Court, and the sanction of the Court should be required to certain of their acts, such sanction to have a binding effect:

(3) persons wishing to call in question the acts of certificated guardians should be allowed to examine their accounts as filed in Court, and to submit their complaints to the Court, but should be debarred from bringing suits, as next friends of the minor, against the guardian:

(4) in considering applications for certificates the Court should have regard to the following points:—

1st, nearness of relationship (of the applicant to the minor):

2ndly, the wishes of the deceased parent the minor:

3rdly, any present or previous connection of the applicant with the property of the minor:

4thly, whether the death of the minor would be beneficial to the guardian (if applicant):

(5) where a minor's property does not exceed Rs. 3,000 in value or does not yield an income of more than Rs. 30 per month, it should be optional with guardians to take out a certificate or not, and certain restrictions should be placed on the power of all guardians in such cases:

(6) all guardians should be made responsible for the health, maintenance, education and religious instruction of minors under their charge:

(7) the Court should be empowered to remove any guardian on any of the following grounds:—

“ (1) using trust *mala fide*;

(2) continued failure to perform his duties;

(3) gross misconduct;

(4) insolvency:”

(8) the Court empowered to appoint or remove a guardian should be the District Court.

297. SARDAR GUDDIAL SINGH—

writes at some length to show that the near relatives of minors in his district usually squander and misappropriate to their own use the income of minors under their care, and that for various reasons the minor refrains from calling the guardian to account on attaining his majority. He also hints that even the persons of minors are not always secure from danger. To check these evils he thinks the Civil Courts should have more extended authority than they at present possess for interfering for the protection of minors, and to that end suggests that [*inter alia*] the Courts should have a discretionary power to interfere whenever they think proper, instead of being empowered, as at present, to act only when specially moved. He suggests that the law should provide “that the Civil Court may appoint guardians to manage the property of a minor and to take charge of his person whenever—

“(a) on its own motion.

*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

*(Madras Regulations V of 1804 and X of 1831.)*

"(b)" on receiving any report or information from any person acquainted with the state of the minor's property or person, or

"(c)" on the application of any relative or friend of the minor for appointment of a guardian, "it appears to the Court, after hearing the persons having charge of the minor's person or [?] and property, and after making any further enquiries that may be necessary, to be advisable to do so."

He would require the Court to issue a notice to appear to the persons having charge of the property and person of the minor, and would also, as a further safeguard, make the Court's order appealable.

He further thinks Act XL of 1858 is wanting in clearness in regard to the appointment of guardians of the property on the one hand, and guardians of the person on the other, and suggest that the new Act should contain provisions like the following:—

As regards the appointment of guardians for the management of property:—

"The Court shall have power to appoint any person manager of the property of the minor who in its opinion appears to be fit: Provided that if any person has been nominated a guardian in the will of the last owner of the property, and such will has duly been proved, he shall be appointed a guardian if he accepts the trust, and if the Court does not for any special reason think him to be unfit: Provided also, that preference is to be shown to the friends and near relations of the minor, if otherwise fit for the trust."

"In the case of land assessed with land-revenue or the land-revenue of which has been assigned to someone by the Government, the management may be made over to the Collector, who shall be competent to manage it in the manner prescribed by law for the management of property subject to the jurisdiction of Court of Wards; and in the case of moveable or immoveable property other than land assessed with land-revenue, the Public Curator, if there be such an officer in the district, may be appointed guardian."

As regards the appointment of guardians of the person, he would make it a rule that the guardian should be a person of the same class and religion as the minor, and would prohibit the appointment of any person having any interest of his own adverse to that of the minor, or who would be next in succession to the minor, were he dead; and, lastly, would provide that none but a female should be the guardian of a female. With these restrictions, he would give the Courts full discretion.

He would also add a section providing that no person is to be appointed guardian against his will, and that no one is liable to punishment for refusal to act as guardian when required by the Court to do so.

He thinks Act XL of 1858 does not provide sufficiently for the control of guardians. Some guardians certainly might safely be trusted to manage estates without any great control from the Courts; but others would require very close supervision. He accordingly suggests that the Courts should be allowed full discretion in this matter; but would, at the same time, enact provisions to the following effect:—

(1) All guardians of property appointed by the Court should be bound to report before the expiry of three months after the close of each year the financial results of their management, so as to

enable the Court in any case in which it suspects anything wrong to set on foot timely enquiries.

This would, he says, afford a great check on fraud, for, the statement being filed in Court, the guardian would not be able to alter it afterwards, or set up anything contrary to it when he is subsequently called upon to render accounts. The guardian need not file complete accounts; a statement of the sort indicated would be quite sufficient to show the Court the result of the administration.

(2) The Court should have power to call upon any guardian—

"(a) to file such periodical statements, returns and accounts as it may direct;

"(b) to make such reports on any points connected with the management of the estate as it may require;

"(c) to carry out such directions as to the management as it may give;

"(d) to invest or deposit the surplus or the balance in hand in such place of security (Government Securities, Government Treasury, Government Savings Banks) as it may direct."

He also suggests that provisions to the following effect should be made regarding the duties of guardians of property:—

"That every guardian should—

"(a) obey all directions given by the Court under the provisions of the Act;

"(b) consult the Court (i) before making any alienation of the minor's property; (ii) before compounding in any suit in which the minor may be a party; (iii) before abandoning any right belonging to the minor; and (iv) on any other important occasion, or on an any difficulty arising in the management; and

"(c) report to the Court any severe loss that any portion of the minor's property may have suffered from any cause."

With respect to the duties of guardians for the person, he suggests that the following should be imposed upon them:—

They must—

"(a) consult the Court (1) on the arrangements made or to be made for the education of the minor, and (2) regarding matters affecting the marriage of the minor;

"(b) report all cases of protracted illness of and accidents to, the minor, and

"(c) obey all directions given by the Court regarding the above matters."

He also suggests that guardians of the person should, subject to the general control of the Court, have power to do all acts calculated to advance the well-being of the minor; for instance, acts connected with his education and his proper moral and physical training.

298. In the following paragraphs (299 to 373) are noted suggestions for the amendment of the law on particular points directly connected with provisions already existing in the Acts and Regulations.

299. As to Madras Regulation V of 1804, see remarks by Sir Charles Turner in paragraph 253 of précis.

300. As to Madras Regulation X of 1831, see remarks by—

Mr. H. Wigram, in paragraph 242 of précis;  
Mr. J. W. Handley, in paragraph 249 of précis;



**Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.**

(Act XIX of 1841. Act XL of 1858, ss. 3—7.)

Mr. P. Srinivassa Rao, in paragraph 250 of précis;

Mr. G. Muttuswamy Chettiar, in paragraph 251 of précis;  
the Madras Board of Revenue, paragraph 252 of précis; and

Sir Charles Turner, in paragraph 253 of précis.

301. As to Act XIX of 1841, see remarks by—  
Mr. H. Wigram, in paragraph 242 of précis; and

Mr. Duthoit, in paragraph 291 of précis.

302. MR. JUSTICE FIELD—

quotes cases to show that the practice of the Courts has not been uniform as regards the application of the proviso to section 3 of Act XL of 1858. In some cases it has been held that when the Court entertains a suit instituted by a person who has not obtained the permission required by the proviso, the requisite permission is to be deemed to have been given; while in others it has been held that a suit instituted without permission previously obtained is bad to all intents and purposes. Cases are quoted to show that the latter rule is the more correct one, from the point of view of principle.

303. LALLA MADAN GOPAL—

suggests that certain particulars should be prescribed for insertion in all applications; that the Courts should be allowed to act also on their own motion; and that explanations to the following effect should be appended to the section:—

- “ I. Lapse of years is not a sufficient ground for refusing a certificate [see C. W. R. 343]
- “ II. The guardianship of infants who have no property is a matter which forms the subject of Act IX of 1861.”

303A. MR. BEHARI LAL BASU—

observes that the word “ suit ” is not wide enough to include “ proceedings and applications.”

[In regard to this section, please also see paragraphs 4 to 46 of précis, under “ Point I.”]

304. MR. PLUMBER—

would transfer the powers of the Collector to the amildar (or tahsildar) of the taluq in which the land is situated, as in Rule 4 of the Mysore Minors' Rules.

305. MR. JUSTICE FIELD—

writes as follows:—

“ There seems no reason why the right to make an application under this section should be limited to a relative or friend. Under the English law, any person may apply in order, says Mr. Daniell, ‘ that the benefit arising from the protection of the Court may be extended to all cases in which interference is desirable, subject, however, to the risk of incurring the censure of the Court, and of being compelled to pay the costs of the suit, in the event of its subsequently appearing that the proceedings were improperly instituted.’ (Chancery Practice, Vol. II, p. 1191).”

306. LALLA MADAN GOPAL—

suggests that the section should be amended as follows:—

Any relative or friend of a minor in respect of whose property such certificate has not been granted, or a certificate holder who wishes to withdraw and desire the appointment of a new guardian,

307. MR. BEHARI LAL BASU—

considers the phrase “ interest in land ” objectionable, apparently for the reason that it does not adequately cover the case of members of an undivided Hindu family.

[ Please also see suggestion by Mr. Duthoit, in paragraph 291, *supra*. ]

308. THE HON'BLE MR. PAUL—

considers section 5 of Act XL of 1858, defective in not providing for cases where the minor happens to reside in a district in which he has no property. Act XL of 1858, s. 5  
(= Act XX of 1864, s. 4)

309. MR. H. J. SPARKS—

suggests that the section should be made more explicit, observing that it does not provide for cases in which the minor is residing out of British India.

He also suggests that it might be well to provide for District Delegates, as in Act VI of 1881, to meet cases where, as in Oudh, there is but one District Judge for two or more revenue districts.

310. LALLA MADAN GOPAL—

suggests that “ residence ” should be explained as meaning the minor's “ usual dwelling-house, i.e., his paternal family-house.”

311. LALLA MADAN GOPAL—

suggests that provision should be made as to the manner of issue of notices and the persons on whom they are to be served, and as to who may oppose the application. He quotes authorities to show that the notice should be served on all parties interested in the application.

312. SAEDAR GURDIAL SINGH—

considers it unnecessary that the procedure of the Court should be specially prescribed by the Minors' Act, and that it would be sufficient to enact that the general procedure laid down in the Code of Civil Procedure in force at the time shall apply as far as practicable.

313. MR. BEHARI LAL BASU—

thinks it undesirable, in view to the selection of a good guardian, that the enquiry should be a summary one, as this section requires.

314. MR. JUSTICE FIELD—

writes as follows:—

“ Under the provisions of section 7 of the Act, if it appears that any person claiming a right to have charge of the property of a minor is entitled to such right by virtue of a will or deed, and is willing to undertake the trust, the Court shall grant a certificate of administration to such person. It has been held that in this case it is compulsory upon the Court to grant this certificate (see *Nannee Bibee v. Khajah Surmur Hussein*, 7 W. R., 522). It has further been decided that when any such person obtains a certificate of administration, he is not bound to file accounts (see the cases at 6 W. R. Mis. Rul., 53; 7 W. R., 522; 23 W. R., 278). There is no reason why such persons should be exempt from liability to account. According to English law, a testamentary guardian is in all respects subject to the control of the Court, and is liable to account for what he receives (Daniell's Chancery Practice, Vol. II, p. 1205).” Act XL of 1858, s. 7  
(= Act XX of 1864, s. 6.)

315. THE JUDGES OF THE CALCUTTA HIGH COURT—

(collectively) support Mr. Field's suggestion as to filing accounts.

*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

(Act XL of 1858, ss. 8—10.)

316. MR. FIELD—  
continues:—

"The section then proceeds to enact that if there is no person so entitled, or if such person is unwilling to undertake the trust, and there is any near relative of the minor who is willing and fit to be entrusted with the charge of his property, the Court may grant a certificate to such relative. Here a discretion is vested in the Court. Then the Court may also, if it think fit (unless a guardian have been appointed by the father), appoint such person as aforesaid to be guardian of the person of the minor. The exception assumes a power in the father to appoint a guardian by will. The existence of this power as regards persons to whom the Act applies, that is minors not being European British subjects, may be doubtful. It may be observed, as in England, that the power of appointing a testamentary guardian was conferred by Statute (12 Car. II, cap. 24), and as by the law of England no will made by any person under the age of 21 years is valid, it follows that a father, while under that age, cannot now by will dispose of the custody of his children. Then in the case of a guardian appointed by the father, it would appear that the Court has no power to remove such guardian. The last clause of section 21 provides that 'the Court may also, for any sufficient cause, remove any guardian appointed by the Court,' thus indicating that the Court has no power to remove a guardian appointed by the father. Under the law of England, a testamentary guardian is subject to the control of the Court, both with respect to the property and the person of the infant, and the Court may remove him and appoint another guardian in his stead, or may without removing him appoint another person to have the care of the infant (Chancery Practice, Vol. II, p. 1194). It is obvious that there may be cases in which it is very desirable that the Civil Court should have the power of removing a testamentary guardian."

317. THE JUDGES OF THE CALCUTTA HIGH COURT—

(collectively) support Mr. Field's suggestion as to taking power to remove a guardian appointed by the father.

318. MR. JUSTICE TOTENHAM—  
writes as follows:—

"I would make it clear that, in cases of rival claims to a certificate, preference should not necessarily be given to any one claimant on the mere ground of nearness of kin to the minor, or on the ground of sex. The nearest of kin may often be the person to whom, for other reasons, it may be most objectionable to grant a certificate.

"I would also preclude the Court from entertaining any application for a certificate unless satisfied that property needing protection is actually in possession of the minor or of some person on his or her behalf. I remember a case in which the only property was in the possession of adversaries, and the object of the application was to try to induce the Court to direct the Collector to take charge of the estate, which was said to be intricate in land, in order that that officer might undertake a troublesome and costly lawsuit to recover possession for the minor."

319. LALLA MADAN GOPAL—

says that by Hindu law, the duty of providing for the care of the persons and property of minors devolves on the Sovereign, while by Muhammadan

law, certain classes of relations have a prior right. This being the case, he thinks the inclusion of the rights of guardianship and minority in section of Act IV of 1872 (the Punjab Laws Act) was mistake; also, that it is surprising, in view of the enactment, to find Schedule I of that Act declaring Act XL of 1858 to be in force in the Punjab.

He submits a list showing classes of person whom he thinks the Courts should be prevented, apparently, by express declaration) from appointing as guardians.

Further on, he suggests that section 27 of the Act should be embodied as an explanation in section 7; also, that the Courts should be allowed discretion to refuse to grant a certificate to an unfit person appointed by will, and an explanatory inserted declaring that fitness should be allowed more weight than mere nearness of relationship.

320. UMAR BAKHSH—

suggests that the Court should be empowered to reject an unfit person appointed by will or deed.

Further:—

"The words 'near relative' in the same section are rather vague, and further it is not clear whether the scope of the section is to select the fittest person from among the relatives of different or equal degrees, or to appoint the nearest person fit for the post. I think it should be expressly provided that brother of the whole blood or uncle should have prior right to the guardianship of a minor, unless they are unfit; but in the case of distant relatives the Court should have full discretion of selecting the fittest person, disregarding the nearness of relationship."

He also suggests that where a minor has considerable property the Court should have power to appoint more than one person to administer the estate, if that should be deemed necessary in the interests of the minor.

[Please also see suggestions by—

Khan Ahmad Shah, in paragraph 296 of précis and

Sardar Gurdial Singh, in paragraph 297 of précis.]

321. LALLA MADAN GOPAL—

suggests an addition to section 8 of Act XL of 1858 to the following effect:—

"The Court will not adjudicate merely on the Collector's report [see 22 W. R., 190], but must satisfy itself as to the applicant's fitness on legal evidence." [see 9 W. R., 555].

322. SARDAR GURDIAL SINGH—

would give the Court power to enquire into the character of any person, and to call for reports from any Revenue officer, Magistrate or Police officer in the district."

[Please also see suggestions by Mr. Duthoit in paragraph 291 of précis.]

323. SIR CHARLES TURNER—

referring to section 9 of Act XX of 1861 recurs to a suggestion recently made by the Madras High Court that there should be appointed in every district a public officer to take charge of private trusts under the superintendence of the Official Trustee. If this proposal be accepted, the Courts might, he suggests, be enabled to appoint such officers, and in any case the Official Trustee to be manager of the property of a minor.

He considers that considerable relief would be afforded to Revenue officers by the creation of the proposed offices, and that a commission, not

***Précis of the opinions referred to in paragraph 1 of the Statement of Objects and  
Reasons of the Guardians and Wards Bill.***

***(Act XL of 1858, ss. 11—18.)***

sufficient salaries and meet the costs of establishment.

**324. LALLA MADAN GOPAL—**

suggests, with reference to Mr. Justice Melvill's criticism on section 9 of Act XX of 1861 in his Minute of 23rd August, 1881, that the words "or the like" mean "immoveable property (other than village-land assessed with revenue, for which provision is made by placing it in charge of the Collector), such as shops, katrás, warehouses, &c."

**325. SARDAR GURDIAL SINGH—**

thinks the words "moveable property or houses, gardens or the like" were intended to mean (1) moveable property, and (2) immoveable property other than land, of which the Collector could be asked to take over the management.

**326. THE HON'BLE MR. PAUL—**

referring to Mr. Justice Melvill's criticisms on sections 9 and 11 of Act XX of 1861 in his Minute of the 23rd August, 1881, observes that "the distinction between 'houses, gardens and the like' and 'land or any interest in land' is probably that between revenue-paying immoveable property and that which does not pay revenue, including in the category of revenue paying property such as may be *lekhuq* by reason of exemption."

**327. SARDAR GURDIAL SINGH—**

suggests that a limit should be put to the guardian's allowance; that, to encourage economy in administration, it should be calculated on net profits, and not on income, and that it should be fixed at 20 per cent. His reason for selecting so high a rate is that the remuneration would be small on small estates.

**328. LALLA MADAN GOPAL—**

observes, with reference to Mr. Justice Melvill's remarks on the word "aforesaid" in section 10 of Act XX of 1861 (see Home Department, Judicial Proceedings, No. 168 for October, 1882), that in the Bengal Act, section 11, it clearly refers to section 10 of that Act and is not open to any misconstruction.

**329. LALLA MOHAN LALL AND MIÁN ASDULLA—**

referring to Mr. Justice Melvill's criticism, say they think the provision in section 10 of Act XX of 1861 excluding legal heirs and persons next in succession from the guardianship of the person of a minor, which does not occur in the Bengal Act, ought to be embodied in the new Act.

**330. SARDAR GURDIAL SINGH—**

is of the same opinion.

[Please also see suggestions by Mr. Duthoit in paragraph 291, *supra* (on pages 100 and 101).]

**331. MR. H. J. SPARKS—**

suggests that provision should be made—

- (1) for cases in which only a small part of the property consists of land, and
- (2) for cases in which the land is situated in more than one district.

**332. BABU KOYLAS CHUNDER GHOSE—**

suggests that provision should be made enabling the Collector to give up charge of an estate taken over by him under this section, when it would be for the benefit of the minor to do so.

**333. MR. PLUMER—**

suggests that a half-yearly statement of account should be prescribed, as in Rule 15 of the Minors' Rules framed for Mysore, instead of the annual statement provided for by Act XX of 1861. *(Act XL of 1858, s. 16; (= Act XX of 1861, s. 16.)*

**334. THE HON'BLE MR. O'SULLIVAN—**

makes the following suggestions:—

"The administrator of the property should be required to file annual accounts of receipts and disbursements, and they should be open to inspection by any relative or friend of the minor, who should be at liberty to bring to the notice of the Court, by way of petition, any neglect, default or misfeasance of the administrator."

**335. LALLA MADAN GOPAL—**

suggests that the obligation to render accounts should be extended to all guardians and administrators.

**336. LALLA MOHAN LALL AND MIÁN ASDULLA—**

urge that the provisions of sections 16 and 17 should be extended to all guardians and administrators, arguing that it may be very necessary to provide against fraud or waste by those to whom the sections do not at present apply.

**337. MR. BEHARI LAL BASI—**

suggests that section 16 should be extended to all guardians; also that any friend or well-wisher of the minor should be allowed access to their accounts.

[Please also see suggestions by—

Mr. Justice Field, in paragraphs 258 and 314 of *précis*;

the Judges of the Calcutta High Court, in paragraph 315 of *précis*;

Khan Ahmad Shah, in paragraph 296 of *précis*; and

Sardar Gurdial Singh, in paragraph 297 of *précis*.]

**338. MR. PLUMER—**

suggests that for section 17 of Act XX of 1861 should be substituted Rule 16 of the Minors' Rules framed for Mysore, which requires that simple goods shall be deposited in the District Treasury and invested by the Court in public securities. *(Act XL of 1858, s. 17; (= Act XX of 1861, s. 17.)*

**339. LALLA MADAN GOPAL—**

writes:—

"'Public securities' denotes Government promissory notes. I would suggest that this limitation be removed, and that it may be left to the discretion of the Court to lay out the surplus in any profitable manner that is suggested to it by the administrator, *e.g.*, in mortgaging landed property or purchasing debentures or bank shares."

**340. BABU KOYLAS CHUNDER GHOSE—**

considers it desirable to impose a penalty for the enforcement of the provisions of this section which are, he says, seldom observed.

[Please also see suggestions by—

Sardar Gurdial Singh, in paragraph 297 of *précis*; and

Lalla Mohan Lall and Mián Asdulla, in paragraph 336 of *précis*.]

**341. MR. JUSTICE FIELD—**

says it has been decided that when an application for leave to deal with the property of an infant is made under the second clause of section 18 of Act

**Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.**

(Act XL of 1858, ss. 19-26. Act IX of 1875.)

XL of 1858, the Civil Court is bound to determine the question whether the proposed mode of dealing with it would, if sanctioned, be for the benefit of such infant, and that the petition should contain all the materials reasonably required to enable the Court to decide this question. He gives a reference to *In re Srisch Chunder Mukhopadhyaya*, I.L.R. 6 Cal., 161; S.C. 5 Cal. I.R., 501; and *Sikher Chund v. Dalpatty Singh*, I.L.R. 5 Cal., 363, and suggests that the substance of those decisions might well be incorporated in the proposed new Act.

He further remarks upon this clause as follows, as to the effect of neglecting to obtain the sanction of the Court:—

“Where a guardian has obtained a certificate of administration under the Act, it has generally been held that any sale of the minor's property for which the Act requires the sanction of the Civil Court, if made without such sanction, is invalid and conveys no title (see the cases of *Surul Chunder v. Raj Kishen Mukherji*, 15 B.L.R., 350, S.C., 24 W.R., 46; *Paran Chunder Pal v. Kursona Moqa Dasi*, 7 B.L.R., 90; *Dahi Dutt Sakoo v. Subhonia Bibee*, I.L.R. 2 Cal., 283; *Buchraj Ram v. Ram Kissen Singh*, 11 C.L.R., 315). In *Manjiram v. Tara Singh* (I.L.R. 3 All., 852) it was decided that a minor could not ratify such a transaction. See to the contrary *Til Koor v. Begum Anund Kishore*, 10 C.L.R., 517, where a mortgage by a certificated guardian, although made without the sanction of the Court, was upheld, the transaction being, under the circumstances, considered a proper one.”

342. LALLA MADAN GOPAL—

quotes conflicting decisions on the question whether this section applies to non-certificated guardians.

343. BABU KOYLAS CHUNDER GHOSE—

writes:—

“The law, as it stands at present, contains no directions as to how the Court should proceed when an application for sanction is presented. Generally the sanction is given on the representations of the administrator, but this is not always safe. The administrator, where he makes an application of the kind, should be required to prove the necessity for the sale, &c., by affidavit or otherwise, and the assertions contained in his affidavit should be tested by some officer of the Court before the Court accords its sanction to the sale, &c.”

[In regard to this section, please also see paragraphs 101 to 138, under “Point IV,” paragraphs 118 to 153, under “Point VI,” and paragraphs 184 to 201, under “Point VII.”]

344. LALLA MADAN GOPAL—

approves of Mr. Justice Melvill's suggestions on this section (see Home Department's Judicial Proceedings, No. 168 for October, 1882, at foot of page 24).

345. MR. JUSTICE FIELD—

writes:—

“In connection with section 21 of the Act, it will be useful to consider the decision of the Full Bench in the case of *Annonee Bibee v. Khojah Sarwar Hossein*, 7 W.R., 522. It was here decided that a certificate granted under section 7 of the Act may be recalled summarily under the provisions of section 21, and this without any action having been previously taken in a regular suit under the provisions of section 19 of the Act.”

(Please also see his remarks and those of the Calcutta High Court in paragraphs 316 and 317

of précis, as to taking power to remove a guardian appointed by the father.)

346. LALLA MADAN GOPAL—

suggests that to meet Mr. Justice Melvill's objection as to the vagueness of the words “or any other person, as the case may be” (see Home Department's Judicial Proceedings, No. 168 for October, 1882, at foot of page 24) in section 21 of Act XX of 1861, the words “or other fit person within the meaning of sections 24 and 10” should be substituted for them (in the Bengal Act).

He further suggests that illustrations should be inserted to the following effect:—

“Illustration I.—The Court cannot summarily remove a guardian who has not obtained a certificate. This should be done by a regular suit (see II W. R., 370).

“Illustration II.—The grounds set forth in the preceding portion as to the disqualifications of a guardian should be held sufficient for removal.

“Illustration III.—Danger to the estate or welfare of the minor should also be held sufficient.

“Illustration IV.—Where the conduct of the guardian, though blameworthy, is not culpably bad, the Court will pass orders to regulate his conduct before removing him.”

347.—SARDAR GURDIAL SINGH—

would specify the three following reasons as justifying removal of a guardian [? or recall of a certificate]:—

“(1) If he has wilfully neglected to perform any of the duties imposed upon him by law;

“(2) if he has been guilty of any other misconduct which, in the opinion of the Court, makes him unfit for the work; and

“(3) if he has formed a collusion with persons having interests adverse to those of the minor, or who are enemies of the minor.”

He would further allow any of the minor's friends or relations to apply to the Court for the removal of the guardian on any of these grounds; and would provide that if, after examining such applicant, the Court sees reason to do so, it may make an enquiry, and, if the matters set forth in the application are established, may award the applicant his costs out of the minor's estate. He adds: “Of course the Court should have power to punish a wilful neglect, and power to have its orders carried out.”

[Please also see suggestion by Khan Ahmad Shah in paragraph 296 of précis.]

348. LALLA MADAN GOPAL—

suggests that an explanation should be added to the following effect:—

“Explanation.—The successor will be appointed in the same way as the first man was appointed, *i. e.*, after issue of notice and enquiry.”

349.—SARDAR GURDIAL SINGH—

thinks provision should be made for the education of female as well as male minors.

[Please also see suggestion by Khan Ahmad Shah in paragraph 296 of précis.]

350. MR. BARCLAY—

suggests that the new Act should define the word “minor.”

351. LALLA MADAN GOPAL—

writes at some length to show the desirability of enacting a more suitable definition of “minor.”

Act XL of 1858, s. 23  
(= Act XX of 1861, s. 2)

Act XL of 1858, s. 25  
(= Act XX of 1861, s. 25)

Act XL of 1858, s. 26  
(= Act XX of 1861, s. 26)  
and Act IX of 1875.

***Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.***

(Act XL of 1858, ss. 27 and 28. Act IX of 1861. Act XX of 1864, s. 12.)

He refers to the different laws prevailing on this point in India, and to conflicting decisions as to the meaning of the definition given in section 26 of Act XL of 1858. He suggests that "minor" should be declared to mean any person (excepting, apparently, Europeans whose personal law fixes their majority at 21) who has not completed the age of eighteen years. The objections to the present definition which he specially mentions are—

- (1) that it does not conclusively show whether it applies to minors regarding whom no action has been taken under the Act; and
- (2) that it provides for the Mufassal a different law than that prevailing in the Presidency-towns.

In order to meet the latter objection, he urges that the new Act ought to be made applicable to the Presidency-towns as well as to the Mufassal.

352. UMAR BAKHSH—

invites attention to the rules in paragraphs 1 and 2 of section 3 of Act IX of 1875, and then effect where certificates of administration are granted under Act XL of 1858, but makes no specific suggestion for the amendment of the law.

353. SARDAR GURDIAL SINGH—

considers there can be no objection to the varying rules as to majority prescribed by Act XL of 1858, section 26, and Act IX of 1875.

354. MR. BEHARI LAL BASU—

referring to Act IX of 1875 and other laws, statutory and "personal," suggests that it would save much confusion if one uniform age were fixed by statute for the attainment of majority; the age so fixed being made applicable to all persons and in all places throughout British India.

355. MR. J. KNOX WRIGHT—

suggests that the definition of "minor" given in Act IX of 1875 should be incorporated in the proposed consolidated Act.

356. MR. JUSTICE FIELD—

invites attention to the case of *Fasih v. Karo*, L.L.R. 10 Cal. 15, in which it was held that the effect of section 21 of Regulation X of 1793, and section 27 of Act XL of 1858, is that no person other than a female shall in any case be entrusted with the guardianship of a female minor.

357. SARDAR GURDIAL SINGH—

thinks section 27 of Act XL of 1858 is intended to refer to the guardianship of the property as well as of the person of minors. He suggests that it should be amended so as to provide that no guardian shall be appointed for the person of a female minor if she be married and her husband be not a minor, provided she takes up her abode with the family of her husband; but that a guardian for her property, if any, may be appointed, unless her husband undertakes the management of it.

He also suggests that to the clause prohibiting the appointment of a guardian (either of person or property) for a minor whose father is living and is not a minor, should be added a proviso that the father is not otherwise unfit to manage his affairs, or instance, by reason of lunacy, idiocy, renunciation of worldly affairs, &c.

(Please also see his suggestion in paragraph 97 of précis.)

[Please also see suggestion by Lalla Madan Gopal in paragraph 319 of précis.]

358. MR. JUSTICE FIELD—

suggests that the question as to what orders made under the Act are appealable or not appealable should be clearly settled. He invites attention to the conflict of decision between the cases reported in 15 W. R., 492 and 22 W. R., 479.

359. LALLA MADAN GOPAL—

suggests that an explanation should be added to the effect that every person who appeared in the original proceeding would have a right of appeal. This has, he says, become necessary in consequence of a ruling, at page 256 of the 13th Volume of Sutherland's Weekly Reporter. He does not think the right of appeal should be taken away, as suggested by Mr. Justice West (see Home Department's Judicial Proceedings, No. 169 for October, 1882); remarking that it is a great privilege and protection, and that there does not appear to be any weighty reason for its abrogation.

360. SARDAR GURDIAL SINGH—

would, in order to prevent needless litigation, provide that there shall be no appeal from the orders of the Courts excepting "orders of importance, to be specially mentioned," and that there shall be no second appeal in any case.

[Please also see suggestions by Mr. Duttoit in paragraph 291 of précis.]

361. As to Act IX of 1861, see remarks by— *Act IX of 1861.*

Mr. H. Wigram, in paragraph 242 of précis; and

Sir Charles Turner, in paragraph 253 of précis.

362. THE HON'BLE MR. O'SULLIVAN, THE HON'BLE MR. PAUL AND MR. JUSTICE FIELD— *Act XX of 1864, s. 12.*

suggest that in the new Act the Court should be empowered to require security from guardians for their dealings with minors' estates, Mr. Field quoting the English practice in support of the suggestion.

363. MR. JUSTICE OLDFIELD—

suggests that provisions should be inserted in the new Act, similar to those in sections 78 and 79 of Act V of 1881, for taking bonds for the proper administration of the estate, and for the assignment of such bonds to enable fit persons to sue upon them.

364. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER OF THE NORTH-WESTERN PROVINCES AND OUDH—

See his remarks on Mr. Justice Oldfield's suggestion, in paragraph 162 of précis.

365. MR. JUSTICE STRAIGHT—

concurs in Mr. Justice Oldfield's suggestion except as regards guardians appointed in right of will or deed.

366. MR. DUTTOIT—

considers the absence of a provision regarding the taking of security from administrators is one of the most striking defects in the existing law. He doubts whether security could be insisted on if remuneration be not given to the guardian; but if guardians of the property are remunerated, as he trusts they may be (see paragraph 291 of précis), there would, he believes, be no difficulty in obtaining security from them. Security should, he thinks, be required in all cases in which the value of the estate exceeds Rs. 250.



*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

(Act XX of 1864, s. 26; Act IX of 1875; Civil Procedure Code, Chapter XXXI: the Hindu Joint Family System.)

367. \*BABU KOYLAS CHUNDER GHOSH—

suggests that, as a check upon guardians, security should be required from them in every case.

[See also remarks by Mr. E. Barclay in paragraph 152 of précis.]

Act XX of 1864, s. 26.

368. THE GOVERNMENT OF BOMBAY—

forward for consideration in connection with the proposed legislation certain papers showing the desirability of making provision to admit of minors being sent to schools or colleges recognized by the Local Government for the purpose, though situated "beyond the limits of the Presidency." What is desired appears from the papers to be to take power to send a minor to the college in Kolhapur (a Native State).

Act IX of 1875.

369. As to Act IX of 1875, see remarks in paragraphs 350 to 355 of précis.

Code of Civil Procedure, Chapter XXXI.

370. MR. WIGRAM—

writes:—

"The provisions of Chapter XXXI of the Civil Procedure Code appear to me unnecessarily complex, and I do not understand on what principle a mother, if a co-defendant, is prevented from representing her minor son (section 145).

"All that is really required in a Procedure Code is to provide that suits by and against minors shall be brought and defended in the minor's name by a guardian *ad litem* appointed by the Court and removable by the Court; that no appeal shall lie from the appointment of a guardian *ad litem*; that the guardian *ad litem* shall give a written undertaking to be responsible for costs; that he shall not enter into any compromise of a suit without the leave of the Court; and that before taking out execution of any decree he shall give security to the Court that he will account to the minor for the proceeds of the decree."

371. SIR CHARLES TURNER—

says that great difficulty is felt in securing the proper representation of minors when creditors take proceedings against their property as representing the effects of deceased debtors. The person who would by law be entitled to the guardianship may refuse to act, and no relative or friend may be found who is willing to do so, while the Court may not think it its duty to aid the creditor by appointing a guardian *ad litem*, although the probable consequence of its not doing so would be to increase the debt by allowing interest to accumulate. Moreover, when the Court is constrained to appoint a stranger to act as guardian *ad litem*, no power is given by the Civil Procedure Code to make provision for the costs of securing for the person appointed the means of obtaining professional assistance and defending the suit. In the Madras High Court the following course has been pursued:—

"If no relative or friend is found, who is willing to appear as guardian *ad litem*, the Court will, on the application of the plaintiff, appoint an officer of the Court guardian *ad litem* on the condition that the plaintiff undertakes to provide the officer so appointed with funds reasonably sufficient to enable him to defend the suit. If the plaintiff fails to provide funds, the order for the appointment is discharged. If, on the other hand, the funds are found and the plaintiff eventually succeeds, he would be allowed to receive the money as part of his costs in the cause." He adds "But generally, if not in all cases, when the order has been made, a person who would by law be entitled to the guardianship or to whom the Court

would have committed the guardianship comes forward and applies that the order appointing an officer of the Court may be discharged and the applicant appointed."

Sir Charles Turner suggests that some provisions of this nature should be introduced into the Civil Procedure Code for the guidance of the Courts.

He further suggests that it would be desirable to declare that on an application for leave to sue on behalf of a minor *in forma pauperis* the Court is to have regard to the circumstances of the minor and not of the next friend. The law has been so interpreted by the High Court, but is not, he says, generally understood.

And he expresses a doubt as to whether the "local laws" referred to in section 164 of the Code include the Minors' Act, IX of 1861, which is a "general" Act.

372. MR. JUSTICE WEST—

suggests that, in order to check a practice by which, for the purpose of harassing people interested in a minor, a pauper next friend is put forward to institute a suit against those having charge of his property, a discretion should be allowed to the Courts to require security for costs from pauper next friends.

He further says it is doubtful at present whether the next friend is to be regarded as a principal in the litigation, or whether the infant is the principal, and suggests that this point should be made clear, observing that the case of an infant who is principal with a pauper next friend is common, while a pauper infant with a next friend of competent means is not uncommon.

373. THE HON'BLE MR PAUL—

suggests that, in order to put a stop to vexatious and other improper litigation, the next friend should, in certain classes of cases, be required to satisfy the Court that the suit will be really and not merely technically for the benefit of the minor, and that the Court should see that its orders are for the minor's benefit, in the same way as in the English Courts of Equity.

[In regard to this chapter, please also see paragraphs 47 to 69, under "Point II," and paragraphs 139 to 147, under "Point V."] ]

[See also remarks by—

Mr. E. Barclay, in paragraph 7 of précis;

Mr. Justice Field, in paragraph 16 of précis;

Mr. Justice Oldfield, in paragraph 19 of précis;

Mr. Justice Straight, in paragraph 20 of précis;

Mr. H. T. Rivaz, in paragraph 32 of précis;

the Chief Commissioner of the Central Provinces, in paragraph 39 of précis;

the Resident at Hyderabad, in paragraph 46 of précis; and

Khan Ahmad Shah, in paragraph 296 of précis.]

374. In the following paragraphs (375 to 386) *The Hindu Joint Family System.* are noted remarks regarding the Hindu joint family system, and the application of the Minors' Acts to it.

375. MR. WIGRAM—

is averse to any legislation which would render it compulsory on the Civil Courts to interfere in the case of all minor members of an undivided family; but at the same time he thinks occasions do arise

*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

*(The Hindu Joint Family System.)*

When such interference is necessary, and he quotes a case showing this.

He suggests that "the District Court should have power to direct that a suitable provision be made for the maintenance and education of minor members of an undivided family whenever occasion arises for its interference."

(Please also see his suggestions in paragraphs 107 and 242 of *précis*.)

376. THE HON'BLE MR. O'SULLIVAN—  
writes:—

"The managing male member of an undivided Hindu family subject to the law of the Mitakshara should not be required to take out a certificate in respect of the undivided share of a minor member of the family; but in case of malversation or mismanagement by the managing member a suit on behalf of the minor for a partition and delivery of his share should be permitted, as is the case at present; and, when the partition is effected, a certificate of administration should be granted for the share of the minor."

377. MR. JUSTICE WEST—

says the law with regard to Hindu minors, members of joint families, as hitherto conceived by the Courts in India, has recently been quite differently expounded by a judgment of the Judicial Committee of the Privy Council (*Durga Persad v. Kesho Persad Singh*, L. R., 9 I. A., at page 50). He shows that that judgment will upset the existing state of things, by introducing a new limitation on the powers of fathers and other guardians who are really in the position of co-owners and are not mere guardians in the restricted sense. He suggests that this matter should be taken up promptly, and that guardians of this kind should be allowed to defend suits against minors without a certificate.

378. SIR CHARLES SARGENT—

thinks that in the case of the Hindu joint family the only satisfactory course would be to distinguish between family and separate property. In regard to the former, he suggests that until a case of fraud or abuse of powers is brought to the notice of the Court by regular suit, the charge of the minor's interest should be left to such persons as would be entrusted with it according to Hindu law and usage. In regard to the latter, please see his remarks in paragraph 223, *supra*.

379. MR. JUSTICE MELVILL—

concurs with Sir Charles Sargent on this question, and explains that he did not intend by his Minute of August, 1881, to recommend that the manager of a joint Hindu family should be compelled to take out a certificate of administration of the share of a minor co-parcener.

380. THE HON'BLE MR. PAUL—

says the adoption of the proposal noted as Point (see *supra*) would be very inconvenient in the case of a Hindu joint family, as the introduction of a guardian from outside would cause discord and probably waste on the part of other members of the family.

(Please also see his remarks in paragraph 255, *supra*.)

381. MR. JUSTICE FIELD—

quotes cases showing the final decision of the Calcutta High Court and the decision of the North-Western Provinces High Court to be that Act XL of 1858 does not alter or affect any pro-

vision of Hindu or Muhammadan law as to guardians who do not avail themselves of that Act.

He suggests that the effect on those decisions, and also on the cases quoted by Sir Michael Westropp in his Minute of 19th November, 1881 (Home Department's Judicial Proceedings, No. 170 for October, 1882), of the Privy Council case quoted by Mr. Justice West (see paragraph 377, above) should be considered.

(Please also see his suggestions in paragraph 258, *supra*.)

382. MR. JUSTICE TOTTENHAM—

thinks it would be inconvenient that, where the minor's estate consists of a share in joint undivided family property managed by a *karta*, any other person should be allowed to obtain a certificate.

383. THE JUDGES OF THE CALCUTTA HIGH COURT—

(collectively) suggest "that provision should be made by which, on due cause shown, the new Act might be employed for the protection of a minor member of an undivided Hindu family against the fraud or extravagance of the co-parceners, a course which, as pointed out by Sir Michael Westropp (see his Minute dated November, 1881, Home Department's Judicial Proceedings, No. 170 for October, 1882), it has been held by the Courts, cannot be adopted under the existing law."

[Please also see their remarks in paragraph 80, *supra*.]

384. SIR R. STUART—

strongly approves of the doctrine expounded in the case of *Hett Singh and another v. Thakur Singh and others*, High Court Reports, North-Western Provinces, 1872, page 57, that "section 2, Act XL of 1858 does not preclude the natural and legal guardian of a Hindu minor from dealing with his property within the limits allowed by the Hindu law without having acquired a certificate of administration from the Civil Court;" and trusts that the application of this doctrine in the future will not be interfered with by any legislation on the part of the Government of India.

385. LALLA MADAN GOPAL—

thinks it very desirable in the interests of minor members of Hindu joint families that the existing rulings declaring that no application for appointment of an administrator can be made in their case under section 3 of Act XL of 1858 should be disregarded and words introduced to admit of applications being made in such cases. He says that, in spite of these rulings, such applications are sometimes admitted even now. He urges that it would be easy to fix the minor's share, and that there need be no hardship, as the manager under the Hindu law would usually be the person to whom the certificate would be granted.

386. SARDAR GURDIAL SINGH—

thinks it would be necessary in some cases that the Court should have power to appoint a guardian where a minor has merely a joint interest with others, and he would definitely give the Courts discretion to move in such cases whenever they think it proper to do so.

[For further references to the Hindu joint family system, please see remarks by—

Mr. E. Barclay, in paragraphs 7 and 219 of *précis*;



*Précis of the opinions referred to in paragraph 1 of the Statement of Objects and Reasons of the Guardians and Wards Bill.*

*(General Observations.)*

Mr. Hutchins, in paragraph 71 of précis ;  
Sir Charles Turner, in paragraphs 77, 221 and 253 of précis ;

Mr. T. T. Allen, in paragraph 79 of précis ;

Mr. Duthoit, in paragraphs 84 and 291 of précis ;

Mr. R. J. Crosthwaite, in paragraph 91 of précis ;

Mr. Behari Lal Basu, in paragraphs 92 and 307 of précis ;

the Chief Commissioner of the Central Provinces, in paragraph 94 of précis ; and

Mr. G. Muthaswamy Chettiar, in paragraph 251 of précis.]

*General Observations.* 387. MR. R. RY. A. L. V. RAMANA PONTULU GARU, SUBORDINATE JUDGE, MADURA—

agrees with the views expressed by Mr. Justice West in his Minute dated 21st August, 1881 (Home Department's Judicial Proceedings, No. 169 for October, 1882), as to the direction which legislation should take.

388. THE GOVERNMENT OF MADRAS—  
concur in the remarks submitted by Mr. Hutchins.

389. THE PUISNE JUDGES OF THE MADRAS HIGH COURT—  
concur in the remarks submitted by Sir Charles Turner.

390. THE GOVERNMENT OF BOMBAY—  
“do not desire to add any further observations” to those made in the Minutes by the Judges of the Bombay High Court.

391. MR. JUSTICE TOTTENHAM—  
agrees generally in Mr. Justice Field's recommendations.

392. MR. JUSTICE TYRRELL—  
“entirely concurs in these views” (i.e., apparently, those of Mr. Justice Straight).

393. MR. JUSTICE BRODHURST—  
concurs in the remarks recorded by Mr. Justice Straight.

394. MR. DUTHOIT—  
remarks that his opinion is restricted to the circumstances of the North-Western Provinces and Oudh.

395. THE LIEUTENANT-GOVERNOR AND CHIEF COMMISSIONER OF THE NORTH-WESTERN PROVINCES AND OUDH—

invites attention to Mr. Sparks' suggestions.

He suggests that it is very necessary to take every opportunity of consulting both the European and the Native community on the proposed legislation, through persons qualified to represent their feelings and interests, and that the best way of effecting this is to state points and proposals briefly and clearly for consideration by persons unaccustomed to handle legal questions.

396. LALLA MADAN GOPAL,—  
in submitting his memorandum, remarks that although some of the proposals which he has made may, if adopted, cause inconvenience at first, their adoption would be justified by the result.

297. LALLA GIRDHARI LAL—  
concurs generally in the remarks submitted by Lalla Madan Gopal.

398. COLONEL GURDON—  
specially commends to notice the memorandum of Muhammad Latif, Extra Assistant Commissioner of Jhang.

399. MAJOR-GENERAL PLAYFAIR, OFFICIATING COMMISSIONER, JABALPUR DIVISION,—  
endorses the opinion submitted by Lieutenant-Colonel Grace, Deputy Commissioner of Jabalpur.

400. THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES—  
concurs generally in the views expressed in the Government of India's Resolution.

401. MR. C. A. ELLIOTT, CHIEF COMMISSIONER OF ASSAM,—  
expresses no opinion, as he is unfamiliar with the working of the minors' law.

402. THE CHIEF COMMISSIONER OF COORG—  
gives no opinion.

SIMLA ; } F. G. W.  
The 12th August 1885.

S. HARVEY JAMES,  
Offg. Secretary to the Government of India.



SUPPLEMENT TO  
**The Gazette of India.**

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No. 14.

CALCUTTA, SATURDAY, APRIL 19, 1880.

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OFFICIAL PAPERS.

1880

1880

1880

1880

GOVERNMENT OF INDIA.  
DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENTS OF PRICES CURRENT (RETAIL) OF FOOD-GRAINS FOR THE 1st AND 2nd HALVES OF JANUARY AND 1st AND 2nd HALVES OF FEBRUARY 1886, PUBLISHED IN PAGES 280, 285, 331, 405 AND 719 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA" DATED 20th FEBRUARY AND 6th, 13th AND 27th MARCH 1886.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
PROVINCE.	DISTRICT.	QUANTITIES PER RUPEE IN SEERS OF 80 TOLAS.														
		Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or Cholam (Sorghum vulgare).	Bajra or Cumbu (Pennisetum typhoides).	Maria or Kargi (Eleusine Coracana).	Kangum or Kakum, Italian millet (Setaria italica).	Gram, (Pisum, or Bhat, Kadali, or Bhat, Cicer arietinum).	Maize (Zea Mays).	Arhar or Thar (Cajupia (a-junaus indica).	Firewood.	Salt.	REMARKS.	
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.		
BOY-DAYS.	1st half of January 1886.															
	Kaira . . . . .	13 4	20 0	8 4	9 0	19 0	23 0	21 0	17 0	18 4	..	11 4	80 0	16 0		
	Colaba (Alibag) . . . . .	8 8	11 8	6 0	10 8	..	22 0	..	..	14 0	..	7 8	115 0	11 8		
	Belgaum . . . . .	17 0	11 8	11 8	12 0	20 0	23 0	23 0	..	13 0	..	6 8	55 0	13 8		
	Amraoti . . . . .	20 0	11 4	8 0	10 0	27 0	17 12	..	..	14 12	..	11 8	..	12 0		
	Akola . . . . .	21 0	8 0	8 0	10 8	28 0	21 0	..	..	18 0	..	17 8	..	11 0		
H. A. DISTRICTS.	Ellichpur . . . . .	18 0	8 0	8 0	10 0	26 0	20 0	..	..	13 0	..	9 0	..	10 8		
	Buldana . . . . .	22 0	..	8 0	11 0	35 0	26 0	..	..	20 0	..	10 0	..	11 0		
	Wun . . . . .	17 0	..	7 8	10 8	28 0	..	..	..	17 8	..	17 0	..	11 0		
	Basim . . . . .	26 0	..	7 13	11 0	34 0	..	..	..	21 0	..	11 0	..	10 0		
H. A. DISTRICTS.	2nd half of January 1886.															
	Amraoti . . . . .	19 10	10 0	8 0	10 13	26 0	19 3	..	..	15 6	..	11 8	..	12 0		
	Akola . . . . .	21 0	8 0	8 0	10 0	28 0	21 0	..	..	18 0	..	17 8	..	11 0		
	Ellichpur . . . . .	18 0	8 0	8 0	10 0	26 0	16 0	..	..	12 0	..	10 0	..	10 8		
	Buldana . . . . .	22 0	..	8 0	11 0	35 0	28 0	..	..	20 0	..	10 0	..	11 0		
	Wun . . . . .	17 0	..	7 8	10 8	24 0	..	..	..	15 0	..	17 0	..	11 0		
MYSORE. DISTRICTS.	1st half of February 1886.															
	Basim . . . . .	23 0	..	7 13	11 0	35 5	..	..	..	19 0	..	11 0	..	10 0		
	Bangalore . . . . .	11 2	11 12	8 8	9 8	21 0	..	27 12	..	10 8	..	11 11	106 0	12 0		
	Kolai . . . . .	..	11 0	9 8	11 12	..	..	32 0	..	12 0	..	13 12	92 0	11 4		
	Tumkur . . . . .	12 0	11 8	10 0	11 0	24 0	..	33 0	..	11 8	..	14 0	320 0	11 0		
	Nysore . . . . .	11 0	..	10 8	11 0	24 0	..	24 0	..	12 0	..	8 3	28 0	10 0		
MYSORE. DISTRICTS.	Shimoga . . . . .	12 10	14 11	11 9	14 11	37 0	..	34 10	..	11 9	..	12 9	400 0	11 9		
	Kadur . . . . .	10 0	12 0	14 0	13 0	..	..	32 0	..	16 0	..	12 0	64 0	9 0		
RAJ-POOTANA. DISTRICTS.	Deoli Cantonment (Revised).															
		24 10	38 8	5 8	7 8	38 8	31 0	..	..	36 10	..	..	240 0	12 8		



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# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 15.]

SIMLA, SATURDAY, APRIL 10, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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*Nothing for publication.*

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*Nothing for publication.*

Supplement No. 15.

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### HOME DEPARTMENT.

#### NOTIFICATIONS.—PUBLIC.

*Simla, the 6th April, 1886.*

**No. 502.**—During the absence of the Governor-General in Council from Calcutta, the Assistant Secretary to the Government of India in the Military Department at the Presidency will have charge of that portion of the Home Department which is left at Calcutta.

*The 7th April, 1886.*

**No. 504.**—Under the provisions of section 9 of Statute 24 and 25 Victoria, Chapter 67, the Governor-General in Council is pleased to direct that His Excellency's Council shall assemble at Simla in the jurisdiction of the Lieutenant-Governor of the Punjab.

#### ESTABLISHMENTS.

*The 7th April, 1886.*

**No. 104.**—Mr. T. F. Bignold, B.A., is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 1st instant.

### MEDICAL.

*The 6th April, 1886.*

**No. 125.**—With reference to Home Department Notification No. 135, dated 1st May, 1884, the services of Surgeon J. Sykes are permanently placed at the disposal of the Government of the North-Western Provinces and Oudh.

### JUDICIAL.

*The 7th April, 1886.*

**No. 472.**—*Appointments.*—Mr. J. Lewis, Barrister-at-Law, Assistant to the Government Advocate, British Burma, to officiate as Government Advocate, vice Mr. C. E. Fox.

*The 8th April, 1886.*

**No. 483.**—The Hon'ble Sir William Comer Petheram, Kt., Q.C., took his seat as Chief Justice of the High Court of Judicature at Fort William in Bengal on the forenoon of the 24th ultimo.

### FORESTS.

*The 6th April, 1886.*

**No. 257 F.**—Mr. H. H. Davis, Deputy Conservator of Forests of the 2nd grade in Bengal and

officiating in the 1st grade of Deputy Conservators, is confirmed in the latter appointment, with effect from the 11th November, 1885.

A. P. MACDONNELL,

*Offg. Secretary to the Government of India.*

## REVENUE AND AGRICULTURAL DEPARTMENT.

### NOTIFICATION.—SURVEYS.

*Simla, the 9th April, 1886.*

**No. 340—83-2 S.**—Mr T. W. H. Hughes, Deputy Superintendent, Geological Survey of India, is granted furlough for seven months under section 50, Chapter V, of the Civil Leave Code, with effect from the 15th instant, or any subsequent date on which he may avail himself of it.

C. J. LYALL,

*Offg. Secretary to the Government of India.*

## FOREIGN DEPARTMENT.

### NOTIFICATIONS.—EXTERNAL.

*Simla, the 8th April, 1886.*

**No. 598 E.**—The services of Mr. J. H. Lacey, Assistant Conservator of Forests of the 1st grade in Baluchistan, are replaced at the disposal of the Punjab Government, with effect from the date of handing over charge of his duties.

*The 9th April, 1886.*

**No. 604 E.**—Mr. A. W. Paul, B.C.S., Officiating Magistrate and Collector, 24-Pargunnahs, is placed on special duty under the Foreign Department from the date he is relieved of his appointment under the Government of Bengal.

H. M. DURAND,

*Secretary to the Government of India.*

## DEPARTMENT OF FINANCE AND COMMERCE.

### NOTIFICATIONS.

#### LEAVE AND APPOINTMENTS

*Simla, the 26th March, 1886.*

**No. 3.**—Mr. W. H. Egerton having been posted as Assistant Accountant General, Punjab, received charge of the duties of that office from Mr. W. H. Dobbie after noon on the 15th March, 1886.

*The 30th March, 1886.*

**No. 15.**—Mr. H. S. Groves, Assistant Accountant General, Madras, having been granted privilege leave, with effect from Monday, the 2nd March, 1886, made over charge of his office to Mr. C. Hall, Chief Superintendent, after noon on Saturday, the 20th of the same month.

**No. 16.**—Babu Rajanināth Ray having been appointed to officiate as Deputy Accountant General, Bengal, received charge of the duties of that office from Mr. S. Jacob before noon on the 22nd March, 1886.

*The 3rd April, 1886.*

**No. 45.**—Mr. T. H. S. Biddulph, Comptroller Hyderabad, having been granted privilege leave for three months, and Mr. H. G. H. Keene Assistant Accountant General, Bombay, posted to that appointment, Mr. Keene made over charge of his duties at Bombay after noon on the 15th March, 1886, and received charge of his duties at Hyderabad from Mr. Biddulph after noon on the 24th of the same month.

*The 5th April, 1886.*

**No. 58.**—Mr. J. C. E. Branson, B.C.S., having been posted as Assistant Accountant General, Madras, received charge of that office from Mr. F. H. Hamnett after noon on the 24th March, 1886.

2. The services of Mr. F. H. Hamnett, of the Madras Civil Service, are replaced at the disposal of the Government of Madras, with effect from the 25th March, 1886.

**No. 61.**—Mr. R. Logan, Deputy Accountant General, North-Western Provinces and Oudh, having been granted furlough out of India for seven-and-a-half months, and Mr. W. H. Dobbie having been posted to that appointment, Mr. Logan made over and Mr. Dobbie received charge of the duties of the appointment after noon on the 23rd March, 1886.

D. M. BARBOUR,

*Secretary to the Government of India.*

## MILITARY DEPARTMENT

*Simla, the 9th April, 1886.*

### APPOINTMENTS.

#### **No. 229.**—BRIGADE STAFF—

Captain J. Sherston, Rifle Brigade, to be a Brigade-Major on the Establishment, *vice* Major T. B. Humfrey, whose tour of service in that appointment has expired. Dated 22nd March, 1886.

#### **No. 230.**—MEDICAL DEPARTMENT—

Deputy Surgeon-General R. Wolseley, M.D., Medical Staff, is brought on the administrative medical staff of the Army, *vice* Deputy Surgeon-General W. M. Webb, whose tour of service in India has expired. Dated 8th March, 1886.

#### **No. 231.**—PUNJAB FRONTIER FORCE—

*3rd Sikh Infantry.*

Lieutenant A. H. Kellie, Madras S. C., Wing Officer, 2nd Madras Infantry, to be officiating Wing Officer. Dated 23rd February, 1886.

*2nd Punjab Infantry.*

Lieutenant A. J. Shaw, Durham Light Infantry, officiating Wing Officer, on probation, 11th Madras Infantry, to be officiating Wing Officer, on probation. Dated 9th March, 1886.



**No. 232.—QUARTER-MASTER-GENERAL'S DEPARTMENT—**

Major E. R. Elles, R.A., Deputy-Assistant Quarter-Master-General (Assistant Quarter-Master-General, Intelligence Branch, sub. *pro tem.*), to be an Assistant Quarter-Master-General on the Establishment, *vice* Major A. J. Pearson, R.A., whose tour of service in that appointment has expired. Dated 25th March, 1886.

**No. 233.—VETERINARY DEPARTMENT—**

Inspecting-Veterinary-Surgeon W. Appleton, Veterinary Department, to be Inspecting-Veterinary-Surgeon, 2nd Circle, Bengal, *vice* Inspecting-Veterinary-Surgeon E. J. Batt, deceased. Dated 10th March, 1886.

**FURLOUGH AND LEAVE.**

**No. 234.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave—

Colonel A. Copland, C.B., Bengal S. C., Commandant, 19th Bengal Infantry, (p. a.) for one year, under rule IX of the regulations of 1868.

Major F. J. Home, R.E., Superintending Engineer, 2nd class, sub. *pro tem.*, North-Western Provinces and Oudh, Public Works Department, (p. a.) for 153 days, under rule IX of the regulations of 1868.

Conductor P. Regun, O. Police Department, (m. c.) for one year, under the regulations of 1868.

**LONDON GAZETTE**

**No. 235.**—The following extracts are published for general information—

"*London Gazette*," dated 1<sup>st</sup> and 2<sup>nd</sup> March, 1886, pages 1029 and 1030.

**"WAR OFFICE ;**

*Pall Mall, 2nd March, 1886.*

**MEMORANDA.**

The undermentioned Honorary Lieutenants and Deputy-Commissionaries to have the honorary rank of Captain. Dated 24th September, 1885.—

William Marshall, Madras Establishment.

Henry William Dunlop, Madras Establishment.

Deputy Assistant-Commissionary Charles Floate, Madras Establishment, to be Honorary Lieutenant. Dated 24th September, 1885.

**INDIAN STAFF CORPS.**

The undermentioned Major-Generals (Bengal) have been transferred to the Unemployed Supernumerary List.—

James Nowell Young. Dated 4th February, 1886.

Charles Lyons-Montgomery. Dated 6th February, 1886.

William Gordon, C.I.E. Dated 10th February, 1886.

The undermentioned Colonels to be Major-Generals:—

Frederick Roome, Bombay. Dated 4th February, 1886.

Thomas Gilbert Kennedy, C.B., Bengal. Dated 6th February, 1886.

Howard Codrington Dowker, Madras. Dated 10th February, 1886.

The undermentioned Colonels to be Major-Generals on the Unemployed Supernumerary List:—

Brooking Sady, Bengal. Dated 6th February, 1886.

George Hearn, Madras. Dated 10th February, 1886.

**INDIAN LOCAL SERVICE.**

General Sir Neville Bowles Chamberlain, G.C.B., G.C.S.I., Bengal Infantry, has been transferred to the Unemployed Supernumerary List. Dated 3rd February, 1886.

Major-General George Reynolds Scott Burrows, Bombay Infantry, to be Lieutenant-General. Dated 3rd February, 1886.

The undermentioned Lieutenant-Generals to be Generals on the Unemployed Supernumerary List. Dated 3rd February, 1886.—

Sir John Forbes, K.C.B., Bombay Cavalry.

George Samuel Montgomery, C.S.I., Bombay Infantry.

The undermentioned Major-Generals to be Lieutenant-Generals on the Unemployed Supernumerary List. Dated 3rd February, 1886.—

Thomas Rochford Snow, Bengal Cavalry.

Charles Daniel Peton, Bengal Cavalry.

George Gibson Anderson, Bengal Infantry.

**"INDIA OFFICE ;**

*2nd March, 1886.*

The Queen has approved of the following admissions to Her Majesty's Indian Medical Service.—

*To be Surgeons.* Dated 1st October, 1885.—

**BENGAL.**

Henry Robert Woolbert.

George Henry Baker.

Thomas Grainger, M.D.

Joseph Rosamond Adie.

Arthur Charles Younan.

Alfred William Alcock.

Arthur Rea Edwards.

John Macfarlane Cadell.

The Queen has approved of the retirement from the service of the undermentioned Officers of Her Majesty's Indian Military Forces.—

Colonel Arthur Fitch, of the Bengal Staff Corps. Dated 1<sup>st</sup> December, 1885.

Colonel Harry Chippendale Plunkett Rice, of the Bengal Staff Corps. Dated 1<sup>st</sup> February, 1886.

Colonel Robert Couryn Lavie, of the Madras Staff Corps. Dated 20th November, 1885.

Colonel George Briggs, of the Madras Staff Corps. Dated 31<sup>st</sup> January, 1886.

Lieutenant-Colonel John Shakespear Irvine, of the Bengal Cavalry. Dated 1<sup>st</sup> February, 1886.

Lieutenant-Colonel William Tuffnell Keays, of the Bombay Staff Corps. Dated 13th January, 1886.

Major Frederick Henry, Earl of Lauderdale, of the Bengal Staff Corps. Dated 1<sup>st</sup> January, 1886.

Surgeon-Major Richard Power, of the Bengal Army. Dated 1st January, 1886.

The Queen has approved of the resignation of the service by the undermentioned officer:—

Lieutenant George Whyte Melville Dundas, of the Bengal Staff Corps. Dated 15th February, 1886.

The undermentioned officers are granted a step of honorary rank on retirement:—

*To be Major-Generals.*

Colonel Arthur Tulloch, of the Bengal Staff Corps. Dated 18th December, 1885.

Colonel Harry Chippendale Plunkett Rice, of the Bengal Staff Corps. Dated 1st February, 1886.

Colonel Robert Comyn Lavie, of the Madras Staff Corps. Dated 20th November, 1885.

Colonel George Briggs, of the Madras Staff Corps. Dated 31st January, 1886.

*To be Colonels.*

Lieutenant-Colonel John Shakespear Irvine, of the Bengal Cavalry. Dated 1st February, 1886.

Lieutenant-Colonel William Tuffnell Keays, of the Bombay Staff Corps. Dated 13th January, 1886.

*To be Lieutenant-Colonels.*

Major Frederick Henry, Earl of Lauderdale, of the Bengal Staff Corps. Dated 1st January, 1886.

*To be Brigade-Surgeons.*

Surgeon-Major Edwin Clement Busley, of the Bengal Army. Dated 15th November, 1885.

Surgeon-Major Richard Power, of the Bengal Army. Dated 1st January, 1886.

## PROMOTIONS.

No. 236.—The following promotions are made, subject to Her Majesty's approval:—

### BENGAL STAFF CORPS.

*To be Major.*

Captain Arthur Coombe Gordon Lydiard,—3rd April, 1886.

### INDIAN ARMY.

*To be Lieutenant-Colonel.*

Major Hitley Frere Woodcock, General List, Infantry,—27th March, 1886.

No. 237.—ORDNANCE DEPARTMENT—

Sub-Conductor Frederick Taylor, on probation, is confirmed in his present grade, with effect from the 20th August, 1885.

### RETIREMENTS.

No. 238.—Major the Hon'ble George Thomas Metland, Bengal S. C., is permitted to retire from the service, with effect from the 12th April, 1886, subject to Her Majesty's approval.

## MARINE DEPARTMENT.

### RESIGNATIONS.

No. 11.—Mr James Morton, Engineer, Her Majesty's Indian Marine, is permitted to resign the service,—8th April, 1886.

O. R. NEWMARCH, *Colonel,*

*Off. Secretary to the Government of India.*

## MILITARY DEPARTMENT NOTIFICATION

*Sinle, the 6th April, 1886.*

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the undermentioned warrant officer, on the date specified, was received in the Military Department between the 3rd and the 9th April, 1886:—

Corp.	Rank and Name.	Date of Death.	Place of Death.	Time of Death.	Remarks.
Bengal Sappers and Miners.	Sergeant-Major J. P. Chestree.	16th March, 1886.	Roorkee.		

O. R. NEWMARCH, *Colonel,*

*Off. Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

### NOTIFICATIONS.

*Sinle, the 5th April, 1886.*

No. 93.—Mr. J. Ekston, Executive Engineer, 3rd grade, State Railways, is on return from furlough transferred to the Establishment under the Director General of Railways.

*The 9th April, 1886.*

No. 94.—Mr. S. Finney, Class III of the Superior Revenue Establishment of State Railways, Management Department, is promoted to Class II, with effect from the 1st January, 1886.

No. 95.—Lalla Fakir Chaud, Assistant Engineer, 3rd grade, State Railways, is promoted to

Assistant Engineer, 2nd grade, with effect from the 18th November, 1885.

No. 96.—Mr. A. G. Harrison, Examiner of Accounts, is appointed to officiate as Examiner of Public Works Accounts, Bombay, during the absence of Colonel P. Lambert, R.E., on privilege leave, or until further orders.

No. 97.—The undermentioned Assistant Engineers, 2nd grade, State Railways, are promoted to the 1st grade, with effect from the 9th September, 1885:—

Mr. J. N. A. Eaton.

Mr. W. Giles.

W. S. TREVOR, *Colonel,*

*Secretary to the Government of India.*

GOVERNMENT OF INDIA.  
REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE  
WEEKS ENDING 31st MARCH AND 7th APRIL, 1886.

**GENERAL REMARKS.**—Rain has fallen during the past fortnight in Assam, Eastern Bengal, Akyab, Ganjam, Kurnool, Coimbatore, Madura, and Malabar, also in the northern and western frontier districts of the Punjab, in parts of Sind, Rajputana, Central India, and the Central Provinces; but, except in Assam, the adjacent districts of Bengal, and on the Punjab frontier, the falls have been slight and partial.

Unusually cool weather has prevailed over Northern India; but the temperature is now rising, and westerly winds have set in in the North-Western Provinces.

The *rabi* harvest is approaching completion in Bengal, the eastern districts of the North-Western Provinces and Oudh,—it is in progress in the Central Provinces and Guzerat, in Rajputana, Central India, and Hyderabad, and has commenced in Sind and the Punjab. The harvest promises generally a good outturn.

The *opium* crop has been gathered, and the results are generally satisfactory, except in Meywar and parts of Banda, where the crop was damaged.

In the Madras Presidency rice, millets, cotton, &c., are being gathered. The outturn is reported to be below the average in Kistna, Kurnool, Chingleput, and Tanjore,—average in Bellary and Madura, and above average in Coimbatore. Standing crops are suffering from want of rain and irrigation in parts of Chingleput, Tanjore, and Malabar, but are elsewhere in good condition.

In Hyderabad and Mysore the standing crops also promise well; but in parts of two districts in Mysore they are reported to be withering.

In Bengal the *boro* rice is progressing favourably, except in Burdwan. Ploughing and sowing of the *aus* crop and jute continue with improved prospects, and indigo sowings are nearly completed. The recent rain in Assam has done much good to the sowings of *ahu* paddy.

*Kharif* operations have commenced in parts of Sind and Hyderabad.

Cattle-disease exists in several districts of Madras, Bombay, Burma, the Central Provinces, and Assam.

Prices remain unchanged in most Provinces, but show a downward tendency in the principal markets of the North-Western Provinces and in Mysore.

Slight fever and small-pox continue in the Madras and Bombay Presidencies, the Rajputana States, and parts of Bengal and the North-Western Provinces. Cholera is reported to be severe in the Karimganj subdivision of Sylhet, and continues in a sporadic form in parts of Bengal, Burma, Madras, and the Central Provinces.

REPORTS FOR THE WEEK ENDING 31st MARCH, 1886.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(March 31st)</b>		
Bellary . . . . .	Nil	Standing crops generally good, but white <i>cholera</i> suffering from disease in parts of one taluk; harvest <i>chilum</i> , cotton, and sugarcane, yield about average. Cattle-disease in one taluk.
Kurnool . . . . .	Nil	Standing second crop paddy good; harvest cotton, yield below average. Small-pox in three and cattle-disease in two taluks.
Ganjam . . . . .	30 (average)	Slight small-pox in seven, fever in three, and cattle-disease in four taluks. Average number employed on Chika canal 1,017.
Kistna . . . . .	Nil	Standing crops generally good. Slight fever and small-pox; deaths from cholera unreported last week 58, this week 38.
Chingleput . . . . .	Nil	Standing crops generally good, except in parts of one taluk under tanks breached in 1884, where they are withering. Harvest paddy, yield below average. Fever in one, small-pox in five, and cattle-disease in three taluks.
Coimbatore . . . . .	21 (average)	Standing crops good; harvest wet and dry grains, outturn of paddy about average, rest average. Fever in two and slight small-pox in two taluks.
Tanjore . . . . .	Nil	Standing crops generally good; harvest wet and dry grains, outturn below average.
Madura . . . . .	36 (average)	Harvest paddy, yield about average. Fever in one taluk.
Malabar . . . . .	Nil	Third crop cultivation requires rain. Slight small-pox in eight taluks, fever in one and cattle disease in another; 10 deaths from cholera.
Travancore . . . . .	Nil	Small-pox and fever in parts.
		<i>General Remarks.</i> —General prospects fair.
<b>Bombay—(March 31st)</b>		
Karachi . . . . .	25 at Sehwan, average of four other stations, 15.	River at Kotri on 25th, 7 feet 8 inches against 5 feet 5 inches on same date last year. <i>Rabi</i> harvesting proceeding in nine talukas. Fever in seven, and cattle-disease in two talukas. Small-pox in two villages in district, 23 fresh cases, 2 deaths, 10 remaining sick. Prices—wheat, red rice, and <i>barri</i> in Karachi 26, 30 and 34, in Fatta 26, 40 and 40, in Jatti 26, 30 and 42, and in Manjhand 32, 36, and 38 pounds per rupee, respectively.
Hyderabad . . . . .	At Moro on 7th, '07	<i>Rabi</i> harvest commenced in nine talukas. River at Kotri on 26th, 6 feet 6 inches against 5 feet 6 inches on same date last year. Fever in seven, small-pox in one, and cattle-disease in five talukas. Prices of grain steady.
Ahmedabad . . . . .	Nil	Reaping of <i>rabi</i> crops continues. Public health good. Wheat 37 and <i>bajri</i> 34 pounds per rupee.
Baroda . . . . .	Nil	Public health generally good; small-pox in Niasari town and Baroda city. Standing crops in good condition. Prices— <i>bajri</i> 28, wheat 23, and rice 17 pounds per rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—contd.</b>		
Surat	Nil	Cotton-picking progressing. Fever in Bardoli and Mandvi talukas. <i>Juari</i> 5 and <i>maghi</i> 44 pounds per rupee.
Nasik	Nil	<i>Rabi</i> reaping almost completed and threshing in progress; land is being prepared for the next year's crop in the Igatpuri and Punt talukas. Public health good. Wheat 31, <i>bajri</i> 33, and rice 33 pounds per rupee.
Colaba (Bombay)	Nil	Abnormal temperature rose from 3° cool on 24th to 1° warm on 28th, was nil on 30th and 1° warm on 30th, vapour in air defective on 24th and 25th, excessive on 30th and normal on all other days; wind normal.
Poona	Nil	Harvesting of <i>rabi</i> continues. Small-pox in a village in Surur taluka. <i>Bajri</i> 35 and <i>juari</i> 43 in Poona <i>ba</i> 11 3/4 and <i>juari</i> 99 pounds per rupee.
Ahmednagar	Nil	Reaping almost completed. Public health good. <i>Bajri</i> average 45 and <i>juari</i> 60 pounds per rupee.
Sholapur	Nil	Reaping of <i>rabi</i> crops completed in five and in progress in two talukas. <i>Juari</i> 50 pounds 37 to 45 and <i>bajri</i> 45 pounds 28 to 35 per rupee.
Dharwar	Nil	Harvesting of wheat and gram nearly completed; reaping of late <i>juari</i> and cotton-picking in progress. Slight fever in one and cattle-disease in two talukas. Scarcity of drinking-water in Kod taluka. Rice 22 to 32 and <i>bajri</i> 45 to 60 pounds per rupee.
Kanara	Nil	Second crop rice harvest continues on coast, sugarcane and pepper harvest nearly completed. Slight fever, small-pox, and slight cattle-disease in Karwar. Common rice in Karwar 14, district average 15 1/2, seeds per rupee.
Rajkot	Nil	Fever, bowel, and respiratory complaints. Weather hot. Wheat 36, <i>bajri</i> 35, and <i>juari</i> 40 pounds per rupee.
<b>General Remarks.</b> —Slight rain in parts of Sind. Fever in parts of fourteen, cattle-disease in part of eleven, and small-pox in parts of eight districts. No change of importance in other conditions reported.		
<b>Bengal—(March 31st)</b>		
Chittagong (March 30th)	7.50	Weather stormy and cold; heavy rain partially injured winter crops. Prices steady. Public health good.
Dacca	4.55	Prospects of crops good; ploughing for <i>am</i> going on. Public health generally good.
24-Pargunnahs (Calcutta)	Some showers	No crops on the ground; ploughing commenced. Public health generally good.
Moorshedabad	Good rain	Weather seasonable. <i>Rabi</i> crops mostly reaped, with fair outturn. Public health good.
Faridkot	7.04	Wheat and tobacco being reaped; <i>am</i> being sown. Health good.
Bhagalpur	1.07	Weather cooler, with most <i>am</i> . Ploughing for <i>am</i> begun in places; <i>boro</i> rice doing well. A few cases of cholera; public health fair.
Monghyr	Nil	<i>Rabi</i> harvest continues, with good outturn. Sporadic cases of small-pox, public health otherwise good.
Patna	Nil	Collection of opium completed. Weather not favourable for inspissation.
Patna	Nil	Crops good. Public health fair.
Patna	Nil	Gathering of opium completed, prospects excellent. Weather favourable.
Patna	Nil	Gathering of <i>rabi</i> crops proceeding rapidly; opium being collected; gathering of <i>caster</i> continues. Public health good.
Dinabhang	0.8	<i>Rabi</i> harvesting in progress; <i>mango</i> , <i>orange</i> , and early paddy being sown; indigo sowing continuing well; rice blossoms slightly injured by late rain. Prices almost stationary. Public health good.
Muzaffarpur	Nil	Opium collection in progress; prospects good.
Hazratnagar	Nil	Weather seasonable. Outturn of <i>rabi</i> generally good; mango promises well, some damage to <i>mango</i> from rain and hail, poppy-heads still being lanced. General health good.
Cuttack	10	Weather hot, cloudy at times. <i>Datura</i> rice ripening, ploughing in progress. Price of rice unchanged. Public health generally good. Sporadic cases of cholera reported.
Mudnapore	20	Weather cool and seasonable. Prospects of <i>boro</i> rice good. Public health fair.
Khoolna	4.12	Weather stormy. <i>Boro</i> paddy doing well; ploughing commenced. Public health good.
Dumapore	Heavy rain in district, less at head-quarters.	Weather cooler after rain. Ploughing progressing. Health good.
Patna (Seraikhanj)	1.59	Rain very useful for crops. Cholera appeared.
Cox	Nil	<i>Rabi</i> harvest continues. Prices stationary. Public health good.
Sonabhad	Nil	Weather favourable. Opium collected, outturn fair, average up to last year.
Chhapra	Nil	Prospects of <i>am</i> and poppy continue good; collection of opium nearly finished. Prices stationary. Public health fair.
<b>General Remarks.</b> —Good general rain throughout Bengal Proper, but in other parts of the Lower Provinces fall very slight and partial. Ploughing now being pushed on with vigour, <i>boro</i> rice doing well; <i>rabi</i> crops mostly reaped, with favourable results in Behar. Collection of opium nearly finished, with fair outturn, but in Hazratnagar capsules still being lanced. <i>Mohua</i> being gathered in Chittagong and Sonthal Pargannas. Prices of rice almost stationary. General health fair.		
<b>N. W. Provinces and Oudh—(March 31st)</b>		
Benares (March 30th)	Nil	Weather unsettled, but getting warm. Cutting of <i>rabi</i> crops nearly completed; average outturn 10 annas. Markets well stocked. Prices slightly fluctuating. The public health is good, and there is no cattle-disease in the district.
Gorakhpur ( „ 29th )	76 throughout the district.	<i>Rabi</i> reaping half over; opium outturn fair. Prices easy. Health fair.
Fyzabad ( „ 30th )	Nil	Weather hot and favourable for harvest. Prospects good. Health of men and cattle good.
Lucknow ( „ 29th )	Nil	Heat increasing. Reaping in progress; opium collection continues. Late rains said to have injured the crops slightly. New supplies have lowered the prices considerably. There is no scarcity of fodder now. Health of people good, as well as the condition of the cattle.
Rae Bareilly ( „ „ )	Nil	Weather cloudy; wind variable. Harvest operations in progress. Prices rising. Isolated cases of cholera reported.
Partabgarh ( „ 30th )	Nil	<i>Rabi</i> crops nearly all cut. Prices on the whole falling. Weather still cloudy. No sickness.
Allahabad ( „ „ )	Nil	Weather seasonable. <i>Rabi</i> crops being harvested. Markets full of stocks. Prices show a slight fall. Condition of men and cattle good.
Cawnpore ( „ 29th )	Nil	Weather getting hot, at times cloudy. <i>Rabi</i> being harvested. Prices slightly fallen. Opium collections will be completed by the end of this month, outturn above average. Condition of people and cattle good.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>N. W. Provinces and Oudh—<i>contd.</i></b>		
Banda (March 30th)	Slight shower of rain on 24th.	<i>Rabi</i> being harvested, prospects fair. Damage from hail reported from Karwi and Badamathals. Price of wheat rising, rest stationary. Public health good, cattle-disease in two villages.
Bahia ( " 29th)	<i>Nil</i>	Weather slightly cloudy; westerly wind prevailing. Harvesting in progress; sugarcane planting and pressing continue; supplies plentiful. General health good. No cattle-disease.
Barakhabad ( " 30th)	<i>Nil</i>	Harvest operations in progress. Weather still unsettled. Health of people fair.
Sitapur ( " " )	<i>Nil</i>	Harvesting progresses; prospects favourable and condition of people good.
Bareilly ( " " )	<i>Nil</i>	Crops generally excellent. Barley being cut. Prices falling. Public health good.
Moradabad Kumaon (March 30th)	Rain and hail on 27th	No report received.
Agra ( " 29th)	<i>Nil</i>	Weather unsettled and cloudy; more rain will be injurious. Prices rising. General health good; cattle-disease abating.
Jhansi ( " " )	40 at Jhansi; 80 at Garotha.	Hail has damaged <i>rabi</i> crops to some extent in two parganas; harvest work going on. Prices steady. General health good.
Meerut ( " 30th)	Slight showers	Crop is ripe and is being cut. Prices of foodgrains falling. Cattle-disease in one village of pargana Jhansi.
<b>Punjab—(31st March)</b>		
Delhi (March 30th)	32	Health good. Prices falling.
Hissar	<i>Nil</i>	Health good. Prices stationary.
Umballa	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest good.
Jullundur	<i>Nil</i>	Health good. Prices slightly rising. Prospects of current harvest good.
Amritsar	10	Health good. Prices stationary. Prospects of current harvest good.
Sialkot	<i>Nil</i>	Health good. Prices stationary.
Lahore	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest good.
Rawalpindi	60	Health good. Prices almost stationary. Prospects of current harvest fairly good.
Shahpore	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest average.
Mooltan	<i>Nil</i>	Health good. Prices almost stationary.
Dehra Ghal Khan	10	Health good. Prices almost stationary. Prospects of current harvest good.
Peshawar	140	Health fair. Prices stationary.
<b>Central Provinces—(March 31st)</b>		
Nagpur	<i>Nil</i>	<i>General Remarks.</i> Rain has fallen in the Delhi, Amritsar, Lahore, Rawalpindi, and Dehra Ghal Khan districts, and in Peshawar, where a break is now required. Health good. Prices falling in the Delhi and slightly rising in the Jullundur district, elsewhere stationary. Prospects of current harvest good. Reaping has commenced in the Delhi division.
Jubbulpore	<i>Nil</i>	Weather seasonable. Wheat being threshed. Fever and small-pox in places. Prices steady.
Saugor (March 30th)	<i>Nil</i>	Weather seasonable. <i>Rabi</i> harvest general. Prices easy. Health good. Reaping in progress. Prices falling. Prospects good. Slight small-pox.
Seoni	40, severe hailstorm	Weather cloudy and warm. Severe hailstorm in some villages caused damage to crops. Slight small-pox. Prices steady.
Hoshangabad	<i>Nil</i>	Weather clear and hot. Harvest continues. Small-pox and cattle-disease in places. Prices stationary.
Khandwa	<i>Nil</i>	Weather seasonable. Threshing in progress. Health fair. Prices steady.
Raipur	<i>Nil</i>	Weather seasonable. Reaping nearly finished. Cholera in Raipur tahsil. Prices steady.
Sambalpur (March 27th)	04	Weather cloudy and warm. Cholera in places. Trade brisk. Sugarcane planting in progress.
<b>British Burma—(March 31st)</b>		
Akyab (March 27th)	11	<i>General Remarks.</i> Weather seasonable. <i>Rabi</i> harvest general, prospects good. Cholera and small-pox in parts. Prices easy.
Bassein	<i>Nil</i>	Total rainfall 11. Public health good. Cattle healthy.
Rangoon	<i>Nil</i>	Slight cholera in town; slight cattle-disease in one township.
Amherst (Moulmein)	<i>Nil</i>	Health of men and cattle good.
Tavoy	<i>Nil</i>	Public health and health of cattle good.
Pegu	<i>Nil</i>	No report received.
Henzada	<i>Nil</i>	Health of men and cattle good.
Prome	07	Health of men and cattle good.
Toungoo	<i>Nil</i>	Health of men and cattle good.
Thayetmyo	<i>Nil</i>	Health of men and cattle good.
<b>Assam—(March 31st)</b>		
Gauhati (March 30th)	108	<i>General Remarks.</i> Slight cholera in Bassein town and in two townships of Thongwa district, elsewhere public health good. Cattle-disease slight in parts of four districts, elsewhere cattle healthy.
Sylhet	114	Public health fair. Cattle-disease reported from some mauzas. Pressing of sugarcane finished.
Cachar	332	State and prospects favourable. Cholera severe in Ratakur thana; cattle-disease appeared in Samunganj and Katunging.
Dibrugarh	255	Weather rainy. No crop on the ground. Common rice 13 seers 51 chittacks per rupee. 3 deaths from cholera from Katigora and 1 from Sadr reported.
<b>Mysore and Coorg—(March 31st)</b>		
Bangalore (March 30th)	115 in Kadur district; slight in Mysore and Shimoga districts.	Weather rainy. Pressing of sugarcane continues. Cholera and cattle-disease reported from North Lakkumpur.
Mysore	<i>Nil</i>	Standing crops generally in good condition; paddy crops under tanks in the Tumkur district reported to be fading for want of water. Season prospects fair. Water-supply diminishing in parts of the Kodur and Mysore districts.
Mercara	<i>Nil</i>	Public health good, fever, small-pox, and cattle disease prevalent in parts. No material change in prices. Slight fall in prices of foodgrains. Prospects of season and public health good.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Hyderabad and Berar—(March 31st)</b>		
Amraoti (March 30th)	Nil	Weather warm. Threshing of <i>rabi</i> crops in progress. Wheat 21 and <i>juari</i> 20 seers per rupee.
Akola	Nil	Weather hot. <i>Rabi</i> crops gathered and are being threshed.
Hyderabad.	Nil	<i>Tabi</i> crops prospering and their weeding commenced. General health fair. Prices—wheat 15½, coarse rice 12, white <i>juari</i> 22½, yellow <i>juari</i> 24, a <i>tur</i> 15½ seers per current sicca rupee.
<b>Central India States—(March 31st)</b>		
Indore (March 30th)	Nil	Weather clear; heat increasing. Prices stationary. Opium collection nearly completed.
Morar (Gwalior)	Nil	Weather cloudy and stormy. Small-pox has made its appearance in Lashki.
Sutna	Nil	Weather clear and warm. Health and prospects good.
Kutlam	Nil	No report received.
Neemuch	Nil	<i>Rabi</i> crop doing well. Small-pox disappeared since 12th. Opium almost collected.
Goona	Nil	Heat increasing. Prices falling. Health good.
Bhopal	Nil	No report received.
Agar	Nil	Health and opium prospects good.
Sehore	Nil	Weather occasionally cloudy. Health good.
Nowgong	Nil	Health good.
Bhopawar (Munpur)	Nil	Weather hot. Scarcity of water being felt. Health good. Prices steady.
<b>Rajputana—(March 31st)</b>		
Abu (March 31st)	Nil	Weather seasonable.
Sirohi ( " 28th)	Nil	Tanks mostly dry; wells good. Health good. Crops being cut. Weather fine and warm.
Marwar ( " 26th)	Nil	Tank almost half full. Small-pox abating, otherwise health good. Harvest being gathered. Weather partially cloudy. Prices stationary.
Kherwara ( " 28th)	Nil	Weather getting warmer.
Meywar ( " 27th)	Nil	Tank and wells drying. Reaping of crops continues, outturn less than usual. Health fair. Prices steady. Weather warmer.
Harowti ( " " )	Duststorms and drops on Tuesday.	Tanks low, small tanks quite dry. Opium crop somewhat damaged. Health very good. Prices stationary. Weather seasonable.
Jhallawar ( " 26th)	Slight showers	Weather clear and warm. High winds. Harvesting in progress. Small-pox in tank.
Kotah ( " 27th)	Nil	Small-pox continues. Weather cloudy, with occasional slight showers.
Ajmere ( " 30th)	Nil	Small-pox still prevalent in city. Prices stationary. Weather seasonable.
Jeypore ( " " )	02	Small-pox and fever in some villages in Merwara. Some <i>rabi</i> crops being reaped, others watered from tanks and wells, which are consequently diminishing. Heat increasing.
Kerowlie ( " 27th)	Nil	Crops being cut; fair outturn expected, except in two or three districts; opium crops doing well. Health good.
Bhurtapore ( " " )	10	Tanks and wells decreasing. Health good. Prices stationary.
Udaipur ( " 30th)	23	Tanks and wells full. Health and prospects good. Prices steady.
Dholepore ( " 27th)	Nil	Harvesting begun. Health good.
Bikanir ( " " )	.....	Tanks and wells dry. Health good. Prices steady.
<b>Nepal—(March 25th)</b>		
Katmandu	Nil	Small-pox and fever in some districts. Prices stationary.

## REPORTS FOR THE WEEK ENDING 7th APRIL, 1886.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(April 7th)</b>		
Bellary	Nil	Standing crops generally good, but white <i>cholam</i> suffering from disease in parts of two taluks; harvest <i>cholam</i> , cotton, and sugarcane, yield about average. Cattle-disease in one taluk.
Kurnool	02 (average)	Standing second crop paddy good; harvest cotton, outturn below average.
Ganjam	06 (average)	Small-pox in three and cattle-disease in four taluks.
Kistna	Nil	Slight small-pox in seven, fever in three, and cattle-disease in six taluks; on death from cholera. Average number employed on Chulka canal 1,217.
Chingleput (Madras)	Nil	Standing crops generally good. Harvest castor and tobacco, outturn below average. Slight fever; deaths from cholera unreported last week 15, this week 15. Cattle-disease in one village.
Coimbatore	Nil	Standing crops generally good, except in parts of one taluk, under tank breached in 1884, where withering. Harvest paddy, yield below average.
Tanjore	Nil	Small-pox in one and cattle-disease in two taluks.
Madura	Average since revised '47	Standing crops good; harvest paddy and <i>rabi</i> , outturn generally above average.
Malabar	01 (average)	Fever in parts of one, slight small pox in two, and cattle-disease in two taluks.
Travancore	Nil	Standing crops generally good, but not flourishing in parts of one taluk for want of rain; harvest wet and dry grains, outturn below average.
		Harvest paddy, yield about average. Fever in one taluk.
		Third crop cultivation suffering from want of rain. Slight small-pox in eight taluks and fever in one; 16 deaths from cholera.
		Small-pox and fever in parts.
		General Remarks.—General prospects fair.



Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—(April 7th)</b>		
Karachi	<i>Nil</i>	River at Kotri on 2nd, 8 feet against 5 feet 10 inches on same date last year. <i>Kharif</i> cultivation commenced in six talukas. Fever in man and cattle disease in all talukas; small-pox in districts, no deaths; 6 recovered, 4 remaining. Prices—wheat, red rice, and <i>barri</i> in Katchi 26, 30 and 34, in Sdra 27, 33 and 41, in Shikhar 24, 40 and 44, and in Kotri 26, 38 and 40 pounds per rupee, respectively.
Hyderabad	<i>Nil</i>	<i>Kharif</i> harvest commenced, wheat cultivation has been damaged by strong wind on the 24th March in Sika and Moro talukas. River at Kotri on 5th, 8 feet 7 inches against 7 feet 5 inches on same date last year. Fever in man, small-pox in man, and cattle disease in three talukas. Droughts in all talukas. Wheat 25, <i>barri</i> 40, <i>barri</i> 33, red rice 33, and white rice 15 pounds per rupee.
Ahmedabad	<i>Nil</i>	Reaping of <i>rain</i> crops continues. Public health good. Wheat 36 and <i>barri</i> 33 pounds per rupee.
Baroda	<i>Nil</i>	Public health fair. Small-pox in mild form in C. B. Road. Standing crops in good condition. Prices— <i>barri</i> 29, wheat 23, and rice 15 pounds per rupee.
Colaba (Bombay)	<i>Nil</i>	Average abnormal temperature, cool from 31st to 3rd, <i>nil</i> on 4th, and 29° warm on 5th and 6th, a severe rain on 7th, 1st and 6th, and a cold wind from north-west on 31st, to 4th on 6th.
Poona	<i>Nil</i>	Harvesting of <i>rain</i> crops. Small-pox in a village in S. B. taluka. <i>Barri</i> 33 and <i>barri</i> 33 in Poona 6, 34 and <i>barri</i> 33 in pounds per rupee.
Ahmednagar	<i>Nil</i>	Reaping almost completed. Public health good. <i>Barri</i> average 34 and <i>barri</i> 33 pounds per rupee.
Sholapur	<i>Nil</i>	Reaping of <i>rain</i> crops completed in rice and in progress in two talukas. <i>Barri</i> 33 pounds 3 khas and <i>barri</i> 33 pounds 3 khas per rupee.
Dhawan	<i>Nil</i>	Harvesting of wheat and <i>barri</i> completed. Reaping of late <i>barri</i> and cotton-pickup in progress. Small-pox in one taluka. <i>Barri</i> 33 and <i>barri</i> 33 in two talukas. Scarcity of labour in K. B. taluka. Rice 22, 32 and <i>barri</i> 45 to 60 pounds per rupee.
Kanara	<i>Nil</i>	Second rice crop in progress. Contaminated water in some places. Great sugar-cane harvest completed. Scarcity of labour in K. B. taluka. Small-pox in three talukas. Contaminated water in K. B. taluka. Rice 22, 32 and <i>barri</i> 45 to 60 pounds per rupee.
Raichur	<i>Nil</i>	Weather warm. Public health generally good. Wheat 34, <i>barri</i> 34, and <i>barri</i> 45 pounds per rupee. <i>Barri</i> 33 and <i>barri</i> 33. Fever and small-pox reported in man and cattle disease in part of one taluka. Scarcity of labour in two talukas. Rice 22, 32 and <i>barri</i> 45 to 60 pounds per rupee.
<b>Bengal—(April 7th)</b>		
Chittagong (April 6th)	Dazzling rain	Weather cloudy and cool. <i>Barri</i> and <i>barri</i> being sown in some places. Prices stationary. Small-pox reported from Mir. Small-pox public health generally good.
Dacca	<i>Nil</i>	Prices of crops good. Planting and sowing of rice and rice going on. Public health generally good.
24-Pargannas (Calcutta)	<i>Nil</i>	No crops on a large land being prepared. A few cases of cholera reported from Bar. Small-pox in one taluka. Public health good.
Moorsheadabad	<i>Nil</i>	Weather fair. Cold waves crops almost all reaped. <i>Barri</i> rice progressing well. Public health good.
Rungpore (April 5th)	<i>Nil</i>	Reaping in some places. Rice watered. Rice progress much improved in K. B. taluka. Public health good. Public health good.
Burdwan	<i>Nil</i>	Land being ploughed, prospects of <i>barri</i> rice very good. Public health fair.
Bhagalpur	<i>Nil</i>	<i>Kharif</i> harvest progressing; outturn of the rice, wheat, and gram, good; <i>barri</i> a prospect of good. Public health good.
Purneah	<i>Nil</i>	Crops of <i>barri</i> rice being harvested, and sowing mostly completed. Public health good.
Patna	<i>Nil</i>	Harvesting of <i>barri</i> almost completed; collection of opium finished, cotton looks well. Public health good.
Darbhanga	<i>Nil</i>	<i>Kharif</i> harvest in progress; <i>barri</i> and early rice sown; indigo sowing coming on well. Prices of crops stationary. Public health good.
Hazarnabagh	<i>Nil</i>	Weather stationary. <i>Kharif</i> crops harvested with generally good outturn; <i>barri</i> a yielding <i>barri</i> crop; many <i>barri</i> crops. General health good.
Cuttack	<i>Nil</i>	Weather hot, cloudy, and moist. <i>Barri</i> rice in progress. <i>Barri</i> rice in progress. Prices of rice stationary. Sporadic cholera reported, public health generally good.
Madnapore	<i>Nil</i>	Land being prepared for cultivation; prospects of <i>barri</i> rice and indigo good. Public health fair.
Kolna	<i>Nil</i>	Weather fine. Planting going on, <i>barri</i> rice doing well. Public health good.
Dinagepur	<i>Nil</i>	<i>Kharif</i> harvest progressing; land being ploughed for <i>barri</i> crops. Some small-pox and cattle disease reported.
Pubna (Seraganj)	<i>Nil</i>	Sowing of early rice going on, generally, prospects good. Cholera continues.
Gya	<i>Nil</i>	Sugarcane and <i>barri</i> a doing well. <i>Barri</i> harvest early completed. Prices better than last year. Public health good.
Chumparun	<i>Nil</i>	<i>Kharif</i> harvest in progress; opium collection nearly finished, prospects good. Prices of crops stationary. Public health good.
<b>I. W. Provinces and Oudh—(April 7th)</b>		
Benares (April 6th)	<i>Nil</i>	Weather still unsettled; westerly wind prevailing. Cotton <i>barri</i> completed, sugarcane has sprouted and is flourishing. Sugarcane crop. Small-pox in progress. Health of people and cattle good.
Gorakhpur (April 5th)	<i>Nil</i>	<i>Kharif</i> reaping nearly finished; opium outturn fair. Prices stationary. Health good.
Fyzabad (April 6th)	<i>Nil</i>	Weather cool. <i>Kharif</i> out and opium collected, outturn good. Prices steady. Health of man and cattle good.
Lucknow (April 5th)	<i>Nil</i>	Heat in the day steadily increasing, at night slightly cold. Reaping and threshing in progress; opium collection good and well. Markets well-stocked. Prices stationary. Health of people good; no cattle disease.
Rae Bareilly (April 5th)	<i>Nil</i>	Weather seasonable; high westerly wind. Cutting of <i>barri</i> crops in progress. Prices steady. General health fair.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>N. W. Provinces and Oudh—contd.</b>		
Allahabad (April 6th)	<i>Nil</i>	Weather seasonable. <i>Rabi</i> being harvested. Markets well supplied. Prices show a tendency to fall. A few cases of small-pox reported in places, otherwise health of men and cattle good.
Cawnpore ( „ 5th)	<i>Nil</i>	Weather seasonable. Harvesting in progress. Prices somewhat fallen. Condition of people and cattle good.
Banda ( „ 6th)	<i>Nil</i>	Weather seasonable. <i>Rabi</i> being harvested; poppy and other crops damaged by hail in parganas Kaori and Mau. Prices falling. Public health good; cattle-disease decreasing.
Farakhabad ( „ „ )	<i>Nil</i>	Harvest in progress. Weather getting warmer. Opium collection nearly over. Health of people fair.
Sitapur ( „ „ )	<i>Nil</i>	Crops are being rapidly cut. Public health good.
Bareilly ( „ „ )	<i>Nil</i>	Weather unusually cool. Harvest rapidly progressing; grain has here and there proved somewhat light. Market fairly stationary. Public health continues good.
Ballia ( „ 5th)	<i>Nil</i>	Weather clear. Westerly wind prevailing through the week. Harvest operations in progress. Prices steady. Condition of men and cattle good.
Kumaon ( „ 6th)	<i>Nil</i>	Weather fine since last week days. <i>Rabi</i> crop doing well; <i>kharif</i> operations proceeding. Prices stationary. Health good; cattle-disease abating.
Agra ( „ 5th)	<i>Nil</i>	Harvest operations in progress. Prices steady. Health good.
Jhansi ( „ „ )	<i>Nil</i>	Weather seasonable. Cutting of <i>rabi</i> crops nearly completed; opium all gathered in. Prices almost stationary. Cattle-disease in two villages.
Meerut ( „ 6th)	<i>Nil</i>	Extraordinary cold wind here, prevailed during the last week, but the weather is now getting better. <i>Rabi</i> is being cut, and prospects of outturn good. Prices steady. Health good.
		<i>General Remark.</i> —Weather seasonable. Harvest operations in progress everywhere. Markets well supplied, but prices are fluctuating with a downward tendency. Public health good.
<b>Punjab—(April 7th)</b>		
Delhi (April 6th)	<i>Nil</i>	Health fair. Prices falling.
Hissar	<i>Nil</i>	Health good. Prices stationary.
Umballa	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest good.
Jullundur	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest good.
Amritsar	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest excellent.
Sialkot	<i>Nil</i>	Health good. Prices stationary.
Ferozepore	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest good.
Lahore	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest good.
Rawalpindi	1.80	Health good. Prices stationary. Prospects of current harvest average.
Mooltan	<i>Nil</i>	Health good. Prices fluctuating. Prospects of current harvest good.
Shahpur	Rain throughout the district.	Health good. Prices falling. Prospects of current harvest good.
Dera Ismail Khan	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest good.
Peshawar	3.20	Prices falling. Prospects of current harvest good.
		<i>General Remark.</i> —Rain has fallen in Rawalpindi, Shahpur, and Peshawar districts, none elsewhere. Prices stationary. Prospects of current harvest good; harvest in progress in the Delhi division.
<b>Central Provinces—(April 7th)</b>		
Nagpur	<i>Nil</i>	Days hot, nights cool. Crops being gathered. Cattle-disease in places. Prices stationary.
Jubbulpore	<i>Nil</i>	<i>Rabi</i> harvest commences. Health good. Weather seasonable. Prices easy.
Saugor (April 6th)	<i>Nil</i>	<i>Rabi</i> reaping progressing. Prices fallen in two tahsils, risen in two. Slight small-pox and cattle-disease.
Seoni	<i>Nil</i>	Weather seasonable. <i>Rabi</i> threshing commenced. Slight small-pox. Prices easy.
Hoshangabad	<i>Nil</i>	Weather seasonable. Harvest continues. Small-pox and cattle-disease in places. Wheat 11, and rice 11 seers per rupee.
Khandwa	<i>Nil</i>	Weather warm with cool mornings. <i>Rabi</i> crops being threshed. Health fair. Wheat 11, and rice 10 and 12 seers per rupee.
Raipur	<i>Nil</i>	Weather seasonable. Reaping nearly finished. Cholera continues. Wheat 11 and rice 10 seers per rupee.
		<i>General Remark.</i> —Weather seasonable. <i>Rabi</i> harvest continues. Slight cholera and small-pox in places. Prices steady.
<b>British Burma—(April 7th)</b>		
Akyab (April 3rd)	Rain for week 1.14	Total rainfall 1.25. Public health good; cattle healthy.
Bassah	<i>Nil</i>	Cholera not in town; cattle-disease slight in two townships.
Rangoon	<i>Nil</i>	Public health good; cattle healthy.
Aungmye (Moulmein)	<i>Nil</i>	Public health good; cattle healthy.
Pegu	<i>Nil</i>	Public health good; cattle healthy.
Heazada	<i>Nil</i>	Public health good; cattle-disease slight in one township.
Prome	<i>Nil</i>	Public health and health of cattle good.
Toungoo	<i>Nil</i>	Public health and health of cattle good.
Thayetmyo	<i>Nil</i>	Public health and health of cattle good.
		<i>General Remark.</i> —Slight cholera in the town and in one township of Thonwe districts elsewhere. Health of men good; cattle-disease slight in two districts; cattle healthy.
<b>Assam—(April 7th)</b>		
Gauhati	1.12 during week ending 6th instant.	Weather cool. Cholera prevalent in station Gauhati; cattle-disease reported from some manzars. Sowing of <i>ahm</i> paddy in progress.
Dibrugarh	2.22	Weather showery. Cholera and cattle-disease still prevalent in North Lakhimpur. <i>Awa diu</i> then sown.
Sylhet	12.54	The rains much improved the prospects of the crops. Cattle-disease and cholera severe in parts of Kamrup and Jorhat divisions.
Cachar	6.55	Days warm, nights cool. No crops on the ground. Common rice 13 seers 7½ annas per rupee. Five deaths from cholera reported from Sadi; general health good.
<b>Mysore and Coorg—(April 7th)</b>		
Bangalore	<i>Nil</i>	Standing crops in good condition, except in parts of the Kolar and Tumkur districts, where they are reported to be withering; prospects of season fair. Water-supply diminishing in parts of the Mysore, Kolar, and Tumkur districts. Public health generally good; fever, small-pox, and cattle-disease prevalent in parts. Prices slightly fallen in the Tumkur and Shinoga districts.
Mercara	<i>Nil</i>	Slight fall in prices of food grains. Prospects of season and public health good.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Berar and Hyderabad (April 7th)</b>		
Amraoti	<i>Nil</i>	Weather warm. Threshing of <i>rabi</i> crops nearly completed; preparations for <i>kharif</i> commenced. Wheat 22 and <i>juari</i> 20 seeds per rupee.
Akola	<i>Nil</i>	<i>Rabi</i> harvesting almost completed; preparations for sowing <i>kharif</i> sowings commenced.
Hyderabad	<i>Nil</i>	Reaping of <i>rabi</i> crops concluded; <i>kharif</i> crops prospering. Fever prevails in Gadchadi. Prices: wheat 12, cotton 12, white <i>juari</i> 22, yellow <i>juari</i> 24, and <i>tur</i> 10 seeds per current sicca rupee.
<b>Central India States— (April 7th)</b>		
Indore	<i>Nil</i>	Weather getting warmer. Health and crops good.
Morar (Gwalior)	<i>Nil</i>	Health and prospects good.
Satra	<i>Nil</i>	Weather clear and cool. <i>Rabi</i> outturn good.
Neemuch	<i>Nil</i>	Weather warm. No large crops of small-pox reported.
Guna	<i>Nil</i>	Health and prospects good.
Agga	<i>Nil</i>	Health and prospects good.
Schore	<i>Nil</i>	Weather clear. Health good.
Nowgong	<i>Nil</i>	Health good. Weather dry and cool. Agricultural prospects favorable.
Manpur	<i>Nil</i>	Weather hot. Wells and tanks drying up. Health good. Prices stationary.
<b>Rajputana— (April 7th)</b>		
Abu (April 7th)	<i>Nil</i>	Weather getting warmer and squally.
Sirohi ( " 4th)	<i>Nil</i>	Tanks dry up, wells good. Health good. Crops mostly cut. Weather hot and warm.
Marwar ( " 2nd)	<i>Nil</i>	Tanks almost half full. Small-pox absent, otherwise health good. Crops being reaped and threshed. Prices stationary.
Knerwara ( " 4th)	<i>Nil</i>	Tanks and wells full. <i>Rabi</i> crops harvested. Health good. Prices steady. Weather warm and squally.
Meywar ( " 3rd)	<i>Nil</i>	Tanks and wells dry. <i>Opium</i> crops somewhat damaged. Health very good. Prices stationary. Weather cool.
Haroti ( " " )	<i>Nil</i>	Day warm, night chilly. Crops being cut. Small-pox in Tank, otherwise health good.
Jhalawar ( " 2nd)	<i>Nil</i>	<i>Opium</i> collected. Small-pox continues. Weather cool.
Kotah ( " 3rd)	<i>Nil</i>	Small-pox absent, health good. Harvesting an abundant outturn.
Ajmere ( " 6th)	<i>Nil</i>	Tanks and wells dry. Crops being reaped. Slight fever and small-pox. Heat increasing, nights cool.
Jeypore ( " " )	<i>Nil</i>	Average outturn expected. Prices slightly risen. A few cases of small-pox at capital. No cases in other towns.
Kerowlee ( " 3rd)	<i>Nil</i>	Tanks and wells dry. Reaping of crops commenced. Health good. Prices steady.
Uwar ( " 6th)	<i>Nil</i>	Harvesting in progress. Small-pox in one town, otherwise health good.
Bikanir ( " 3rd)	<i>Nil</i>	Fever and small-pox in one district. Prices stationary. High winds early in the week; weather cool.

## No. 78 Met.

*Extract from the Proceedings of the Government of India, in the Revenue and Agricultural Department (Meteorology),—dated Simla, 8th April, 1886.*

## Read the following:—

Summary of the Weather Reports for December 1885 and January and February 1886.

The fine weather which had prevailed in the last week of November continued during the first week of December throughout the whole country and for the first ten days in Northern India. In Madras light showers set in on the 7th, and the rainfall continued and became heavier on the two following days. From the 10th to the 15th there was but little rain in the Peninsula, though some fell in Central India; but for about ten days subsequently to the 15th, there was fairly general, and in places heavy, rain in Madras.

In Upper India the weather became unsettled about the middle of the month, and the winter rains began unusually early. Moderate showers fell in the Eastern Punjab and the Gangetic Valley, and falls of snow at the hill stations of the North-Western Himalaya on the 12th and the 13th, and heavy showers both in North-Western India and the Nerbudda Valley on the 18th and 19th. After the passage of the depression which caused the last-mentioned rainfall, pressure rose quickly, and the weather became fine throughout the whole country. In Guzerat, Sind, and the Konkan the rainfall of the month was either nil or unimportant; but in all other parts of the country the amount exceeded the average, especially so in North-Western and Central India. This unsettled weather brought about very low temperatures at times, and the mean temperature of the month was generally 2° or 3° below the average.

In January the weather of Upper India was even more unsettled than in December, and several disturbances appeared over the Punjab. That of the 10th was exceptionally intense; and on that day pressure in the Punjab was from 0.25 inch to 0.37 inch below the average of the month. More than double the average amount of rain fell in the Punjab, and a considerable excess in the Trans-Gangetic districts of the North-Western Provinces, but it did not apparently extend beyond those regions, deficiencies being reported from almost all other parts of India. Western India, from Guzerat to the Deccan was rainless throughout. Like December, January was a cool month, the only exceptions being Madras and the more southern districts of the Bombay Presidency, where there was a slight excess of temperature. In the Punjab it was from 2° to 4° below the average.

February was, on the whole, a more settled month than either December or January, and the barometric mean of the month was almost everywhere above the average. A barometric disturbance affected North-Western India on the 16th; but though the pressure differences were considerable and the winds very high at some stations, there was but little rain, and the total fall of the month in this as well as in nearly all other parts of India was below the average. Over the greater part of India there was no rain, but in the Carnatic and British Burma there was a slight excess, and in Assam and Cachar about half the average fall. In the absence of rain temperature rose above the normal at several of the Peninsula stations and in Guzerat, but elsewhere the cool weather which had characterised the two preceding months continued, and in places, relatively to the average, the depression of temperature was even more marked. At Dera Ismail Khan it was as much as 5°. Dry north-westerly winds prevailed throughout a great part of the month, and, except in the extreme north-west, humidity was considerably below the average throughout India.

The final column of the following table shows that, except in Bengal and Assam and in Western India, the rainfall of the three months has been above the average. Except in the Punjab, the North-Western Provinces, and the Carnatic, the whole of this excess is attributable to the exceptional rainfall of December.

The following table shows the amount of rain and the difference from the average during the months of December 1885 and January and February 1886, according to districts as far as is indicated by the telegraphic reports—

Districts.	Average rainfall in December.	Difference from the average in December 1885.	Average rainfall in January.	Difference from the average in January 1886.	Average rainfall in February.	Difference from the average in February 1886.	Total difference for the three months.
Punjab, West . . . . .	0'05	+ 1'31	1'30	+ 1'72	1'51	—0'69	+ 2'37
East . . . . .	0'02	+ 1'20	1'41	+ 1'39	1'22	—0'82	+ 1'77
North-Western Provinces, Trans-Gangetic . . . . .	0'40	+ 1'06	1'28	+ 0'58	1'14	—0'60	+ 0'82
North-Western Provinces, Cis-Gangetic . . . . .	0'15	+ 1'87	0'62	—0'35	0'30	—0'79	+ 1'23
Behar . . . . .	0'11	+ 2'31	0'67	—0'48	0'32	—0'43	+ 1'40
Northern Bengal . . . . .	0'16	+ 0'94	0'54	—0'41	0'00	—0'61	—0'06
Assam-Cachar . . . . .	0'47	+ 0'24	0'60	—0'42	1'79	—0'80	—0'98
Lower Bengal, Chutia Nagpur . . . . .	0'30	+ 0'73	0'38	—0'05	1'13	—1'13	—0'45
Orissa, Northern Circars . . . . .	0'78	+ 2'12	0'31	—0'22	0'50	—0'46	+ 1'44
Central Provinces, South . . . . .	0'31	+ 4'58	0'49	—0'43	0'41	—0'29	+ 3'86
Berar and Khandesh . . . . .	0'48	+ 5'73	0'40	—0'40	0'18	—0'18	+ 5'06
Rajputana, Central India, Saugor, and Nerbudda . . . . .	0'25	+ 1'81	0'36	—0'14	0'33	—0'18	+ 1'49
Sind, Cutch . . . . .	0'09	—0'07	0'28	—0'16	0'19	—0'17	—0'40
Guzerat . . . . .	0'06	—0'06	0'07	—0'07	0'10	—0'10	—0'23
Konkan . . . . .	0'23	—0'13	0'38	—0'38	0'05	—0'05	—0'36
Deccan, Hyderabad . . . . .	0'23	+ 0'90	0'14	—0'14	0'09	—0'09	+ 0'67
Malabar . . . . .	0'80	+ 0'95	0'40	—0'79	0'22	—0'21	+ 0'45
Mysore, Bellary . . . . .	1'28	+ 2'84	0'39	—0'28	0'15	—0'15	+ 2'41
Carnatic . . . . .	3'75	+ 1'78	0'71	+ 0'20	0'35	+ 0'39	+ 2'37
British Burma . . . . .	0'50	—0'40	0'14	—0'14	0'07	+ 0'83	+ 0'29
Ceylon . . . . .	6'65	—0'35	3'08	—1'17	1'80	—1'51	—3'03

HENRY F. BLANFORD,

*Meteorological Reporter to the Government of India.*

RESOLUTION.—Resolved that the papers be published in the Supplement to the *Gazette of India*.

**SUPPLEMENT TO THE GAZETTE OF INDIA, APRIL 10, 1886.**

**ABSTRACT SHOWING THE RESULT OF EMIGRATION FROM THE PORT OF CALCUTTA DURING THE MONTH OF FEBRUARY 1886.**

*No I.—As to Age and Sex.*

	Fiji.				TOTAL.		Grand Total
	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	
Under 2 years	16	12	28	40.05 women to every 100 men.	16	12	28
From 2 to 10 years	28	14	42		28	14	42
„ 10 „ 20 „	70	16	86		70	16	86
„ 20 „ 30 „	246	102	348		246	102	348
„ 30 „ 40 „	26	19	45		26	19	45
„ 40 „ 50 „	..	..	..		..	..	..
Above 50	..	..	..		..	..	..
GRAND TOTAL	386	163	549		386	163	549

*No. II.—As to places whence emigrants come to Calcutta for embarkation.*

	Fiji.			Total.		Grand Total.
Orissa	1	..	1	1	..	1
Western Bengal	2	..	2	2	..	2
Central ditto	..	1	1	..	1	1
Eastern ditto	..	..	..	..	..	..
Behar	116	67	183	116	67	183
North-Western Provinces	124	59	183	124	59	183
Oudh	116	29	145	116	29	145
Central India	4	1	5	4	1	5
Punjab	2	..	2	2	..	2
Nepal and Native States	16	5	21	16	5	21
Mixed, Madras and Bombay, &c.	5	1	6	5	1	6
GRAND TOTAL	386	163	549	386	163	549

*No. III.—As to Caste and Religion.*

Brahmins, high caste	91	42	133	91	42	133
Agriculturist	99	25	124	99	25	124
Artisans	56	23	79	56	23	79
Low castes	87	37	124	87	37	124
Musulmans	52	37	89	52	37	89
Christians	..	..	..	..	..	..
GRAND TOTAL	386	163	549	386	163	549

*Memo.*

	Male.	Female.	Total.
1 Hindoos	334	126	460
2 Musulmans	52	37	89
3 Christians	..	..	..
TOTAL	386	163	549

C. J. LYALL,

*Offg. Secy. to the Government of India*





# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 10, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 15th March 1886.*

From the 10th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

	R	a.	p.
Subscription for <i>Gazette</i> and Supplement per annum.	15	0	0
Postage	5	8	0
Subscription for Supplement only	6	0	0
Postage	3	0	0
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For a single copy of the Supplement	0	4	0
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Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the *Gazette*. The annual subscription for the two Parts is Rs 5 per annum, payable in advance. When sent by post, Rs 2-8 per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's *Gazette*.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

*Publisher, Gazette of India.*

### BANK OF BENGAL.

#### NOTICE.

*Calcutta, the 3rd April 1886.*

The Directors have appointed Mr. W. D. Cruickshank to officiate as Secretary and Treasurer during the absence of Mr. R. Hardie on special leave, or until further orders.

The Directors have also appointed Mr. W. Westland to officiate as Deputy Secretary till further orders.

By order of the Directors,

R. HARDIE,  
*Secretary & Treasurer.*



## CONTROLLER OF

*List of Government Promissory Notes remaining in Deposit with the Controller of Military*

PARTICULARS AS PER COMPTROLLER GENERAL'S PRINTED MEMO. NO. <sup>427</sup> / <sub>T</sub> DATED 30TH MARCH 1886.	AMOUNT OF INVESTMENT.					TOTAL.
	3½ per cent., 1853-54.	Sicca 4 per cent., 1832-33.	4 per cent., 1865.	4½ per cent., 1870.	4½ per cent., 1879.	
	R	R	R	R	R	R
ived and converted into stock . . . . .	2,500	..	5,50,700	3,500	30,700	5,87,400
not converted into stock . . . . .	..	...	11,600	...	1,300	12,900
ived by the Comptroller General for safe custody under Financial on No. 3214, dated 27th October 1880 . . . . .	1,000	...	1,31,200	3,000	11,000	1,46,200
ived, but not brought to account . . . . .	...	..	2,800	...	...	2,800
TOTAL .	3,500	...	6,96,300	6,500	43,000	7,49,300

# MILITARY ACCOUNTS.

accounts on 31st March 1886 on account of the Security Deposits of Contractors and Others.

NAME OF PERSON OR FUND IN WHOSE BEHALF HELD.		AMOUNT OF INVESTMENT.					TOTAL.	NAME OF PERSON TO WHOM INTEREST IS SENT.
		3½ per cent., 1853-54.	Sicca 4 per cent., 1832-33.	4 per cent., 1865.	4½ per cent., 1870.	4½ per cent., 1879.		
		R	R	R	R	R	R	
1	Security deposit of contractors and others	...	...	1,000	...	...	1,000	Paymaster Presidency.
2	Ditto	...	...	2,000	...	...	2,000	Ditto N.-W. Provinces.
3	Ditto	...	...	1,000	...	...	1,000	Ditto Punjab.
4	Ditto	...	...	1,31,600	500	21,400	1,53,500	Central Commissariat Account Officer, Calcutta.
5	Ditto	500	...	72,600	...	2,500	75,600	Ditto Meerut.
6	Ditto	1,500	...	72,300	500	1,000	75,300	Ditto Umballa.
7	Ditto	...	...	32,600	...	...	32,600	Ditto Mooltan.
8	Ditto	500	...	49,000	1,000	1,000	51,500	Examiner of Commissariat Accounts on account of the late Right, Left and 2nd Field Office of Ac- counts and Kabul Section.
9	Ditto	...	...	43,000	...	4,500	47,500	Executive Commissariat Officer, Rawalpindi.
10	Ditto	...	...	9,500	...	...	9,500	Ditto Sialkot.
11	Ditto	...	...	14,000	500	...	14,500	Ditto Peshawar.
12	Ditto	...	...	12,300	1,000	1,000	14,300	Ditto Cawnpore.
13	Ditto	...	...	13,000	...	...	13,000	Ditto Gwalior.
14	Ditto	...	...	1,500	...	...	1,500	Superintendent, Dacca Khedda.
15	Ditto	...	...	1,800	...	...	1,800	Ditto Cattle Farm, Hissar.
16	Ditto	...	...	2,500	...	...	2,500	Ditto Reserve Remount Depot, Saharan- pore.
17	Ditto	...	...	14,400	...	600	15,000	Ditto and Agent for Army Clothing, Ali- pore.
18	Ditto	...	...	500	...	...	500	Ditto Gun Carriage Factory, Futtehghurh.
19	Ditto	...	...	33,000	...	...	33,000	Ditto Harness and Saddlery Factory Cawnpore.
20	Ditto	...	...	500	...	...	500	Commissary of Ordnance, Agra.
21	Ditto	...	...	3,000	...	...	3,000	Ditto Rawalpindi.
22	Ditto	...	...	2,500	...	...	2,500	Ditto Allahabad.
23	Ditto	...	...	3,000	...	...	3,000	Ditto Ferozepore.
24	Ditto	...	...	500	...	...	500	Ditto Fort William.
25	Ditto	...	...	10,000	...	...	10,000	Commandant, Deoli Irregular Force, Deoli.
26	Ditto	...	...	5,000	...	...	5,000	Deputy Director of Indian Marine.
27	Ditto	...	...	33,000	...	...	33,000	Executive Commissariat Officer, Lucknow
	TOTAL	2,500	...	5,65,100	3,500	32,000	6,03,100	

Notes received for safe custody.								
1	Security deposit of contractors and others	...	...	1,700	...	200	6,900	Central Commissariat Account Officer, Calcutta.
2	Ditto	1,000	...	28,700	...	2,600	32,300	Ditto Meerut.
3	Ditto	...	...	36,000	1,000	4,200	41,200	Ditto Umballa.
4	Ditto	...	...	10,200	1,500	4,000	15,700	Ditto Mooltan
5	Ditto	...	...	3,000	...	...	3,000	Examiner of Commissariat Accounts on account of the late Right, Left and 2nd Field Office of Ac- counts, Kabul Section.
6	Ditto	...	...	31,500	500	...	32,000	Executive Commissariat Officer, Rawalpindi.
7	Ditto	...	...	2,000	...	...	2,000	Ditto Sialkot.
8	Ditto	...	...	2,000	...	...	2,000	Ditto Peshawar.
9	Ditto	...	...	500	...	...	500	Ditto Lucknow.
10	Ditto	...	...	9,500	...	...	9,500	Ditto Gwalior.
11	Ditto	...	...	1,000	...	...	1,000	Superintendent, Small Arms Ammunition Factor Dum-Dum.
12	Ditto	...	...	100	...	...	100	Ditto and Agent for Army Clothing, Ali- pore
	TOTAL	3,500	...	6,96,300	6,500	43,000	7,49,300	

M. PERREAU, Colonel,  
Controller of Military Accounts

## EXAMINER OF MEDICAL AND FUND ACCOUNTS.

*Statement of unclaimed sums deposited since the year 1842 with the Bengal Military Orphan Fund in trust for Soldiers' Children, exclusive of those of minors who have not attained the age of 21.*

Date of Deposit.	Name and Rank of Father.	Corps.	Names of Children.	Amount.
				R a. p.
Feb. 1, 1842	McCarthy, —, Qr. Mr. Sergt.	...	John	61 2 8
Mar. 24, 1843	Nowlan, L. Farrier Sergt.	4th Troop, 2nd B. H. A.	Ellen	112 9 0
Apr. 3, 1843	Fairrell, James, Gunner	2nd Co., 5th B. Arty.	Charlotte	4 2 8
.. 3, 1843	Roach, Edward, Private	1st En. Lt. Infy.	David and Austel	7 13 3
May 9, 1844	Sheehan, B., Gunner	3rd Co., 3rd B. Arty.	John and Patrick	2 1 8
June 21, 1844	Evans, George, Sergt.	1st Co., 2nd Bn. Arty.	Mary-Ann and Catherine	19 14 9
Sep. 19, 1844	Andrews, —, Private	4th Foot	George	200 0 0
Nov. 16, 1844	Gale, —, Private	10th Foot	John Thomas	28 12 0
.. 20, 1844	Sullivan, John, Bombardier	1st Co., 2nd B. Arty.	John	130 0 0
Jan. 6, 1845	Dawes, John, Gunner	1st " " "	William-Henry	55 12 9
.. 6, 1845	Barnes, Peter, Corporal	1st " " "	Mary-Ann	64 2 11
.. 6, 1845	Monaghan, Michael, Sergt.	1st " " "	James	156 12 5
.. 15, 1845	Godfrey, —, Sergt. Major	...	Harriett-M., and James	31 14 1
Feb. 14, 1845	Fry, —, Bugle Major	6th B. Arty.	James	12 6 9
July 7, 1845	Hav, A., Sergt. Major	...	Thomas	101 5 4
.. 9, 1845	Meanev, John, Sergt. Major	2nd B. H. A.	Henry, and James	202 15 8
.. 9, 1845	Murphy, Thomas, Bombardier	2nd T., 3rd Bde. H. A.	Ellen	77 4 11
.. 9, 1845	Fate, William, Staff Sergt.	4th Co., 5th B. Arty.	Catherine-Ann	107 15 5
.. 9, 1845	Daley, Owen, Gunner	3rd " " "	Owen	7 1 7
Sep. 1, 1845	Ryan, —, Sergt.	...	Julia-B. and George-J.	120 13 0
Jan. 7, 1846	Everett, Richard, Bombardier	5th Co., 5th B. Arty.	Caroline, and Eliza	28 10 10
Aug. 8, 1846	McFenry, Thomas, Conductor	...	Hannah	152 0 9
	Glasse, John, Corporal	...	Ellen-Sarah	65 10 3
	Rideley, Henry, Gunner	...	Henry	34 9 3
	Fowles, John, Sergt.	Arty	Sarah, Terrence, and James	1 2 0
Oct. 16, 1846	Lewis, Thomas, Gunner	...	Thomas	20 5 3
.. 16, 1846	Dobbins, Francis, Gunner	...	Martha	83 3 5
July 6, 1847	Lunn, Adam, Farrier	...	Adam-T., and John	70 14 0
.. 19, 1847	Clarke, William, Bombardier	1st T., 3rd B. H. Arty.	Not recorded	104 10 8
.. 19, 1847	Prince, W., Sergt.	" 1st " "	Ditto	125 15 10
Jan. 7, 1848	Willford, C., Qr. Mr. Sergt.	...	Mary	66 15 8
.. 11, 1848	Pyrrnes, —, Corporal	...	Maria	50 0 0
June 20, 1848	Matthews, M., Sub-Conductor	...	Rachael	12 2 2
July 6, 1848	Brathwaite, W., Staff Sergt.	...	C-William, and William H.	148 3 5
Oct. 16, 1848	Butcher, H., Sergt. Major	Samoor Bn.	Johannah, Frederick, and David-Edwin.	99 6 1
Jan. 13, 1849	Doherty, Michael, Sergt.	...	Oliver-H.	38 12 5
May 9, 1849	Sheehan, D., Private	2nd En. Regt.	James	36 5 6
June 2, 1849	Moore, Benjamin, Private	1st En. B. F.	Sarah-C.	9 8 4
.. 2, 1849	Crowley, Charles, Private	" " "	John	7 6 1
Oct. 12, 1849	Deare, W., Conductor	" " "	Emeline	50 0 0
Nov. 21, 1849	Moget, —, Sergt. Major	...	George	60 14 4
Feb. 18, 1850	Boote, Daniel, Gunner	1st Co., 4th B. Arty.	James and another	26 3 5
June 29, 1850	Unack, Patrick, Sergt	" 3rd "	John	20 15 0
July 18, 1850	Barker, J., Sergt.	Arty.	William-Robert	97 14 2
	Sheehan, P., Gunner	2nd Fn. Regt.	Patrick	23 5 6
Oct. 29, 1850	Lees, James, Corporal	1st Co., 4th B. Arty.	Elizabeth	25 14 6
Sep. 14, 1852	Wade, William, Sergt.	...	Sarah-Ann, William-Henry, Elizabeth, Esther, Jane-Wallis, and Ann.	74 9 5
Nov. 4, 1852	Hodgins, Adam, Gunner	2nd Co., 5th B. Arty.	William	9 11 11
Feb. 1, 1853	Edwards, Michael, Gunner	" " "	Jane and Bridget	36 5 9
Apr. 21, 1853	Staples, Edward, Sergt.	Sappers and Miners	E. W. H.	97 2 6
Sep. 13, 1853	Brown, Michael, Sergt.	African Bn.	John	49 10 3
Jan. 24, 1854	Galway, Robert, Bombardier	1st Co., 2nd B. Arty.	William	200 1 2
.. 15, 1855	Munrowd, George, Sub-Conductor	Ordnance Dept.	Georgiana	61 10 3
Sep. 24, 1855	Franks, G., Bazar Sergt.	...	Mary	506 3 10
Oct. 15, 1857	Earle, Edward, Sergt.	Calcutta Town Guard	William-Edward	209 14 0
Dec. 4, 1857	McDonnell, John, Private	67th Foot	Charles	25 15 6
Feb. 13, 1861	Scott, William, Sergt.	2nd Fz.	William, Annie and Emma	214 2 9
Mar. 29, 1862	McDonnell, John, Sergt.	Ordnance Dept.	Catherine	118 11 10
June 1, 1862	Pope, John Sergt.	Commissariat Dept.	...	...
.. 1, 1862	Keddie, J., Private	2nd Fn. B. Fz.	Jane and James	86 0 0
July 22, 1864	Lawton, William, Color Sergt.	24th Foot	William and Joseph	152 14 2
Jan. 25, 1864	Jones, John, Gunner	G. Battery, 22nd B. R. Arty.	Hennietta-Dalzell	39 5 10
Mar. 10, 1864	Anderson, William, Gunner	5th B., 2 5th B. R. Arty.	Duncan	35 4 11
May 19, 1864	Rowland, J., Private	2nd Dragoon Guards	Sophia-M., Elizabeth Ann and George-Edward.	12 0 0
July 18, 1865	Mead, William, Bombardier	1-75th Royal Arty.	Mary-Ann and Thomas	4 0 0
June 25, 1866	Hutchinson, John, Sergt.	Army Comt. Dept.	Rose	26 2 0
Oct. 31, 1867	Coates, Robert, Corporal	R. Arty.	Ann Frances and Rosina-Mary	141 15 1
Feb. 14, 1868	York, R., Sergt.	Arty.	Henry, J.	21 1 2
Oct. 9, 1871	Donohue, Andrew, Private	39th Regt.	Ann	50 0 0
Feb. 21, 1880				

Applications for payment of the deposits should be made to the Examiner of Medical and Fund Accounts, Calcutta.

G. S. SUTHERLAND, M.D., *Brigade-Surgeon,*

*Examiner of Medical and Fund Accounts.*

**Statement of the Affairs of the Bank of Bengal for the week ending 6th April 1886.**

[illegible]

BANK OF BENGAL,  
*Calcutta, 8th April 1886.*

J. GORDON,  
Chief Acctt & Dy. Secy.  
Rate for Demand Loans 6 per cent.  
Percentage 437.

By order of the Directors,  
W. D. CRUICKSHANK  
*Offg. Secretary & Treasurer.*

**ORDERS BY THE VICE-CHANCELLOR  
AND SYNDICATE OF THE CALCUTTA  
UNIVERSITY.**

• The following Candidates have passed the examinations for the Degree of Bachelor in Medicine and for the Licence in Medicine and Surgery :—

SECOND M. B. EXAMINATION.

FIRST DIVISION.

*In alphabetical order.*

Bandopadhyay, Trailokyanath	Medical College.
Barat, S. N.	Ditto.
Basu, Chunilal	Ditto.
" Niradbihari	Ditto.
Chakrabarti, Kshetrapal	Ditto.
De, Sasibhushan	Ditto.
Ghatak, Annadaprasanna	Ditto.
Ghosh, Bipinbihari	Ditto.
Laha, Lalimohan	Ditto.
Mukhopadhyay, Srischandra	Ditto.
Nallatomby, C. W.	Ditto.
Raychaudhuri, Saratkumar	Ditto.

## SECOND DIVISION.

*In alphabetical order.*

Basu, Gobindachandra	.	.	.	Medical College
Datta, Durlabhechandra	.	.	.	Ditto.
" Jogindranath	.	.	.	Ditto.
De, Lalbihari	.	.	.	Ditto.
Haldar, Gopallal	.	.	.	Ditto.
Mitra, Upendranath	.	.	.	Ditto.
Mukhopadhyay, Akshaykumar	.	.	.	Ditto.
Nandi, Purnachandra	.	.	.	Ditto.
Ray, Isachandra	.	.	.	Ditto.
" Phatikchandra	.	.	.	Ditto.
Sanyal, Dinanath	.	.	.	Ditto.

**SECOND L. M. S. EXAMINATION.**

*In alphabetical order.*

<b>Datta, Nitaichand</b>	.	.	.	Medical College.
<b>De, Phakirchandra</b>	.	.	.	Ditto.
<b>Ghosh, Bidhubhushan</b>	.	.	.	Ditto.
<b>Lahiri, Prakaschandra</b>	.	.	.	Ditto.
<b>Mukhopadhyay, Jnanendranath</b>	.	.	.	Ditto.

FIRST M. B. EXAMINATION.

FIRST DIVISION.

*In order of merit.*

Nandi, Akshaykumar	.	.	.	Medical College.
Sarkar, Nilratan	.	.	.	Ditto.
Dasgupta, Syamnirad	.	.	.	Ditto.
Vetharan, E.	.	.	.	Ditto.

## SECOND DIVISION.

*In alphabetical order.*

Basu, Sureschandra . . . .	Medical College.
Chaudhuri, Janmejay . . . .	Ditto.
Das, Saradaprasad . . . .	Ditto.
Majumdar, Trulokyanath . . . .	Ditto.
Nandi, Purnachandra . . . .	Ditto.
Pal, Akshaykumar . . . .	Ditto.
Ray, Debendranath . . . .	Ditto.
Sarkar, Bipinbhari . . . .	Ditto.

FIRST L. M. S. EXAMINATION.

**Moung Yan Hmu . . . . Medical College.**

W. GRIFFITHS,

*Registrar.*

SENATE HOUSE.

*The 22nd March 1886.*

The undermentioned Students have passed the  
B. L. Examination :—

FIRST DIVISION.

*In Order of Merit.*

1	Mitra, Saratchandra (Junior)	. M'poltan Instr.
2	Sen, Bankimchandra.	. Ditto.
3	Dhar, Abinashchandra	. Ditto.

## SECOND DIVISION.

*In Order of Merit.*

1	Bankabihari Lal . . . . .	Patna College.
2	Niyogi, Gatikrishna . . . . .	Ditto.
3	Syud Wazir Hassan . . . . .	Ditto.

4	Adhya, Bipimbhari	M'politan Instn.
5	Sen, Narayanchandra	Ditto.
	De, Dinanath	Ditto.
7	Syam, Saradacharan	Ripon College.
	Das, Gangadhar	M'politan Instn.
9	Ray, Bhabanath	City College.
10	Chakrabarti, Umeschandra	Ditto.
11	Sen, Satischandra	M'politan Instn.
	Datta, Lamb dar	Ditto.
12	Chaudhuri, Syamasundar	Ditto.
	Ram Sahay	Patna College.
15	Chattopadhyay, Surapati	M'politan Instn.
16	" Nagendranath	Ditto.
17	Basu, Manindranath	Ditto.
18	Asghur Ali Khan	Patna College.
19	Lahiri, Rajendralal	M'politan Instn.
20	Bagchi, Debendraprasad	City College.
21	Biswas, Srischandra	M'politan Instn.
22	Bandyopadhyay, Asutosh	Ditto.
23	Srimani, Jogindranath	Ditto.
24	Ray, Bamacharan	Ditto.
25	Palit, Amritlal	City College.
	Bandyopadhyay, Kalidhan	Ditto.
26	" Jadunath	M'politan Instn.
	Ray, Syamacharan	Ditto.
29	Das, Kalikamal	Dacca College.
30	Sarkar, Adharchandra	M'politan Instn.
	Kundu, Bhagabatcharan	Ditto.
31	Mukhopadhyay, Nagendranath	Ditto.
	Mitra, Achintanath	Ditto.
33	Gangopadhyay, Makhanlal	Ditto.
35	Mukhopadhyay, Upendrachandra	City College.
36	Ghosh, Biharlal	Presdy. College.
	Gulam Hyder Khan	City College.
37	Chakrabarti, Harihar	M'politan Instn.
39	De, Saratchandra	Ditto.
40	Mukhopadhyay, Jogindranath	City College.
41	Guha, Kaliprasanna	Ditto.
42	Majumdar, Jogeshchandra	M'politan Instn.
43	Chakrabarti, Mahimchandra	Ditto.
44	Ghosh, Surendranath	Ditto.
45	Dattaray, Anandakissor	Ripon College.
46	Sen, Kalicharan	M'politan Instn.
47	Chattopadhyay, Haridas	Ditto.
48	De, Narendralal	City College.
	Chakrabarti, Manmohan	M'politan Instn.
50	Mahib-uddin Ahmed	City College.
51	Mitra, Saratchandra (Senior)	M'politan Instn.
52	Chattopadhyay, Haranchandra	Ditto.
53	Chakrabarti, Siddheswar	Hughli College.
54	Bandyopadhyay, Harilal	M'politan Instn.
	Chaudhuri, Satischandra	City College.
55	Mukhopadhyay, Bisweswar	Ditto.
	Basu, Haridas	M'politan Instn.
58	Majumdar, Murarilal	Ditto.
	Mahomed Ainul Haq	Patna College.
60	Mitra, Upendranath	City College.
61	Datta, Maheschandra	Dacca College.
62	Basu, Abinashchandra	M'politan Instn.
	Ray, Hemendranath	Ditto.
64	Bhatta, Tridharacharan	Ditto.
	Lahiri, Mahendranath	Ditto.
66	Bandyopadhyay, Kshetramohan	City College.
67	Himmat Ali	Dacca College.
68	Sil, Aghornath	City College.
69	Lahiri, Gopalgobinda	M'politan Instn.
70	Mahabir Sahay	Ditto.
	Sil, Makhanlal	Hughli College.
71	Sen, Mahinmohan	M'politan Instn.
	Basu, Priyanath	Ditto.
	Sen, Dakshinacharan	Ditto.
74	Guha, Harendranarayan	Ditto.
	" Rohinikumar	City College.
76	Datta, Amritlal	M'politan Instn.
78	" Pratulchandra	Ditto.
79	Ray, Maheschandra	R'shahye College
80	Basu, Bijaygobinda	Presdy. College.
	Sanyal, Nagendranath	Ripon College.
81	Pati, Radhanath	M'politan Instn.
	Datta, Jugalkisor	City College.
84	Sen, Satiskamal	M'politan Instn.
	Mukhopadhyay, Upendrachandra	Ditto.
86	Bhattacharyya, Jogindrachandra	City College.
87	Chakrabarti, Lalitmohan	Ditto.
88	Syed Ahmed Hassam	Patna College.
	Mukhopadhyay, Sasibhusan	M'politan Instn.
	No. II.	
90	Majumdar, Nilmadhab	Hughli College.
	Chakrabarti, Mohinimohan	M'politan Instn.
91	Chattopadhyay, Upendranath	Ditto.
93	Bandyopadhyay, Rakhalidas	City College.
94	Chaudhuri, Kisorimohan	M'politan Instn.

95	Yaqimuddin Ahmed	City College.
96	Mukhopadhyay, Jayhari	K'nagar College.
	Mitra, Akshaykumar	Patna College.
	Tapeswari Prasad	Ditto.
	Abdul Majid	Dacca College.
	Bhattacharyya, Jaineswar	Hughli College.
	Dutt, Jogen Chunder	City College.
	Shams-ul-Huda	Ditto.
	Syud Mahamad Yusuf Ali	Ditto.
	Ray, Saratchandra	M'politan Instn.
	Ghosh, Sasimohan	Ditto.
	Bandyopadhyay, Srischandra	Ditto.
97	De, Basantakumar	Ditto.
	Gupta, Inanchandra	Ditto.
	Chattopadhyay, Gopalchandra	Ditto.
	Mitra, Sureschandra	Ditto.
	" Charuchandra	Ditto.
	Mukhopadhyay, Piyaarilal	Ditto.
	Mitra, Asutosh	Ditto.
	Sanyal, Ramchandra	Ditto.
	Mukhopadhyay, Sasibhusan	No. Ditto.
	I.	
	Maiti, Upendranath	Ditto.

W. GRIFFITHS,  
Registrar.

SENATE HOUSE,  
The 30th March 1886.

### TELEGRAPH DEPARTMENT.

Simla, the 5th April 1886.

Offices reported opened and closed during the month of March 1886 :—

Name of Station.	Where situated.	Date.	REMARKS.
<i>Departmental.</i>			
Ambasamudrum	Madras Presdy.	29th Mar.	Opened.
Badlipar	Assam	25th "	Ditto.
Bilaspur	Central Provinces	19th "	Ditto.
Gwalior Fort	Central India	9th "	Closed.*
Gwalior	Ditto.	11th "	Opened.†
Jamnagar	Kathiawar	22nd "	Ditto.
Morar	Central India	11th "	Closed.
Tarn Tarun	Punjab	5th "	Opened.
<i>Railway.</i>			
Nulla	B. B. & C. I. Ry.	8th Feb.	Opened.
Majeigram	B. C. Ry.	1st Mar.	Closed.
Bhadunpur	E. I. Ry.	22nd "	Opened
Kunwar			
Newar	O. & R. Ry.	22nd "	Ditto.
Pathri	S. P. S. Ry.	25th "	Closed.
Gardkinduff			

\* Military Office

† Postal Telegraph Office

H. MALLOCK,

Dy. Director General of Telegraphs in India.

### AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

#### NOTIFICATION.

Indore Residency, the 2nd April 1886.

No. 1216.—In pursuance of this Office Notification No. 245 A., dated the 21st February 1886, and Foreign Department Notification No. 626 G. of the 25th March 1886, Pundit Bala Prasad, Assistant Superintendent of Police, Rajputana-Malwa Railway, Indore Section, availed himself of the three months' privilege leave, and Mr. R. E. Vital received charge, on the forenoon of the 1st March 1886.

By Order,

L. S. NEWMARCH,

for 1st Asst. Agent to the Govr. Genl.

for Central India.

## AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

### NOTIFICATIONS.

*Abu, the 1st April 1886.*

**No. 654 G.**—Second Class Hospital Assistant No. 126, Goolam Nubbee, attached to the Deoli Irregular Force, was granted sixty days' leave of absence with full pay, with effect from the 4th February 1886.

**No. 655 G.**—Sub-Hospital Assistant No. 563. Rahmut Oollah, of the Deoli Irregular Force, returned from leave granted him in this Office Notification No. 3918 G., dated 29th December 1885, on the 6th March 1886.

**No. 662 G.**—Third Class Hospital Assistant Ewaz Ally returned from leave granted him in this Office Notification No. 166 G., dated 26th January 1886, and resumed charge of his duties from 3rd Class Hospital Assistant Bromanand, on 10th March 1886.

**No. 663 G.**—First Class Hospital Assistant Abdool Kadir returned from leave granted him in this Office Notification No. 165 G., dated 26th January 1886, and resumed charge of his duties from 3rd Class Hospital Assistant Myia Singh on 10th March 1886.

**No. 664 G.**—First Class Hospital Assistant Abdool Khan, returned from leave granted him in this Office Notification No. 242 G., dated 6th February 1886, on the 5th February 1886.

**No. 665 G.**—The following transfers have been made in the Civil Hospital Assistant establishment in Rajputana :—

Class.	Name.	From	To	Date of transfer.
2nd.	Brij Mohun Lall	Government Reserve List.	Northern India Salt Revenue Hospital, Dildwana.	1886 10th Jan.
3rd.	Chunda Singh	Northern India Salt Revenue Hospital, Dildwana.	Raj Dispensary, Jeypore.	10th "
2nd.	Gunga Sehare	Raj Dispensary, Jeypore.	Gusainjee's Dispensary, Nathdwara.	29th "
3rd.	Bromanand	Native States Reserve List.	Raj Dispensary, Jeypore.	10th Mar.
1st.	Myia Singh	Ditto	Ditto	10th "
1st.	Imamooddin	Rajputana-Malwa Railway.	Government Reserve List.	6th "

*The 3rd April 1886.*

**No. 677 G.**—The medical charge of the Detachment of the Erinpura Irregular Force and of the Jail at Abu was transferred from 3rd Class Hospital Assistant Moorut Lall, attached to Abu Charitable Dispensary, to 1st Class Hospital Assistant Guru Churn Lusker, of the Agency Hospital, with effect from the afternoon of the 9th March 1886.

*The 8th April 1886.*

**No. 698 G.**—Mr. R. E. Acklon, Superintendent, Rajputana-Malwa Railway Police, is granted privilege leave for two months and fifteen days from the 28th April 1886, or such subsequent date as he may avail himself of the same.

**No. 701 G.**—With reference to this office Notification No. 698 G., dated the 5th April 1886, Mr. J. R. Tregear, Assistant Superintendent, Rajputana-Malwa Railway Police, is appointed to hold charge of the Office of Superintendent, Rajputana-Malwa Railway Police, in addition to his own duties, until further orders.

By Order,  
HUGH DALY,  
for 1st Asst. Agent to the Govr. Genl.,  
Rajputana.

## CHIEF COMMISSIONER OF AJMERE-MERWARA.

### NOTIFICATION.

*Abu, the 5th April 1886.*

**No. 343.**—The Reverend T. E. F. Morton, Pastor, Methodist Episcopal Church, is licensed, under Section 6, Act XV of 1872, to solemnize marriages in the Merwara District.

By Order,  
HUGH DALY,  
for 1st Asst. to the Agent to the Govr. Genl.,  
Rajputana.

## RAJPUTANA AGENCY, PUBLIC WORKS DEPARTMENT.

### NOTIFICATION.

*Mount Abu, the 31st March 1886.*

**No. 793 S.**—With the approval of the Government of India, Foreign Department, the Governor-General's Agent for Rajputana is pleased to grant to Mr. H. H. Gahan, Executive Engineer of the Dholpore State, leave on medical certificate for eight months, under Sections 128 and 129 of the Civil Leave Code, Sixth Edition, with effect from the forenoon of the 10th April 1886.

Mr. Gahan is also granted subsidiary leave from the 1st to 9th April 1886, both days inclusive, under Section 136 of the Civil Leave Code.

By Order,  
WM. G. CUMMING, Major, R.E.,  
Offg. Secy. to the Agent to the Govr. Genl.,  
Rajputana, in the P. W. Dept.

## RESIDENT IN MYSORE.

### NOTIFICATION.

*Bangalore, the 2nd April 1886.*

**No. 835.**—The provisions of Act XX of 1847 (regarding copy-right of books) and Act XXV of 1867 (for the regulation of Printing Presses and of Periodicals, for the preservation of copies of books printed in British India, and for the registration of such books) having been formally declared, under the authority of the Governor-General of India in Council, to apply to the Civil and Military Station of Bangalore, the fol-



lowing revised rules, in supersession of those contained in the Resident's Notification No. 14, dated 15th January 1885, are hereby prescribed by the Officiating Resident in Mysore under the provisions of Section 20 of the latter Act :—

1. One copy of every work printed or lithographed in the Civil and Military Station of Bangalore shall, under the provisions of Section 9 of Act XXV of 1867, be delivered by the printer to the Collector and District Magistrate of the Civil and Military Station of Bangalore, together with a memorandum containing the following particulars :—

- (1) The title of the book and the contents of the title page, with a translation into English of such title and contents, when the same are not in the English language.
- (2) The language in which the book is written ;
- (3) The name of the author, translator, or editor of the book or any part thereof ;
- (4) The subject ;
- (5) The place of printing and the place of publication ;
- (6) The name or firm of the printer and the name or firm of the publisher ;
- (7) The date of issue from the press or of the publication ;
- (8) The number of sheets, leaves, or pages ;
- (9) The size ;
- (10) The first, second, or other number of the edition ;
- (11) The number of copies of which the edition consists ;
- (12) Whether the book is printed or lithographed ;
- (13) The price at which the book is sold to the public ;
- (14) The name and residence of the proprietor of the copy-right or of any portion of such copy-right ; and
- (15) The date on which the copy-right was registered.

2. On receipt of the copy of the work as well as of the prescribed memorandum, the Collector and District Magistrate shall give a receipt in writing for the copy so received and shall enter the particulars stated in such memorandum in a book to be kept in his office, entitled "Catalogue of books printed in the Civil and Military Station of Bangalore," and shall thereupon pay to the printer, on presentation of the usual bill, the *bona fide* sale price of the copy of the book described in the said memorandum.

3. In order to secure the copy-right of the work delivered, the proprietor may, in accordance with the last clause of Section 18 of Act XXV of 1867, pay the sum of two rupees to the Collector and District Magistrate, who will thereupon grant a receipt for the same and remit the amount to the Resident's Treasury.

4. Prosecution for infringement of the provisions of Act XXV of 1867 shall be instituted by such officer as the Resident may appoint in each case upon information received from the Collector and District Magistrate.

5. The Collector and District Magistrate shall, at the close of each quarter, furnish the Assist-

ant to the Resident in Mysore with a true extract from the catalogue of books kept by him under Rule 2 of this Notification, giving all the particulars regarding each book as specified in Rule I above, a note being made in the column of remarks stating briefly the nature or character of the work referred to. The Collector and District Magistrate shall retain the copy of the work supplied to him under Rule I of this Notification in his office in a special library.

6. The works registered during the quarter in the said catalogue shall be arranged in the quarterly extract referred to in the preceding rule in strict conformity with the instructions contained in the Resolution of the Government of India, Home Department, No. 1—462, dated 12th September 1882, and the quarterly extract shall be forwarded to the Assistant to the Resident in Mysore as soon as possible after the end of such quarter for publication in the *Gazette of India*, in accordance with the provisions of Section 19 of Act XXV of 1867

By Order,

J. H. NEWILL, *Major,*  
*Assistant to the Resident.*

## DIRECTOR GENERAL OF RAILWAYS.

### NOTIFICATIONS.—ESTABLISHMENT.

*Simla, the 1st April 1886.*

**No. 27.**—In supersession of Director General of Railways' Notification No. 10, dated 15th February 1886, which is hereby cancelled, Mr. H. F. Storey, Superintending Engineer, Class II, temporary rank, is granted nine months' furlough to Europe, with the usual subsidiary leave from such date as he may be allowed to avail himself of it.

**No. 28.**—Mr. C. W. Hodson, Executive Engineer, 3rd Grade, is transferred, in the interests of the public service, from the Bilaspur-Etawah Railway to the Sind-Pishin State Railway, Northern Section.

*The 5th April 1886.*

**No. 29.**—With reference to Public Works Department Notification No. 93, dated 5th April 1886, Mr. J. Elston, Executive Engineer, 3rd grade, is posted to the Bolan Railway.

F. S. STANTON, *Colonel, R.E.,*  
*Director General of Railways.*

## DIRECTOR OF PUBLIC INSTRUCTION, BENGAL.

### NOTICE.

In accordance with the Resolution of the Government of Bengal in the General Department, dated the 6th March 1886, published on page 541 of the *Calcutta Gazette* of the 31st of the same month, notice is hereby given that an Examination for the admission of female students to the Certificate Class of the Calcutta Medical College will be held in the theatre of that

College on Tuesday, the 27th April 1886, and following days:—

**HOURS AND SUBJECTS OF EXAMINATION.**  
**Tuesday**—English Dictation, Grammar, and Composition and from 1 to 4 P.M.

**Wednesday**—History (of England and India) and Geography (General and of India in particular), from 1 to 4 P.M.

**Thursday**—Arithmetic (the first four Rules, Vulgar and Decimal Fractions and Proportion), from 1 to 4 P.M.

Candidates must apply in writing to this Office not later than the 22nd of April for permission to appear at the Examination.

CHARLES H. TAWNEY,  
*Offg. Director of Public Instruction.*

### YEARLY EXAMINATION FOR FOURTH GRADE ACCOUNTANTS.

The yearly examination of candidates for the 4th grade of Accountants, Public Works Department, will be held at the Government Engineering College, Seebpore, on Monday, June 7th, 1886, and following day, at 10 A. M. The examination will be conducted either at the College or by an Examiner, Public Works Accounts (including Railway and Telegraph), in Bengal, Assam, and Burmah only, as may be most convenient to the candidate.

All applications must be accompanied by a fee of Rs 10, and must reach the undersigned on or before 6th May 1886.

For further particulars apply to—

S. F. DOWNING,  
*Principal, Government Engineering College.*

### Statement of Silver Balance in the Calcutta Mint for the week ending 7th April 1886.

	R	R
Value of silver held in the Mint on account of the Currency Department on the evening of the 31st March 1886	6,88,460	
Value of Government silver in the Mint on the same date	6,47,881	13,30,341
<b>ADD—</b>		
Silver received by the Mint during the week on account of the Currency Department	31,000	
Ditto ditto Government	184	31,184
<b>DEDUCT—</b>		
New coin paid to Reserve Treasury during the week	2,40,000	13,07,024
Petty items issued for miscellaneous purposes	478	2,40,478
Balance on the evening of the 7th April 1886	...	11,27,146
The Balance comprises—		
Silver held on account of the Currency Department	5,24,106	
Ditto ditto Government	6,03,040	11,27,146
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	8,63,871	
Ditto ditto Government	...	8,63,871

A. W. BAIRD, Major, R.E.,  
*Offg. Master of the Mint.*

CALCUTTA MINT,  
 The 8th April 1886.

### CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

#### Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regd. No.	No. of Note.	Value.	Name of Claimant.
		R	
41	F 19—91540*	50	Sarni Mul, Sub-Divisional Clerk, North-West Frontier Road Division, Public Works Department, Bannu.
1	E 19—28332†	50	Mr. P. D'Sa, Guard, North Western Railway, Jhelum.

† Belonging to Agency No. 1, Rawalpindi.

\* Belonging to Agency No. 3, Umballa.

LAHORE,

The 3rd April 1886.

W. H. FERGERTON,  
*for Deputy Commissioner of Currency.*

#### Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regd. No.	No. of Notes.	Value.	Name of Claimant.
		R	
59	B 83—37985	50	O. R. S. Doraiswamy Chetty, Pondicherry.
60	B 78—90419	50	T. B. Vasudeva Shastri, Trichinopoly.

FORT ST. GEORGE,

The 29th March 1886.

C. HALL,  
*Chief Superintendent,  
 in charge of Paper Currency Dept.*

### POST OFFICE.

#### NOTIFICATIONS.

Unclaimed letters held in the Calcutta General Post Office on 6th April 1886.

Middleton, P. J. S. Stevens, R. H. Waddell, M.  
 Richardson, E. M.

Letters marked "Care of Post Office."

Aman, A.	Grant, Mrs. D. St.	Phillips, W. G. St. V.
Armstrong, P.	John	Phelps, Henry.
Balgarnie, L.	Griffiths, Norris	Pike, H. R.
Beattie, M. H.	Groseman, Sig. L.	Pinkerton, William.
Beuchamp, A.	Crun, Otto	Preston, R. C. Campbell.
Begbie, Miss C.	Guerrier, H. J.	Pule, Mrs. C. I.
Baker, Mr.	Harrison, Dr. J. E.	Reed, Mrs. A.
Bose, P. N.	Heath, Mrs.	Rice, W. G. L.
Bowers, S.	Hughes, Capt.	Richardson, H. W.
B. R.	Jefferson, J. I. D.	Robinson, E. A.
Butler, T.	Joleneburg, S.	Robinson, W.
Capel, Lt.-Col.	Kelly, Miss G.	Saltan, Miss M.
C. B. H.	K. T. M.	Sharpe, Capt. A.
Chelton, H.	Kirkbride, J.	Shaw, H. J.
Clark, James	Lamprey, J. H.	Simpson, Percy.
Clarke, F. G.	Lea, Jay.	Skine, Major.
Crawford, J.	Lemaitre, A.	Smashwood, Geo.
"D. C."	Lloyd, E. L.	Smart, Mrs. R. V.
Derham, Henry.	M. O.	Speer, A. E.
Dessa, H. T.	MacDougall, D.	Stanislaus, Walter.
Dikie, Capt. J. E.	McDonald, Miss.	Sternberg, A.
Dunmook, Capt.	McLaughlin, John.	Stone, Mrs. T.
Dodd, C. B. N.	Mannell, J. J.	Storey, A.
Dowling, D. G. A.	Marshall, Hon. Mrs.	Straw, Mrs. R.
Dukes, Mrs.	Geo	Swengler, Mrs. C.
Dundas, Mrs.	Martin, H.	Thorp, Sydney.
Dwarris, J. H.	May, J. A.	Tooms, Charles.
E. M. K. Miss.	McNeil, H.	Transch, Hern. J. Van.
Easton, Percy H.	Minch, Mr.	Urch, Capt. I.
Ellis, Mrs. Jas.	Moore, W.	Walker, G. A.
Entwistle, R.	Nellie, Miss N.	Walker, P. C.
Fitz, Lt. Col.	Norville, Mrs. L.	Webster, T. E.
Flinsch, Ferdinand.	Page, George	Wessendorff, Henri.
Freise, C.	Parker, Mrs. A. H.	Williamese, T. L.
Gilbert, Mrs. M.	Parker, Fred.	Wilson, Mrs. Mark.
Gilmour, Capt. D. C.	Percy, A.	Wood, Tempest.
Godfrey, J. B.	Peterson, Dr. Geo.	Zaff, Cori.
Grant, Mrs. M.		

Dillon, J. C.  
Godfrey, J. B.  
Guerrero, H. J.  
Nelson, Mrs.

#### Registered Letters.

Peterson, A.  
Ross, A.  
Sterzillies, David.  
Sternbergh, M.  
Whalan, Mrs.  
Woods, Jr.

#### Unclaimed Letters held in the Barrackpore Post Office on the 5th April 1886.

ikary, Bepin Behari, H. R.  
Arrakiel, M.  
Bissell, Miss.  
Campbell, Lady.  
Chatter, L.  
Crawley, Mrs. P. G.  
Dulghish, G. R.  
Gordon, L.  
Hadkins, Mrs.  
Hart, Nath. De.  
Hart, H.  
Hay, Mrs.  
Jones, G. V.  
Kelly, P.  
Pearson, Revd. A. C.  
Thomas, Major C. F.  
Thomas, Mrs. M. J.  
Wool, Lt. J. B., 40th  
Regt.  
Wool, Mrs. H. B.

R. HUTTON,

Presidency Postmaster, Calcutta.

Calcutta, the 10th April 1886.

#### SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta	Per Steamer
Madras and Ceylon	17th April	P. & O. Str. <i>Bukhara</i>
Colombo, Penang, Singapore, Hong Kong, Shanghai, Yokohama, and Australian Colonies	13th "	From Bombay.
Foreign Mails via Bombay	13th "	From Bombay.
Ditto Book Post and Pattern Packets	12th "	From Bombay.
Rangoon and Moulemein	14th "	Str. <i>Pemba</i> †
Akyab, Kyauk Phyo, Sangoon and Rangoon	14th "	Str. <i>Pemba</i> †
Straits and Hong-Kong	10th "	Str. <i>H. B. G.</i>

\* Also for Cape of Good Hope and Natal through United Kingdom can be forwarded.

† Also for Port Blair can be sent by this opportunity.

N.B. - The letter-box will close at 7.30 p.m. after which hour Foreign letters, fully prepaid and bearing an extra postage stamp of four annas on each cover, will be received up to 7.30 p.m.

R. HUTTON,

Presidency Postmaster.

#### GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for quinine, and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, *R4-8*; per eight-ounce tin, *R8-8*; per pound tin, *R16-8*. The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the under-noted rates—per four-ounce tin, *R5-8*; per eight-ounce tin, *R10-8*; per pound tin, *R20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

#### گورنمنٹ سینکونا فبري فيوج

یہ دوا کوئیٹائین کا خوب قائم مقام ہے اور کلکتہ کے ہوائیک گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہوائیک ملازم سرکاری واسطے سرکاری کام اور خیرات کے اور سوائے انکے جو کوئی ایک مشہور پوند خرید لینے سے بقیہ نقد حسب

رخ ذیل خرید کر سکتے ہیں یعنی نرخ چار اونس کے ٹین کا ہار روپیہ آٹھ آنہ ; آٹھ اونس کے ٹین کا آٹھ روپیہ آٹھ آنہ ; ایک پوند کے ٹین کا سولہ روپیہ آٹھ آنہ ،

اور عوام الناس ہوائیک گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ ذیل خرید کر سکتے ہیں یعنی نرخ چار اونس کے ٹین کا پانچ روپیہ آٹھ آنہ ; آٹھ اونس کے ٹین کا دس روپیہ آٹھ آنہ ; ایک پوند کے ٹین کا بیس روپیہ

یہ دول کلکتہ کے بڑے بڑے ولایتی اور دیہی دوا خانوں میں بکتی ہے سوائے قیمت مذکورہ بالا نے محصول ڈاک چار اور آٹھ اونس کے ٹین کا آٹھ آنہ ; اور ایک پوند کے ٹین کا بارہ آنہ ،

#### CRYSTALLYNE CINCHONA FEBRIFUGE.

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# The Gazette of India.

PUBLISHED BY AUTHORITY.

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CALCUTTA, SATURDAY, APRIL 10, 1886.

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 Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### BRITISH BURMA.

#### NOTICE.

DEPUTY COMMISSIONER'S COURT,  
DISTRICT THONEGWA.

*The 4th February 1886.*

CIVIL SIDE MISCELLANEOUS CASE  
NO. 4 OF 1885.

IN THE MATTER OF THE ESTATE OF  
G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa District, died intestate on the 5th January 1885 Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased.

to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,  
*District Judge, Thonegwa.*

#### NOTICE.

The business heretofore carried on by my late father at No. 59, Ezra Street, in the City of Calcutta, under the style or firm of E. D. J. Ezra, will from this date be carried on by myself under the firm and style of E. D. J. Ezra & Co.

J. E. D. EZRA.







SUPPLEMENT TO  
**The Gazette of India.**

No. 15:}

CALCUTTA, SATURDAY, APRIL 10, 1886.

**OFFICIAL PAPERS.**

*A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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GOVERNMENT OF INDIA.

HOME DEPARTMENT.

**RULE REGARDING THE GRATUITOUS DISTRIBUTION OF THE "GAZETTE OF INDIA."**

No. <sup>1</sup><sub>350.</sub>

*Extract from the Proceedings of the Government of India, in the Home Department (Public—Books)—under date Calcutta, the 6th April 1886.*

**READ again—**

Legislative Department Circulars to all Local Governments and Administrations, Nos. 1030 to 1040, dated the 8th September 1882, and Nos. 1104 and 1114, dated 28th August 1883, on the subject of giving greater publicity to legislative measures.

Home Department Resolution Nos. 49—1791-1807, dated 8th November 1882, on the subject of giving publicity to rules, regulations or notifications having the force of law and issued by executive authorities.

**RESOLUTION.**

THE Government of India has recently had under consideration the question whether it is not desirable to restrict within narrower limits the free circulation of the *Gazette of India* and to lay down some more definite rule than at present exists regarding the gratuitous supply of the *Gazette* either to private institutions, such as Libraries, Reading Rooms, Clubs, &c., or in exchange for newspapers. Considerable difficulty is experienced from time to time in deciding whether applications for the free supply of the *Gazette* to private persons or bodies should be complied with, and the extent to which

the gratuitous distribution list of the *Gazette* has in this way become enlarged has been found to be productive of inconvenience.

2. As special arrangements have been made for giving due publicity to measures which may from time to time come before the Legislature and also to rules, regulations or notifications having the force of law which are issued by the executive authorities in the exercise of powers conferred upon them under the provisions of Acts of the Legislature, it is unnecessary for these purposes to provide for any particularly wide circulation of the *Gazette of India*. Under these circumstances, and as it is desirable to avoid making distinctions in the matter, the Governor General in Council has decided to adopt the simple rule that the *Gazette* should not be gratuitously supplied to any person with the exception of Officers of the Government.

\* *Englishman*.  
*Indian Daily News*.  
*Statesman*  
*Indian Mirror*  
*Hindoo Patriot*

† Madras	3
Bombay	3
North-Western Provinces and Oudh	2
Punjab	2
Central Provinces	1
British Burma	1
Coorg	1
Assam	1
Hyderabad	1

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manner as Local Governments and Administrations may see fit. This arrangement will take effect from the 1st April 1886 or as soon after that date as may be found practicable.

ORDER.—Ordered that the foregoing Resolution be forwarded to the Local Governments and Administrations noted in the margin\* and to the Publisher, *Gazette of India*, for information and guidance.

* Madras	Central Provinces
Bombay	British Burma.
Bengal.	Coorg.
N.-W. P. and Oudh	Assam.
Punjab.	Hyderabad.

Ordered also, that a copy of the Resolution be forwarded to all Departments of the Government of India for information.

(True Extract.)

E. HAY, *Lieut.-Colonel*,  
*for Offg. Secretary to the Government of India.*

GOVERNMENT OF INDIA.  
DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENT OF PRICES CURRENT (RETAIL) OF FOOD-GRAINS FOR THE 1st HALF OF FEBRUARY 1886, PUBLISHED IN PAGE 405 OF THE  
SUPPLEMENT TO THE "GAZETTE OF INDIA" DATED 13th MARCH 1886.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16														
PROVINCE.		QUANTITIES PER RUPEE IN SFERS OF 80 TOLAS.																											
DISTRICT.	Wheat.		Barley.		Rice, best sort.		Rice, common.		Jowar or Cholum (Sorghum vul- gare).		Patia or Cumbu (Fenistum typhoidum).		Marua or Ragi (Eleusine Cor- iaca).		Kanoni or Kakun, Italian millet (Setaria italica).		Gram, (henna, Chola, Kadala, or Sunaga (Cicer aristatum).		Maize (Zea Mays).		Arhar or Thil (Cadian Pea (Ca- junus indicus).		Firewood.		Salt.		REMARKS.		
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.		S. Ch.	
H. A. (Districts.)	Amraoti	20 4	10 0	8 0	10 0	28 0	19 8	..	16 0	21 0	..	11 4	..	12 0	11 0	..	13 0	..	15 0	..	10 8	11 0	11 0	11 0	11 0	11 0	11 0	11 0	* Not sold by weight
	Akola	21 0	8 0	7 0	11 0	26 0	21 0	..	13 0	..	..	10 0	..	11 0	10 8	..	15 0	..	12 0	..	10 8	11 0	11 0	11 0	11 0	11 0	11 0	11 0	
	Ellichpur	19 0	8 0	8 0	10 0	27 0	16 0	..	18 0	..	..	10 0	..	11 0	10 8	..	15 0	..	12 0	..	10 8	11 0	11 0	11 0	11 0	11 0	11 0	11 0	
	Buldana	22 0	10 0	7 0	11 0	26 0	15 0	..	18 0	..	..	10 0	..	11 0	10 8	..	15 0	..	12 0	..	10 8	11 0	11 0	11 0	11 0	11 0	11 0	11 0	
	Wun	18 0	10 0	7 0	11 0	27 0	15 0	..	18 0	..	..	10 0	..	11 0	10 8	..	15 0	..	12 0	..	10 8	11 0	11 0	11 0	11 0	11 0	11 0	11 0	
	Basim	25 0	..	7 0	11 0	35 0	15 0	..	19 0	..	..	10 0	..	11 0	10 8	..	15 0	..	12 0	..	10 8	11 0	11 0	11 0	11 0	11 0	11 0	11 0	

DEPARTMENT OF FINANCE AND COMMERCE,  
(Statistical Branch)

D. BARBOUR,  
Secretary to the Government of India.

GOVERNMENT OF INDIA.  
DEPARTMENT OF FINANCE AND COMMERCE.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF MARCH 1886.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
PROVINCES.	DISTRICTS.	Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or Chohum (Sorghum vul-gare).	Bayra or Cumbu (Pennisetum typhoides).	Marua or Kagi (Eleusine cor-cana).	Kangni or Kakuin (Setaria italica).	Gram, (Chenna, or Sunaga (Cicer arietinum).	Maize (Zea Mays).	Arhar or Thur (Adian Pea (u-janus indicus).	Firewood.	Salt.	REMARKS.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
		11 13	12 2	13 0	13 0	21 10	23 13	23 5	23 5	23 5	23 5	23 5	23 5	23 5	
		15 0	9 0	10 3	10 3	21 10	23 13	23 5	23 5	23 5	23 5	23 5	23 5	23 5	
		14 6	11 14	16 0	16 0	23 0	20 5	25 3	25 3	25 3	25 3	25 3	25 3	25 3	
		7 13	13 0	13 0	13 0	17 3	20 5	25 3	25 3	25 3	25 3	25 3	25 3	25 3	
		No return received.	No return received.	No return received.	No return received.	No return received.	No return received.	No return received.	No return received.	No return received.	No return received.	No return received.	No return received.	No return received.	
		13 10	9 14	11 3	11 3	22 2	26 13	27 11	27 11	27 11	27 11	27 11	27 11	27 11	
		13 6	10 11	11 5	11 5	26 13	26 13	27 11	27 11	27 11	27 11	27 11	27 11	27 11	
		15 6	10 11	11 5	11 5	26 13	26 13	27 11	27 11	27 11	27 11	27 11	27 11	27 11	
		13 5	11 6	12 2	12 2	25 11	21 10	30 2	30 2	30 2	30 2	30 2	30 2	30 2	
		11 0	11 10	12 13	12 13	25 11	21 10	30 2	30 2	30 2	30 2	30 2	30 2	30 2	
		10 3	12 6	14 0	14 0	25 11	21 10	30 2	30 2	30 2	30 2	30 2	30 2	30 2	
		12 5	12 5	12 14	12 14	25 11	21 10	30 2	30 2	30 2	30 2	30 2	30 2	30 2	
		9 0	13 0	14 14	14 14	25 11	21 10	30 2	30 2	30 2	30 2	30 2	30 2	30 2	
		10 5	17 6	15 14	15 14	25 11	21 10	30 2	30 2	30 2	30 2	30 2	30 2	30 2	
		10 8	15 2	15 14	15 14	25 11	21 10	30 2	30 2	30 2	30 2	30 2	30 2	30 2	
		No return received.	No return received.	No return received.	No return received.	No return received.	No return received.	No return received.	No return received.	No return received.	No return received.	No return received.	No return received.	No return received.	
		12 11	12 10	13 10	13 10	20 14	25 6	24 10	24 10	24 10	24 10	24 10	24 10	24 10	
		10 3	11 3	13 3	13 3	21 13	21 5	25 10	25 10	25 10	25 10	25 10	25 10	25 10	
		11 11	12 10	14 11	14 11	21 13	21 5	25 10	25 10	25 10	25 10	25 10	25 10	25 10	
		10 2	12 5	13 0	13 0	21 13	21 5	25 10	25 10	25 10	25 10	25 10	25 10	25 10	
		10 9	19 2	7 2	13 13	17 14	16 1	17 13	18 9	18 9	18 9	18 9	18 9	18 9	
		17 0	21 0	6 8	13 0	20 0	17 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	
		13 4	0 0	0 0	10 0	20 0	18 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	
		16 0	20 0	8 0	10 0	20 0	18 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	
		14 14	8 0	8 0	11 0	16 1	15 13	15 13	15 13	15 13	15 13	15 13	15 13	15 13	
		11 0	10 12	7 4	9 0	12 0	15 0	15 0	15 0	15 0	15 0	15 0	15 0	15 0	
		17 3	7 8	7 8	9 6	25 12	19 9	22 8	22 8	22 8	22 8	22 8	22 8	22 8	
		10 8	10 3	10 3	11 9	23 4	16 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	
		14 6	8 4	9 13	10 7	23 4	16 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	
		13 13	9 9	10 13	10 7	23 4	16 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	
		14 1	10 0	10 0	10 7	23 4	16 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	
		22 4	7 1	9 12	11 7	23 4	16 8	22 8	22 8	22 8	22 8	22 8	22 8	22 8	
		12 11	8 14	10 0	10 0	20 0	20 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	
		17 0	10 8	10 8	11 0	20 0	20 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	
		19 0	11 0	11 0	12 0	25 0	21 0	28 0	28 0	28 0	28 0	28 0	28 0	28 0	
		10 9	7 2	11 5	11 5	15 9	12 4	16 7	16 7	16 7	16 7	16 7	16 7	16 7	

\* Correct figures have not been furnished.





QUANTITIES OF COMMODITIES IMPORTED INTO INDIA FOR THE HALF OF MARCH 1886—continued.

		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	REMARKS.										
		QUANTITIES PER RUPEE IN SEERS OF 50 TOLAS.																										
PROVINCES.	DISTRICTS.	Wheat.		Barley.		Rice, best sort.		Rice, common.		Jowar or Cholum vul- (Sorghum vul- gare).		Bajra or Cumbu (Pennisetum typhoides).		Maria or Kari (Eleusine cora- cana).		Kangni or Kaku, Italian millet (Setaria italica).		(Gram, Chenna, Kadalay or Sunaga (Cicer arietinum).		Maize (Zea Mays).		Arhar or Thur- janus indicus).		Firewood.		Sale.		
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.		S. Ch.	S. Ch.
BENGAL—continued.	Behar.																											
	Patna .	21 0	28 0	11 8	17 0	22 0	26 0	26 0	17 8	22 0	24 0	27 0	120 0	11 5														
	Gya .	17 0	23 8	9 0	16 0	22 0	...	...	...	18 0	32 8	22 8	180 0	11 0														
	Shahabad .	16 8	25 0	11 0	17 0	22 0	...	...	...	21 8	32 8	16 0	160 0	12 8														
	Durbhanga .	16 0	32 0	11 0	17 0	...	...	...	...	19 0	33 0	20 0	160 0	11 5														
	Monruperre .	16 0	24 0	13 0	17 0	...	...	...	...	19 0	27 0	22 0	160 0	12 0														
	Saran .	18 0	24 0	13 0	18 0	25 0	...	...	...	21 0	26 0	24 0	160 0	12 0														
	Chumpan .	18 0	25 0	11 8	18 0	...	...	...	...	19 0	28 0	21 0	160 0	12 0														
	Monghyr .	16 13	27 12	11 0	16 12	...	...	...	...	20 0	24 0	21 0	126 0	13 233														
	Bhagalpur .	16 0	31 9	15 2	17 11	...	...	...	...	21 7	21 7	24 0	175 4	12 1024														
Purneah .	16 0	...	19 0	20 0	...	...	...	...	22 8	...	...	160 0	10 523															
Maldah .	17 0	...	...	22 0	...	...	...	...	...	...	...	160 0	12 0															
Sonthal Pergunnahs .	13 8	...	14 0	23 0	...	...	...	...	...	...	...	200 0	12 1256															
Orissa.	Cuttack .	15 12	...	10 8	15 13*	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Pooree .	15 12	...	14 7	15 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Balasore .	22 0	11 0	15 0	25 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Hazáribagh .	17 8	18 0	11 0	19 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Lohardugga .	18 0	20 0	19 0	22 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Singbhoom .	24 0	24 0	24 0	28 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
ASSAM.	Manihoom .	10 0	...	16 0	26 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Sylhet .	13 10	...	11 6	14 12	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Cachar .	11 64	...	10 103	14 83	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Goalpara .	20 0	...	8 0	18 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Garo Hills .	16 0	...	8 0	16 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kamrup .	...	...	8 0	13 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Darrang .	7 4	...	8 0	13 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Nowgong .	8 0	...	8 0	16 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Sibsagar .	...	...	7 8	16 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Lakhimpur .	7 0	...	8 0	14 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
CHOTA NAAGPORE.	Khasi and Jaintia Hills .	...	...	7 0	10 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Nágá Hills .	...	...	...	8 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Dehra Dun .	18 0	28 0	6 0	12 0	22 0	22 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Saharanpur .	18 44	30 14	9 11	12 143	26 14	26 14	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Muzaffarnagar .	20 4	33 0	6 9	14 5	29 11	24 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Meerut .	17 0	32 0	6 0	14 0	27 0	24 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Bulandshahr .	10 0	27 0	6 0	11 5	30 0	25 8	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Aligarh .	16 4	25 8	5 8	11 0	26 0	19 8	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kumaun .	12 0	14 0	9 8	10 8	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Garhwál .	...	18 0	7 8	10 12	...	18 0†	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
																		† Mandwa.										

\* In the interior retail prices of common rice ranged from 15-6 to 23-10 seers per rupee.

Bijoor	18 0	31 5	12 15	13 8	...	25 8	22 0	...	23 1	19 2	135 0	11 4
	17 9	25 12	10 8	14 9	...	20 4	10 0	...	20 14	23 0	125 0	12 11
Moradabad	...	...	...	...	...	...	...	...	...	...	...	...
Budaun	18 9	20 3	6 0	13 3	...	20 4	10 0	...	20 3	17 8	192 0	11 6 1/2
Barilly	13 12	22 5	5 10	12 8	...	23 12	18 12	...	24 6	18 12	125 0	11 4
Shahjahanpur	17 0	23 0	8 5	16 8	...	20 0	...	...	24 0	21 8	160 0	12 0
Tarai Pergunnahs	17 8	25 0	8 12	13 12	...	23 12	22 8	...	21 4	18 12	100 0	11 4
Muttra	16 0	29 0	7 5	12 8	...	24 0	21 0	...	29 8	23 0	140 0	12 0
Agra	15 8	26 0	6 0	12 0	...	23 0	19 0	...	29 0	23 0	100 0	13 8
Farrukhabad	15 8 1/2	23 12 1/2	6 8	14 12	...	22 3 1/2	20 13	...	22 9	19 1	140 0	11 8
Mainpuri	16 8	24 8	4 8	13 8	...	...	...	...	23 0	22 0	160 0	11 0
Etawah	14 0	22 0	6 0	10 0	...	20 0	19 0	...	22 0	20 0	80 0	11 0
Etah	17 8	24 8	7 0	14 0	...	22 0	18 0	...	24 10	22 0	120 0	10 8
Jalaun	15 6	26 0	9 0	16 0	...	22 13	21 0	...	25 7	23 8	200 0	11 0
Jhansi	15 0	28 0	10 0	13 0	...	20 0	18 0	...	24 0	10 0	170 0	10 8
Lalitpur	16 0	28 0	9 12	14 0	...	23 0	22 0	...	22 12	22 0	150 0	13 0
Cawnpore	15 0	18 12	13 12	15 0	...	19 12	18 12	...	20 12	19 0	160 0	10 8
Fatehpur	15 5	17 8	8 6	15 0	...	24 0	21 0	...	26 0	19 0	160 0	11 0
Banda	15 12	25 12	7 0	14 0	...	25 0	24 0	...	25 4	21 0	115 0	11 0
Allahabad	15 0	22 5	11 4	14 10	...	19 11	18 9	...	27 14	22 0	140 0	11 4
Hamirpur	16 8	25 0	7 0	17 8	...	28 0	25 0	...	23 0	22 0	155 0	11 6
Jampur	19 13	27 0	9 7	10 10 1/2	...	23 6 1/2	23 0 1/2	...	22 8	19 3	160 0	11 0 1/2
Gorakhpur	19 8	28 0	10 0	15 0	...	...	...	...	20 0	19 8	160 0	10 0
Basfi	16 4	25 13	9 9	14 12	...	...	...	...	19 15	17 8	177 8	11 2
Azamgarh	15 0	24 0	7 0	14 0	...	25 0	23 0	...	24 0	19 0	100 0	10 0
Mirzapur	16 1	26 11	11 6	16 4	...	20 1/2	21 4	...	23 14	20 1	100 0	10 6 1/2
Benares	17 6 1/2	27 11	6 7	14 1 1/2	...	20 1/2	21 1/2	...	22 1/2	18 10 1/2	128 12	10 5
Ghazipur	16 12	27 0	12 14	16 12	...	21 2	20 8	...	24 2	19 4	100 0	11 12
Bala	15 8	25 0	1 12	1 4	...	...	...	...	21 4	20 0	150 0	11 12
Philhit	...	...	...	...	...	...	...	...	...	...	...	...
Almora	...	...	...	...	...	...	...	...	...	...	...	...
No return received.												
OUDH.												
Subanur	16 0	31 0	11 0	18 0	...	32 0	32 0	...	28 0	20 0	170 0	12 5
Patnabrarh	18 15	31 15	17 11	15 0	...	26 0	24 0	...	25 12	20 0	108 0	11 0
Fyzabad	18 0	25 0	11 5	18 0	...	...	...	...	23 0	20 0	120 0	11 0
Khori	14 0	24 0	8 0	14 0	...	20 0	...	...	19 8	22 0	140 0	11 0
Lucknow	15 4	25 0	6 0	15 0	...	20 10	19 0	...	20 10	21 0	120 0	11 8
Para Banki	No return received											
Barabanki	13 1	31 0	13 0	20 0	...	23 0	22 0	...	22 0	18 0	160 0	10 0
Railaen	17 4	20 0	18 0	17 0	...	...	...	...	17 8	27 0	300 0	10 0
Sitapur	19 0	35 0	8 0	14 0	...	...	...	...	20 0	20 0	160 0	11 8
Gonda	15 12	20 2	14 12	15 0	...	...	...	...	25 12	23 10	100 0	11 12
Unao	17 0	20 0	9 0	15 0	...	22 0	10 0	...	21 8	20 0	170 0	11 8
Hardoi	17 12	22 8	6 0	13 0	...	22 0	24 0	...	20 0	20 0	160 0	7 0
PUNJAB.												
Hissar	23 0	40 0	10 0	10 0	...	36 0	28 0	...	30 0	16 0	100 0	13 0
Rohatak	21 0	37 0	14 0	14 0	...	30 0	26 0	...	34 0	28 0	80 0	12 0
Gurgaon	19 0	36 0	10 0	10 0	...	30 0	23 0	...	30 0	35 0	120 0	12 0
Delhi	13 0	34 0	13 0	13 0	...	23 0	...	...	30 0	...	80 0	12 0
Karnal	20 0	38 0	11 0	11 0	...	32 0	...	...	29 0	22 0	100 0	12 8
Unbhalia	23 0	35 0	12 0	12 0	...	32 0	24 0	...	33 0	24 0	130 0	14 0
Simla	15 0	24 0	10 0	10 0	...	20 0	19 0	...	20 0	11 0	70 0	10 0
Kangra	29 0	32 0	10 0	10 0	...	33 0	24 0	...	24 0	5 0	120 0	11 0
Hoshiarpur	24 0	34 0	8 0	8 0	...	32 0	22 0	...	21 0	32 0	100 0	13 12
Jullandhar	22 0	30 0	...	...	...	32 0	22 0	...	21 0	30 0	100 0	14 8
Ludhiana	25 0	31 0	...	...	...	34 0	25 0	...	30 0	30 0	100 0	14 8

25 In Kirchengunge retail price of salt 10 seers per rupee.  
26 In sub-divisions retail prices of salt per rupee were :—Gadda 11 seers, Rajmehal and Pakow 12 seers, and Darghur 13 seers.  
27 In Khoorda retail price of salt 14 seers per rupee.  
28 In Bhadrak retail price of salt 14 seers per rupee.  
29 Retail price of salt at Kharagdhia in Garhi sub-division 12 seers per rupee.  
30 In Govindpore retail price of salt 12 seers per rupee.

27 In Aurangabad retail price of salt 11-8 seers per rupee.  
28 In sub-divisions retail prices of salt per rupee were :—Buxar and Sasseram 12 seers, and Bhawal 11-4 seers.  
29 In sub-divisions retail prices of salt per rupee were :—Madhubani 11 seers and Tajpore 11-8 seers.  
30 In sub-divisions retail prices of salt per rupee were :—Sitamarhi 11 seers and Hajepore 12-4 seers.  
31 In sub-divisions retail prices of salt per rupee were :—Sewan 11-8 seers and Gopalgunge 11-4 seers.  
32 In Bettiah retail price of salt 11-12 seers per rupee.  
33 In sub-divisions retail prices of salt per rupee were :—Jamui 11-4 seers and Begusarai 11 seers.  
34 In sub-divisions retail prices of salt per rupee were :—Banka 12 seers, Mudehpura 10-8 seers, and Soopole

		3	4	5	6	7	8	9	10	11	12	13	14	15	16
		QUANTITIES PER RUPEE IN SEERS OF 80 TOLAS.													
DISTRICTS.		REMARKS.													
Wheat.		S. Ch.													
Barley		S. Ch.													
Rice, best sort		S. Ch.													
Rice, common.		S. Ch.													
Jowar or 'Cholum' (Sorghum vul-gare).		S. Ch.													
Bajra or 'Jumbua' (Pennisetum typhoides).		S. Ch.													
Maize or Ragi (Eleusine coracana).		S. Ch.													
Kangni or Kakun, Italian millet (Setaria italica).		S. Ch.													
Gram, 'Chenna, Cholai, Kadai, or Sunaga (Cicer arietinum).		S. Ch.													
Maize (Zea Mays).		S. Ch.													
Arhar or 'Thur' (Cassia indica).		S. Ch.													
Firewood.		S. Ch.													
Salt.		S. Ch.													
Punjab—continued.	Ferozepore	20 0	33 0	12 0	26 0	27 0	...	20 0	35 0	25 0	...	90 0	14 0		
	Mooltan	14 0	24 0	10 0	19 0	15 0	...	16 0	23 0	21 0	...	90 0	14 8		
	Jhang	14 0	27 0	10 0	21 0	22 0	12 0	14 0	25 0	24 0	...	200 0	14 12		
	Montgomery	17 0	25 0	10 0	24 0	24 0	...	20 0	27 0	...	...	200 0	12 0		
	Lahore	18 0	32 0	10 0	25 0	24 0	...	24 0	30 0	27 0	...	90 0	14 0		
	Amritsar	21 0	37 0	13 0	29 0	24 0	22 0	24 0	30 0	30 0	...	90 0	15 0		
	Gurdaspur	22 0	28 0	16 0	24 0	14 0	...	8 0	28 0	32 0	...	90 0	14 0		
	Sialkot	18 0	33 0	13 0	27 0	27 0	...	16 0	34 0	26 0	...	110 0	16 0		
	Gujrāt	21 0	30 0	12 0	26 0	25 0	...	28 0	28 0	26 0	...	100 0	16 0		
	Gujranwala	18 0	32 0	13 0	24 0	22 0	...	22 0	27 0	24 0	...	90 0	15 0		
	Shahpur	10 0	26 0	14 0	25 0	23 0	24 0	24 0	26 0	23 0	...	240 0	16 0		
	Jhelum	No return received.													
	Rawalpindi	20 0	40 0	12 0	38 0	31 0	...	24 0	26 0	32 0	...	120 0	15 10		
	Hazara	No return received.													
	Peshawar	20 0	41 0	13 0	38 0	24 0	...	24 0	24 0	25 0	...	100 0	47 8		
	Kohāt	19 0	40 0	18 0	29 0	29 0	...	26 0	26 0	29 0	...	153 0	58 11		
	Bannu	27 0	40 0	10 0	40 0	28 0	...	6 0	26 0	36 0	...	80 0	30 0		
	D. I. Khan	22 0	31 0	9 0	28 0	25 0	15 0	6 0	22 0	...	...	14 0	40 0		
	D. G. Khan	16 0	25 0	9 0	21 0	20 0	...	10 0	20 0	15 0	...	125 0	23 12		
	Muzaffargarh	16 0	22 0	6 0	19 0	19 0	...	10 0	21 0	...	...	100 0	14 0		
	Sangor	13 12	10 1	12 0	12 0	...	...	...	22 14	...	...	12 13	240 0	9 2	
	Damoh	20 0	12 5	13 5	13 5	...	...	...	26 11	...	...	12 13	200 0	10 11	
	Jubbulpore	16 0	11 0	13 4	13 4	...	...	...	22 0	...	...	13 0	120 0	11 0	
	Mandla	18 0	14 0	18 0	18 0	...	...	...	25 0	...	...	13 0	256 0	11 0	
	Seoni	21 5	12 2	15 7	15 7	...	...	...	24 14	...	...	13 3	220 0	10 11	
	Narsinghpur	18 9	9 12	11 15	11 15	...	...	...	27 1	...	...	16 11	140 0	11 7	
	Hoshangabad	15 7	8 7	10 14	10 14	...	...	...	21 6	...	...	13 8	160 0	11 0	
	Nimar	19 11	8 7	12 8	12 8	...	...	...	20 2	...	...	10 11	160 0	11 15	
	Betul	16 12	12 1	12 8	12 8	...	...	...	18 4	...	...	11 5	320 0	11 2	
	Chhindwara	16 14	8 14	12 5	12 5	...	...	...	21 11	...	...	10 11	160 0	10 11	
	Wardha	20 0	8 14	11 7	11 7	...	...	...	16 0	...	...	13 5	160 0	10 11	
	Nagpur	24 6	8 7	15 8	15 8	...	...	...	19 6	...	...	10 10	120 0	11 12	
	Chanda	20 3	...	16 4	16 4	...	...	...	20 10	...	...	13 5	675 0	11 2	
	Bhandara	20 0	0 4	16 4	16 4	...	...	...	25 0	...	...	11 4	225 0	11 0	
	Balaghat	21 0	13 12	19 2	19 2	...	...	...	25 3	...	...	13 2	144 0	10 11	
	Raipur	30 15	13 11	24 5	24 5	...	...	...	17 0	...	...	...	64 0	11 3	
	Bilaspur	39 15	20 4	27 0	27 0	...	...	...	16 0	...	...	25 2	128 0 <sup>3</sup>	9 0	
	Sambalpur	14 0	21 0	24 8	24 8	...	...	...	15 12	...	...	12 3	160 0	10 8	
	Araon Division.														
	Akyab														
	Northern Arakan														
	Kyaukpadaung														
	Sargaway														

BRITISH BURMA.													
<i>Pegu Division.</i>													
Rangoon Town													
Pegu													
Tharawaddy													
Prome													
<i>Irrawaddy Division.</i>													
Bassein													
Henzada													
Thonegwa													
Thayetmyo													
<i>Tenasserim Division.</i>													
Moulmein Town and Amherst													
Tavoy													
Mergui													
Toungoo													
Shwaygyin													
Salween													
HINDUSTAN.													
Secunderabad													
Bolarum													
Chadarghat													
Amraoti													
Alola													
Elichpur													
Buldana													
Wun													
Basim													
MYSORE.													
Bangalore													
Kolar													
Tunkur													
Mysore													
Shimoga													
Kadur													
COORG.													
Coorg													
RAJPOOTANA.													
Jaypore													
Kishengurh													
Kerowlee													
Uwar													
Bhurtpore (City)													
Ajmere													
Deoli Cantonment													
Eripura													
Sirolee													
Abu													
Anadra													
Balmere													
Jeysalmere													
Hilly Tracts of Meywar													
Meywar (Odeypore)													
Banawara (Meywar Agency)													
Partabgarh													
Marwar (Jodhpore)													

\* Sold in bundles.

† Eight pies per bundle.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF MARCH 1886 —concluded.

PROVINCES.	DISTRICTS.	QUANTITIES PER RUPEE IN SEERS OF 80 TOLAS.															REMARKS.
		3	4	5	6	7	8	9	10	11	12	13	14	15			
RAJPOOTANA— confd.	Wheat.	S. Ch.	Barley.	Rice, best soil.	Rice, common.	Jowar or Cholam (Sorghum vul- gare).	Maize or Cumbu (Pennisetum typhaleum).	Marua or Ragi (Eleusine cor- cana).	Kangni or Kakuin, Italian millet (Setaria italica).	Gram, Chenna or Sunaga (Cicer arvense).	Maize (Zea Mays).	Arhar or Thor Cadian Pea (Ca- janus indicus).	Firewood.	Salt.			
	Bikaner	11 14	40 0	3 12	6 8	39 8	17 11	...	...	20 6 1	37 8	9 0	100 0	14 0			
	Boondee	27 8	30 0	10 0	10 8	32 8	23 0	...	...	38 8	30 0	...	160 0	12 1			
	Kotah	25 0	30 0	9 0	10 0	32 8	23 0	...	...	32 0	30 0	18 0	240 0	11 12			
	Tonk	22 12	33 0	8 8	14 0	35 4	...	...	12 0	33 0	...	...	160 0	12 12			
	Bhallowar	21 6 1	27 10	8 14	11 13	35 5	15 13	...	14 2 1	33 7	35 6	11 13	175 0	11 1			
	Shahpoora	24 2	35 8	9 1	12 14	32 4	15 4	...	...	33 2	36 12	...	160 0	12 12			
	Dholpur	15 13	25 14	10 2	11 4	24 5	20 13	...	20 4	25 0	...	37 12	90 0	12 6			
	CENTRAL INDIA.	Indore	No return received														
		Gwalior															
Goona																	
Baghelkhand (Sutna)																	

DEPARTMENT OF FINANCE AND COMMERCE,  
(Statistical Branch.)

D. BARBOUR,  
Secretary to the Government of India. ;



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 17, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 15th March 1886.*

From the 10th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the *Gazette*. The annual subscription for the two Parts is Rs 5 per annum, payable in advance. When sent by post, Rs 2-8 per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's *Gazette*.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

*Publisher, Gazette of India.*

### SURVEY OF INDIA—REVENUE BRANCH.

#### NOTIFICATION.

*Calcutta, the 16th April 1886.*

No. 2.—Mr J. A. Higgs, Assistant Surveyor, 2nd Grade, is granted privilege leave for three months, with effect from such date as his immediate superior may be able to spare his services

J. SCONCE, Colonel, S.C.,

*Depy. Surveyor General,*

*In charge Revenue Branch, Survey of India.*

## SURVEY OF INDIA—TRIGONOMETRICAL BRANCH.

### NOTIFICATION

*Dehra Dun, the 13th April 1886.*

**No. 3.**—Mr J. A. May, Surveyor, 1st Grade, is granted privilege leave for two months, under the provisions of Section 138, Chapter X, of the Civil Leave Code, with effect from the forenoon of the 6th April 1886.

C. T. HAIG, *Colonel, R.E.,*

*Offg. Depy. Surveyor General,  
In charge Trigonometrical Surveys.*

## AGENT TO THE GOVERNOR GENERAL, BELUCHISTAN, P. W. D.

### NOTIFICATION.

*Quetta, the 9th April 1886.*

**No. 70.**—Babu Aghorenath Mookerjee, Assistant Engineer, 1st Grade, transferred temporarily to Beluchistan, reported his arrival at Sibi on the forenoon of 22nd March 1886, and is attached temporarily to the Office of the Superintending Engineer

A. C. BIGG-WITHER,

*Joint Secy. to Agent to the Govr. Genl.,  
Beluchistan, P. W. D.*

## AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

### NOTIFICATIONS.

*Indore Residency, the 6th April 1886.*

**No. 1262.**—In pursuance of Foreign Department Notification No. 445 G. of the 8th March 1886, Surgeon-Major D. F. Keegan, M.D., made over to Surgeon-Major R. Caldecott the charge of the Office of Residency Surgeon, Indore, and Civil Administrative Medical Officer in Central India, on the afternoon of the 27th idem.

*The 8th April 1886.*

**No. 1330.**—In pursuance of this Office Notification No. 867 of the 12th March 1886, and Foreign Department Notification No. 543 G., dated the 18th idem, Lieutenant-Colonel C. Grant availed himself of the three months' privilege leave, making over charge of the Office of Cantonment Magistrate, Neemuch, to Colonel H. M. B. Burlton, on the afternoon of the 29th ultimo.

By Order,

F. L. PETRE,

*1st Asst. Agent to the Govr. Genl.  
for Central India.*

## AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

### NOTIFICATIONS.

*Abu, the 7th April 1886.*

**No. 719 G.**—Captain G. A. Collins, Adjutant of the Meywar Bhil Corps, is granted ninety days' privilege leave, with effect from the 15th April 1886, or such subsequent date as he may avail himself of the same.

**No. 723 G.**—Third Class Hospital Assistant Hushmut Ally was transferred from the Rajputana-Malwa Railway and placed on the Reserve List of Hospital Assistants for Government employment, with effect from the 9th February 1886.

**No. 724 G.**—Third Class Hospital Assistant Hushmut Ally, of the Government Reserve List of Hospital Assistants, has been transferred to the Reserve List of Hospital Assistants for Native States, with effect from the 1st March 1886.

*The 8th April 1886.*

**No. 735 G.**—Lieutenant G. H. J. Moore, Adjutant, Merwara Battalion, having returned to duty on the 29th March 1886 from the privilege leave granted him in this Office Notification No. 310 G., dated the 20th February 1886, the unexpired portion of his leave is hereby cancelled.

**No. 745 G.**—With reference to Foreign Department Notification No. 656 G., dated the 23rd of March 1886, Lieutenant C. M. Crawford joined his appointment as Officiating Wing Officer, on probation, Meywar Bhil Corps, on the 1st of April 1886.

*The 10th April 1886.*

**No. 759 G.**—With reference to Foreign Department Notification No. 695 G., dated the 30th of March 1886, Lieutenant-Colonel J. Biddulph took over charge of the Harowtee and Tonk Political Agency from Lieutenant-Colonel W. J. W. Muir on the forenoon of the 1st of April 1886.

**No. 763 G.**—With reference to Foreign Department Notification No. 678 G., dated the 29th of March 1886, Lieutenant-Colonel H. P. Peacock took over charge of the Western Rajputana States Residency from Colonel P. W. Powlett on the forenoon of the 5th April 1886

By Order,

HUGH DALY,

*for 1st Asst. Agent to the Govr. Genl.,  
Rajputana.*

## RAJPUTANA AGENCY, PUBLIC WORKS DEPARTMENT.

### NOTIFICATION.

*Mount Abu, the 13th April 1886.*

**No. 928 S.**—The leave on medical certificate for eight months granted to Mr. H. H. Gahan, Executive Engineer, in this Department Notification No. 793 S., dated the 31st March 1886,



will have effect from the forenoon of the 16th April 1886.

The subsidiary leave granted by the same Notification will be from the 6th to the 15th April 1886, both days inclusive.

By Order,

S. S. JACOB, *Lieut.-Colonel,*  
*Offg. Secy. to the Agent to the Govr. Genl.,*  
*Rajputana, in the P. W. Dept.*

**CHIEF COMMISSIONER OF  
AJMERE-MERWARA.**

**NOTIFICATION.**

*Abu, the 13th April 1886*

**No. 363-593.**—In continuation of this Office Notification No 86-593, dated 27th January 1886, it is hereby notified that the Summer Vacation of the Ajmere Government College will commence on the 26th April and terminate on the 1st July 1886.

By Order,

HUGH DALY,  
*for 1st Asst. to the Agent to the Govr. Genl.,*  
*Rajputana.*

**RESIDENT IN MYSORE.**

**NOTIFICATIONS.**

*Bangalore, the 10th April 1886.*

**No. 957.**—Mr. H Hudson made over charge and Mr. Venkatavarada Iyengar, B.A., M.L., assumed charge (as a temporary measure) of the Offices of the Inspector General of Registration and Registrar of Companies in the Civil and Military Station of Bangalore, on the forenoon of Thursday, the 1st April 1886.

**No. 959.**—In supersession of the Notification of the Resident in Mysore, No. 6, dated the 29th June 1882, the Officiating Resident in Mysore is pleased, under the provision of Section 4 of the Indian Registration Act (III of 1877) to appoint the Assistant to the Resident in Mysore for the time being to be Inspector General of Registration for the Civil and Military Station of Bangalore, with effect from the 15th April 1886.

By Order, •

E. P. MALTBY, *Major,*  
*Offg. Assistant to the Resident.*

**DIRECTOR GENERAL OF RAILWAYS.**

**NOTIFICATIONS.—ESTABLISHMENT.**

*Simla, the 6th April 1886.*

**No. 30.**—Mr. W. Drew, Assistant Engineer, 1st Grade, is granted, under Volume I, Chapter II, Section ii, paragraph 27, of the Public Works Department Code, three months' language leave, with effect from such date as he may be allowed to avail himself of the same.

*The 9th April 1886.*

**No. 31.**—Mr. F. D. Fowler, Assistant Engineer, 1st Grade, passed the Departmental Standard Examination in Hindustani as laid down in Public Works Department Code, Chapter II, Section i, paragraph 21, on 22nd March 1886.

**No. 32.**—Mr. F. J. Pope, Assistant Engineer, 1st Grade, passed the Departmental Standard Examination in Hindustani as prescribed in Public Works Department Code, Chapter II, Section i, paragraph 21, on 17th March 1886.

F. S. STANTON, *Colonel, R.E.,*  
*Director General of Railways.*

**EASTERN BENGAL STATE RAILWAY.**

**NOTIFICATION.**

*Calcutta, the 14th April 1886.*

**No. 1.**—Mr. C. F. Chadburn, Deputy Traffic Superintendent, Chitpur, has been granted leave on medical certificate under Section 128 of the Civil Leave Code, 6th edition, for twelve months, with effect from 20th November 1885.

G. F. O BOUGHIEY, *Major, R.E.,*  
*Manager,*  
*Eastern Bengal State Railway.*

**NORTH-WESTERN RAILWAY.**

**NOTIFICATION**

*The 5th April 1886.*

**No. 3.**—Mr. H. T. Ferguson, Deputy Locomotive Superintendent, Class I, Grade III, of the Superior Revenue Establishment, attached to Punjab Section of the North-Western Railway, has been granted six months' leave on private affairs to England, with the usual subsidiary leave, with effect from 20th April 1886, or from such date as he may avail himself of it.

L. CONWAY-GORDON,  
*Manager, North-Western Railway.*

**YEARLY EXAMINATION FOR FOURTH  
GRADE ACCOUNTANTS.**

The yearly examination of candidates for the 4th grade of Accountants, Public Works Department, will be held at the Government Engineering College, Seebpore, on Monday, June 7th, 1886, and following day, at 10 A. M. The examination will be conducted either at the College or by an Examiner, Public Works Accounts (including Railway and Telegraph), in Bengal, Assam, and Burmah only, as may be most convenient to the candidate.

All applications must be accompanied by a fee of Rs10, and must reach the undersigned on or before 6th May 1886

For further particulars apply to —

S. F. DOWNING,  
*Principal, Government Engineering College.*

## EXAMINER OF MEDICAL AND FUND ACCOUNTS.

*Statement of unclaimed sums deposited since the year 1842 with the Bengal Military Orphan Fund in trust for Soldiers' Children, exclusive of those of minors who have not attained the age of 21.*

Date of Deposit.	Name and Rank of Father.	Corps.	Names of Children.	Amount.
				R a. p
Feb. , 1842	McCarthy, —, Or. M. Sergt.	...	John	61 2 3
Mar. 24, 1843	Nowlan, L. Farrier Sergt.	4th Troop, 2nd B. H. A.	Ellen	112 9 0
Apr. 3, 1843	Farrell, James, Gunner	2nd Co., 5th B. Arty.	Charlotte	4 2 8
„ 3, 1843	Roach, Edward, Private	1st En. Lt. Infy.	David and Austel	7 13 3
Mar. 9, 1844	Shiehan, B., Gunner	3rd Co., 3rd B. Arty.	John and Patrick	2 1 8
June 21, 1844	Evans, George, Sergt.	1st Co., 2nd Bn. Arty.	Mary-Ann and Catherine	19 14 9
Sep. 19, 1844	Andrews, —, Private	4th Foot	George	200 0 0
Nov. 16, 1844	Gale, —, Private	10th Foot	John Thomas	28 12 0
„ 20, 1844	Sullivan, John, Bombardier	1st Co., 2nd B. Arty.	John	130 0 0
Jan. 6, 1845	Dawe, John, Gunner	3rd „ „ „	William-Henry	55 12 9
„ 6, 1845	Barnes, Peter, Corporal	1st „ „ „	Mary-Ann	64 2 11
„ 6, 1845	Monaghan, Michael, Sergt.	1st „ „ „	James	156 12 5
„ 15, 1845	Godfrey, —, Sergt. Major	...	Harriett-M., and James	31 14 1
Feb. 14, 1845	Fry, —, Bugle Major	6th B. Arty.	James	12 6 9
July 7, 1845	Hay, A., Sergt. Major	...	Thomas	101 5 4
„ 9, 1845	Meaney, John, Sergt. Major	2nd B. H. A.	Henry, and James	292 15 8
„ 9, 1845	Murphy, Thomas, Bombardier	2nd T., 3rd Bde. H. A.	Ellen	77 4 11
„ 9, 1845	Fate, William, Staff Sergt.	4th Co., 5th B. Arty.	Catherine-Ann	167 15 5
„ 9, 1845	Daley, Owen, Gunner	3rd „ „ „	Owen	7 1 7
Sep. 1, 1845	Ryan, —, Sergt.	...	Julia-B. and George-J.	120 13 0
Jan. 7, 1846	Everett, Richard, Bombardier	5th Co., 5th B. Arty.	Caroline, and Eliza	28 10 10
Aug. 8, 1846	McKerny, Thomas, Conductor	...	Hannah	152 0 9
	Glasgow, John, Corporal	...	Ellen-Sarah	66 10 3
	Rideley, Henry, Gunner	...	Henry	34 9 3
Oct. 16, 1846	Fowles, John, Sergt.	Arty.	Sarah, Terrence, and James	3 2 0
„ 16, 1846	Lewis, Thomas, Gunner	„	Thomas	20 5 3
July 6, 1847	Dobbins, Francis, Gunner	...	Martha	83 3 5
„ 19, 1847	Lunn, Adam, Farrier	...	Adam-T., and John	79 14 0
„ 19, 1847	Clarke, William, Bombardier	1st T., 3rd B. H. Arty.	Not recorded	104 10 8
„ 19, 1847	Prince, W., Sergt.	„ 1st „ „	Ditto	125 15 10
Jan. 7, 1848	Willford, C., Or. Mr. Sergt.	...	Mary	66 15 8
„ 11, 1848	Pyrnes, —, Corporal	...	Maria	59 0 0
June 26, 1848	Matthews, M., Sub-Conductor	...	Rachael	12 2 2
July 6, 1848	Braithwaite, W., Staff Sergt.	...	C.-William, and William H.	148 3 5
Oct. 16, 1848	Butcher, H., Sergt. Major	Sirmoor Bn.	Johannah, Frederick, and David-Edwin	99 6 1
Jan. 13, 1849	Doherty, Michael, Sergt.	...	Oliver-H.	38 12 5
May 9, 1849	Sheehan, D., Private	2nd En. Regt.	James	36 5 6
June 2, 1849	Moore, Benjamin, Private	1st En. B. F.	Sarah-C.	9 8 4
„ 2, 1849	Crowley, Charles, Private	„ „	John	7 6 1
Oct. 12, 1849	Deare, W., Conductor	„ „	Emeline	50 0 0
Nov. 21, 1849	Moget, —, Sergt. Major	...	George	60 14 4
Feb. 18, 1850	Hoote, Daniel, Gunner	1st Co., 4th B. Arty.	James and another	26 3 5
June 29, 1850	Uniaek, Patrick, Sergt	„ 3rd „	John	29 15 0
July 18, 1850	Barker, J., Sergt.	...	William-Robert	97 14 2
	Sheehan, P., Gunner	Arty.	Patrick	23 5 6
Oct. 29, 1850	Lees, James, Corporal	2nd En. Regt.	Elizabeth	25 14 6
Sep. 14, 1852	Wade, William, Sergt.	1st Co., 4th B. Arty.	Sarah-Ann, William-Henry, Elizabeth, Esther, Jane-Wallis, and Ann.	72 9 5
Nov. 4, 1852	Hodgins, Adam, Gunner	2nd Co., 5th B. Arty.	William	9 11 11
Feb. 1, 1853	Edwards, Michael, Gunner	„ „	Jane and Bridget	36 5 0
Apr. 21, 1853	Staples, Edward, Sergt.	Sappers and Miners	E. W. H	97 2 0
Sep. 13, 1853	Brown, Michael, Sergt.	Arracan Bn.	John	49 10 3
Jan. 24, 1854	Galway, Robert, Bombardier	1st Co., 2nd B. Arty.	William	206 1 2
„ 15, 1855	Munrowd, George, Sub-Conductor	Ordnance Dept.	Georgiana	61 10 3
Sep. 24, 1855	Franks, G., Bazar Sergt.	...	Mary	566 3 10
Oct. 15, 1857	Earle, Edward, Sergt.	Calcutta Town Guard	William-Edward	209 14 0
Dec. 4, 28, 1850	McDonnell, John, Private	97th Foot	Charles	25 15 6
Feb. 13, 1861	Scott, William, Sergt.	2nd Fts.	William, Anne and Emma	214 2 9
Mar. 20, 1862	McDonald, John, Sergt.	Ordnance Dept	Catherine	118 11 10
	Pope, John Sergt.	Commissariat Dept.	„	„
June , 1862	Keddie, J., Private	2nd En. B. Frs.	Jane and James	86 0 0
July 22, 1863	Lawton, William, Color Sergt.	24th Foot	William and Joseph	152 14 2
Jan. 25, 1864	Jones, John, Gunner	G. Battery, 22nd B. R. Arty.	Henrietta-Dalzell	39 5 10
Mar. 10, 1864	Anderson, William, Gunner	5th B., 2nd B. R. Arty.	Duncan	35 4 11
May 19, 1864	Rowland, J., Private	2nd Dragoon Guards	Sophia-M., Elizabeth Ann and George-Edward.	12 0 0
July 18, 1865	„	„	„	„
June 25, 1866	Mead, William, Bombardier	4-25th Royal Arty.	Mary-Ann and Thomas	4 0 0
Oct. 31, 1867	Hutchinson, John, Sergt.	Army Cont. Dept.	Rose	26 2 0
Feb. 14, 1868	Coates, Robert, Corporal	R. Arty.	Ann Frances and Rosina-Mary	141 15 1
Oct. 9, 1871	York, R., Sergt.	Arty.	Henry, J.	21 1 2
Feb. 21, 1880	Donohue, Andrew, Private	59th Regt.	Ann	50 0 0

Applications for payment of the deposits should be made to the Examiner of Medical and Fund Accounts, Calcutta.

G. S. SUTHERLAND, M.D., Brigade-Surgeon,

Examiner of Medical and Fund Accounts.

ACCOUNTANT GENERAL'S OFFICE, PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 5th April 1886.

PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.				IRRIGATION.				STATE RAILWAYS (CAPITAL).				STATE RAILWAYS (REVENUE).			
Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.	Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.	Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.	Order of Receipt.
1	Rajputana	Jan. 1885	Mar. 19, 1885	Rajputana	Jan. 1886	Mar. 17, 1886	1	Punjab Prov. l. Surveys	Jan. 1886	Mar. 18, 1886	1	Amritsar-Pathankot	Jan. 1886	Mar. 19, 1886	1
2	Punjab	Do. "	Do. 22, "	Punjab	Do. "	Do. 22, "	2	State Ry. Stores Branch	Do. "	Do. 19, "	2	Umra-Cullery	Do. "	Do. 24, "	2
3	Bombay	Do. "	Do. 23, "	Bombay	Do. "	Do. 23, "	3	Amritsar-Punjab	Do. "	Do. 20, "	3	Kanina-Dhura	Do. "	Do. 27, "	3
4	Central India	Do. "	Do. 24, "	Central India	Do. "	Do. 24, "	4	Bombay & North-Western	Do. "	Do. 22, "	4	Bhopal	Do. "	Do. 29, "	4
5	Hyderabad (Imperial)	Do. "	Do. 25, "	Hyderabad	Do. "	Do. 25, "	5	Dhond and Manmad	Do. "	Do. 22, "	5	Dacca-Mymensing	Do. "	Do. 29, "	5
6	Port Blair	Do. "	Do. 26, "	Port Blair	Do. "	Do. 26, "	6	Nahatl	Do. "	Do. 22, "	6	Bengal Administrative Charges	Do. "	Do. 29, "	6
7	Bombay (Assigned Districts)	Do. "	Do. 27, "	Bombay	Do. "	Do. 27, "	7	Assam Subdivided Ry.	Do. "	Do. 23, "	7	Northern Bengal	Do. "	Do. 30, "	7
8	Hyderabad	Do. "	Do. 28, "	Hyderabad	Do. "	Do. 28, "	8	Nagpur-Railway Surveys	Do. "	Do. 23, "	8	Wardah Coal	Do. "	Do. 31, "	8
9	Madras	Do. "	Do. 29, "	Madras	Do. "	Do. 29, "	9	Sindh-Sagar	Do. "	Do. 24, "	9	British Burma	Do. "	Do. 31, "	9
10	Military Works Branch	Do. "	Do. 30, "	Military Works Branch	Do. "	Do. 30, "	10	Narayangpur-Dacca-Mymensing	Do. "	Do. 26, "	10	Eastern Bengal	Do. "	Do. 31, "	10
11	North-Western Provinces	Do. "	Do. 31, "	North-Western Provinces	Do. "	Do. 31, "	11	Sindh-Sagar	Do. "	Do. 26, "	11	Rajputana-Malwah	Do. "	Do. 31, "	11
12	British Burma	Do. "	Do. 32, "	British Burma	Do. "	Do. 32, "	12	Narayangpur-Dacca-Mymensing	Do. "	Do. 26, "	12	Nalati	Do. "	Do. 31, "	12
13	Assam	Do. "	Do. 33, "	Assam	Do. "	Do. 33, "	13	Kanina-Dhura	Do. "	Do. 27, "	13	Turboot	Do. "	Do. 31, "	13
14	Madras	Do. "	Do. 34, "	Madras	Do. "	Do. 34, "	14	Holkar	Do. "	Do. 27, "	14	Cawnpore-Achneyra	Do. "	Do. 31, "	14
15	British Burma	Do. "	Do. 35, "	British Burma	Do. "	Do. 35, "	15	Madras Railway Surveys	Do. "	Do. 27, "	15	Nagpur-Chhatgarh	Do. "	Do. 31, "	15
16	Assam	Do. "	Do. 36, "	Assam	Do. "	Do. 36, "	16	Northern Bengal	Do. "	Do. 27, "	16	Pu Jab Northern	Do. "	Do. 31, "	16
17	Madras	Do. "	Do. 37, "	Madras	Do. "	Do. 37, "	17	Nagpur-Bengal	Do. "	Do. 27, "	17	Jorhat	Do. "	Do. 31, "	17
18	British Burma	Do. "	Do. 38, "	British Burma	Do. "	Do. 38, "	18	Ranaghat-Bhagwanpala	Do. "	Do. 27, "	18	Southern Malhatta	Do. "	Do. 31, "	18
19	Assam	Do. "	Do. 39, "	Assam	Do. "	Do. 39, "	19	Rajputana-Malwah	Do. "	Do. 27, "	19	East Indian	Do. "	Do. 31, "	19
20	Madras	Do. "	Do. 40, "	Madras	Do. "	Do. 40, "	20	Rewari Ferozpoore	Do. "	Do. 27, "	20	Indus Valley	Do. "	Do. 31, "	20
21	British Burma	Do. "	Do. 41, "	British Burma	Do. "	Do. 41, "	21	Sutle, Bridge Division	Do. "	Do. 27, "	21				
22	Assam	Do. "	Do. 42, "	Assam	Do. "	Do. 42, "	22	Turboot	Do. "	Do. 27, "	22				
23	Madras	Do. "	Do. 43, "	Madras	Do. "	Do. 43, "	23	Assam Railway Surveys	Do. "	Do. 27, "	23				
24	British Burma	Do. "	Do. 44, "	British Burma	Do. "	Do. 44, "	24	Bengal (e. t. r. a. i.)	Do. "	Do. 27, "	24				
25	Assam	Do. "	Do. 45, "	Assam	Do. "	Do. 45, "	25	British Burma	Do. "	Do. 27, "	25				
26	Madras	Do. "	Do. 46, "	Madras	Do. "	Do. 46, "	26	Cawnpore-Achneyra	Do. "	Do. 27, "	26				
27	British Burma	Do. "	Do. 47, "	British Burma	Do. "	Do. 47, "	27	Rajputana-Malwah	Do. "	Do. 27, "	27				
28	Assam	Do. "	Do. 48, "	Assam	Do. "	Do. 48, "	28	N. W. P. and Oudh Subdivided Ry.	Do. "	Do. 27, "	28				
29	Madras	Do. "	Do. 49, "	Madras	Do. "	Do. 49, "	29	Punjab Northern	Do. "	Do. 27, "	29				
30	British Burma	Do. "	Do. 50, "	British Burma	Do. "	Do. 50, "	30	Umaria Colliery	Do. "	Do. 27, "	30				
31	Assam	Do. "	Do. 51, "	Assam	Do. "	Do. 51, "	31	Chittagong-Jaccolkandi	Do. "	Do. 27, "	31				
32	Madras	Do. "	Do. 52, "	Madras	Do. "	Do. 52, "	32	Eastern Bengal	Do. "	Do. 27, "	32				
33	British Burma	Do. "	Do. 53, "	British Burma	Do. "	Do. 53, "	33	Bengal Provincial Surveys	Do. "	Do. 27, "	33				
34	Assam	Do. "	Do. 54, "	Assam	Do. "	Do. 54, "	34	N. W. P. and Oudh	Do. "	Do. 27, "	34				
35	Madras	Do. "	Do. 55, "	Madras	Do. "	Do. 55, "	35	Provincial Ry.	Do. "	Do. 27, "	35				
36	British Burma	Do. "	Do. 56, "	British Burma	Do. "	Do. 56, "	36	Southern Malhatta	Do. "	Do. 27, "	36				
37	Assam	Do. "	Do. 57, "	Assam	Do. "	Do. 57, "	37	Chittagong-Jaccolkandi	Do. "	Do. 27, "	37				
38	Madras	Do. "	Do. 58, "	Madras	Do. "	Do. 58, "	38	Chittagong-Jaccolkandi	Do. "	Do. 27, "	38				
39	British Burma	Do. "	Do. 59, "	British Burma	Do. "	Do. 59, "	39	Chittagong-Jaccolkandi	Do. "	Do. 27, "	39				
40	Assam	Do. "	Do. 60, "	Assam	Do. "	Do. 60, "	40	Chittagong-Jaccolkandi	Do. "	Do. 27, "	40				
41	Madras	Do. "	Do. 61, "	Madras	Do. "	Do. 61, "	41	Chittagong-Jaccolkandi	Do. "	Do. 27, "	41				
42	British Burma	Do. "	Do. 62, "	British Burma	Do. "	Do. 62, "	42	Chittagong-Jaccolkandi	Do. "	Do. 27, "	42				
43	Assam	Do. "	Do. 63, "	Assam	Do. "	Do. 63, "	43	Chittagong-Jaccolkandi	Do. "	Do. 27, "	43				
44	Madras	Do. "	Do. 64, "	Madras	Do. "	Do. 64, "	44	Chittagong-Jaccolkandi	Do. "	Do. 27, "	44				
45	British Burma	Do. "	Do. 65, "	British Burma	Do. "	Do. 65, "	45	Chittagong-Jaccolkandi	Do. "	Do. 27, "	45				
46	Assam	Do. "	Do. 66, "	Assam	Do. "	Do. 66, "	46	Chittagong-Jaccolkandi	Do. "	Do. 27, "	46				
47	Madras	Do. "	Do. 67, "	Madras	Do. "	Do. 67, "	47	Chittagong-Jaccolkandi	Do. "	Do. 27, "	47				
48	British Burma	Do. "	Do. 68, "	British Burma	Do. "	Do. 68, "	48	Chittagong-Jaccolkandi	Do. "	Do. 27, "	48				
49	Assam	Do. "	Do. 69, "	Assam	Do. "	Do. 69, "	49	Chittagong-Jaccolkandi	Do. "	Do. 27, "	49				
50	Madras	Do. "	Do. 70, "	Madras	Do. "	Do. 70, "	50	Chittagong-Jaccolkandi	Do. "	Do. 27, "	50				

SIMLA,  
The 7th April 1886.

A. G. BEGBIE, Major, R.E.,  
for Accountant General, P. W. Dept.

## Statement of the Affairs of the Bank of Bengal for the week ending 13th April 1886.

LIABILITIES.				ASSETS.			
	R.	a.	p.		R.	a.	p.
Capital paid-up . . . . .	2,00,00,000	0	0	Government Securities . . . . .	56,02,883	12	0
Reserve Fund . . . . .	41,50,094	15	0	Other authorized Investments . . . . .	47,98,036	4	0
Public Deposits at Head Office . . . . .	70,41,915	9	7	Loans on Government and other authorized Securities . . . . .	1,01,55,894	2	3
Public Deposits at Branches . . . . .	1,07,10,426	11	3	Accounts of Credit on Government and other authorized Securities . . . . .	80,83,455	14	4
Other Deposits at Head Office and Branches . . . . .	3,42,63,689	11	10	Bills discounted and purchased . . . . .	2,41,97,088	14	5
Bank Post Bills, &c . . . . .	6,38,275	2	8	Balances with other Banks . . . . .	8,05,204	4	0
Sundries . . . . .	16,51,842	2	3	Bullion . . . . .	3,091	12	9
				Dead Stock . . . . .	11,34,036	10	11
				Stamps . . . . .	8,804	1	0
				Sundries . . . . .	6,53,641	15	3
					5,55,04,237	10	11
				Cash and Currency Notes at Head Office . . . . .	87,74,208	5	6
				Cash and Currency Notes at Branches . . . . .	1,41,84,398	4	2
					2,29,58,606	9	8
RUPERS . . . . .	7,84,62,844	4	7	RUPERS . . . . .	7,84,62,844	4	7

BANK OF BENGAL,  
Calcutta, 15th April 1886.

J. GORDON,  
Chief Acctt. & Dy. Secy.  
Rate for Demand Loans 6 per cent.  
Percentage 42½.

By order of the Directors,  
W. D. CRUICKSHANK,  
Offg. Secretary & Treasurer.

## CALCUTTA MINT.

## NOTIFICATION.

List of Coins acquired under the Indian Treasure Trove Act and available for sale to Numismatists. (Home Department Resolution No. 46—1668-82, dated 9th October 1884).

Register Number.	DESCRIPTION.	Metal.	Value.			Number available for sale.	REMARKS.
			R.	a.	p.		
1	Found in the Faltchgarh District. Coins of Maizz-ud-din Muhammad bin Sami: Obverse: Horseman with an indistinct Persian inscription probably "Muhammad." Reverse: Bull with a Hindi inscription "Shri Muhammad Sami."—Date about 1192 A.D.	Copper.	0	1	0	12	These coins will be available for sale up to and not later than the 4th September 1886.
4	Found at Chaibassa, in the Singbhum District. Old Hindu punched coins . . . . .	Silver .	0	4	0	228	Do. 7th December 1886.
22	Found in the Gujrat District (Punjab). Coins of Pathan Sikandar Lodi A. H. 894—923 — A.D. 1488—1517, with imperfect dates.	Copper.	0	1	0	70	Do. 17th January 1887.
23	Ditto with illegible dates . . . . .	Do.	0	0	6	102	

A. W. BAIRD, Major, R.E.,  
Offg. Master of the Mint.

### Statement of Silver Balance in the Calcutta Mint for the week ending 14th April 1886.

	R	R
Value of silver held in the Mint on account of the Currency Department on the evening of the 7th March 1886	5,24,106	
Value of Government silver in the Mint on the same date	6,03,040	11,27,146
<b>ADD—</b>		
Silver received by the Mint during the week on account of the Currency Department	8,61,623	
Ditto ditto Government	49,202	9,10,825
<b>DEDUCT—</b>		
New coin paid to Reserve Treasury during the week	1,68,000	20,37,971
Petty items issued for miscellaneous purposes		1,68,000
Balance on the evening of the 14th April 1886	...	18,69,971
The Balance comprises—		
Silver held on account of the Currency Department	12,34,204	
Ditto ditto Government	6,35,677	18,69,971
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	1,290	
Ditto ditto Government	...	1,290

A. W. BAIRD, Major, R.E.,  
Offg. Master of the Mint.

CALCUTTA MINT,  
The 15th April 1886.

### CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned—

#### Allahabad Circle.

##### NOTES WHOLLY LOST OR DESTROYED

Regr. No.	No. of Note.	Value.	Name of Claimant.
		R	
1	N 4—17934	50	Colonel R. L. Wilmot, Meerut.

ALLAHABAD,  
The 14th April 1886.

H. J. BRERETON,  
Asst. Accountant Genl.,  
In charge of Paper Currency Office.

### DIRECTOR OF PUBLIC INSTRUCTION, BENGAL.

#### NOTICE.

In accordance with the Resolution of the Government of Bengal in the General Department, dated the 6th March 1886, published on page 541 of the *Calcutta Gazette* of the 31st of

the same month, notice is hereby given that an Examination for the admission of female students to the Certificate Class of the Calcutta Medical College will be held in the theatre of that College on Tuesday, the 27th April 1886, and following days.—

#### HOURS AND SUBJECTS OF EXAMINATION.

**Tuesday**—English Dictation, Grammar, and Composition and from 1 to 4 P.M.

**Wednesday**—History (of England and India) and Geography (General and of India in particular), from 1 to 4 P.M.

**Thursday**—Arithmetic (the first four Rules, Vulgar and Decimal Fractions and Proportion), from 1 to 4 P.M.

Candidates must apply in writing to this Office not later than the 22nd of April for permission to appear at the Examination.

CHARLES H. TAWNEY,

Offg. Director of Public Instruction.

### Report of a Deserter from the 2nd Battalion, Regiment of Scottish Rifles, dated at Shahjahanpore, this 8th day of April 1886.

Number, Rank, and Name.	Parish and County in which
No. 317 S. R.—Private	Boon,—Dum Dum, East
John James McDonald.	Indies.
Age,—17 years 6 months.	Marks,—Scars (3) outside
Size,—5 feet 6 inches.	left thigh and loin.
Colour of—	Trade,—Tailor.
Complexion, fair; Hair,	Coat or Jacket,—Jacket.
light brown; Eyes, hazel.	Waistcoat,—Nil.
Date of Desertion,—22nd	Breeches or Trowsers,—
February 1886.	Trowsers
Place of Desertion,—	REMARKS.—Having been
Shahjahanpore	born at Dum-Dum, probably has friends in the
Date of Enlistment,—6th	neighbourhood.
October 1882.	Under 4 years' service.
At what Place Enlisted,—	
Dublin.	

H. M. E. BRUNKER, Major,  
Comdg. 2nd Battn., Regt. of Scottish Rifles.

### POST OFFICE.

#### NOTIFICATIONS.

Simla, the 5th April 1886.

With effect from the 1st May 1886, the limit of weight for light parcels exchanged with the United Kingdom through the *British Post Office*\* will be raised from 7 lbs. to 11 lbs. The postage rate (8 annas per lb.) and general conditions relative to such parcels despatched from India remain unaltered.

2. From the same date the maximum limit of weight for parcels exchanged with Malta and Gibraltar will be raised from 7 lbs. to 11 lbs.

\* See Clauses 210 to 221, and Clauses 225 to 228 of the Postal Guide, dated April 1886.

3. *Heavy* parcels exchanged with the United Kingdom through the medium of the Peninsular and Oriental Steam Navigation Company\* are not affected by this change; the maximum limit of weight for such parcels is 50 lbs. as heretofore.

4. The Commissioners of Customs in the United Kingdom have recently pointed out the frequent omission, on the part of senders, to give a proper or true description of the contents of parcels forwarded from India; special attention is called to Clause 211 of the Postal Guide, where it is distinctly stated that "the contents (of a parcel) should be stated *in full detail*, a separate description of each article, and its value, being given" and that "an incorrect declaration of value renders a parcel liable to confiscation."

L. G. WAIT,

*Astt. Director General of the Post Office of India.*

*Unclaimed letters held in the Calcutta General Post Office on 15th April 1886.*

Browne, J. W.	Ollivant, Mrs.	Waddell, M.
Middleton, P. E. S.	Richardson, E. M.	

*Letters marked "Care of Post Office."*

Aman, A.	Gunn, Otto.	Pike, H. R.
Angelo, H. A.	Guerrier, H. J.	Pinkerton, William.
Armstrong, P.	Gustare, Esq.	Preston, R. C. Campbell.
Barnes, Geo. J.	Heath, Mrs.	Pyle, Mrs. C. I.
Baxendale, S.	Henderson, Lt.	Reece, Mrs. A.
Baynton, W. M.	Hughes, Capt.	Rice, W. G. L.
Beauchamp, A.	Hutton, Lt. Col.	Richardson, H. W.
Bose, P. N.	Jefferson, J. I. D.	Richworth, B. J.
Bowers, S.	Kelly, Miss G.	Robinson, E. A.
Brooke, Victor G.	K. T. M.	Salten, Miss M.
B. R.	Kirkbride, J.	Schmidt, Otto.
Cameron, Miss P.	Lamprey, J. H.	Sharpe, Capt. A.
Capel, Lt. Col.	Lea, Jay.	Shaw, H. J.
C. B. H.	Lemaitre, A.	Simpson, Percy.
Chelton, H.	Lester, Geo.	Skine, Major.
Clark, James.	Lloyd, E. L.	Smallwood, Geo.
Clarke, F. G.	Londor, R.	Smart, Mrs. R. V.
Crawford, J.	M. O.	S. M.
Cubitt, Col.	McDonald, Miss.	Speer, A. E.
Derham, Henry.	McLaughlin, John.	Stamhaus, Walter.
Deva, H. T.	Marshall, J. J.	Sterubergh, A.
Dimmock, Basil.	Marshall, Hon. Mrs.	Stone, Mrs. T.
Dowling, D. G. A.	Gen.	Storey, A.
Dukes, Mrs.	Martin, H.	Straw, Mrs. R.
Dundas, Mrs.	May, J. A.	Stut, John.
Dwarris, J. H.	Melvil, H.	Swigler, Mrs. C.
Eaton, Percy H.	Minaeil, Mr.	Tranche, Hern. J. Von.
Ellis, Mrs. Jos.	Moore, W.	Uren, Capt. T.
Entwistle, R.	Nellie, Mrs. N.	Walker, G. A.
Fez, Lt. Col.	Norville, Mrs. L.	Walker, P. C.
Freise, C.	Pags, George.	Watson, T. A. R. C. H.
Gilbert, Mrs. M.	Parker, Mrs. A. H.	Webster, T. E.
Godfrey, J. B.	Perry, A.	Wessendorff, Henri.
Grant, Mrs. M.	Peterson, Dr. Geo.	Wilson, Mrs. Mark.
Groseman, Sig. L.	Phillips, W. G. St. V.	Zatt, Carl.

*Registered Letters.*

Godfrey, J. B.	Ross, A.	Sterubergh, M.
Guerrier, H. J.	Sever, Valentin.	Whalla, Mrs.
Nelson, Mrs.	Sternuties, David.	Woods, J.

*Unclaimed Letters held in the Barrackpore Post Office on the 12th April 1886.*

Arrakiel, M.	Gordon, L.	Owen, J.
Bissell, Miss.	Grey, H.	Owen, M. S.
Caddy, C. H.	Hadgkins, Mrs.	Rogers, A. E.
Campbell, Lady.	Hart, H.	Taylor, G. N.
Campbell, Sir J. W.	Hay, Mrs.	Thomas, Major C. F.
Chater, L.	Hume, Lt.	Thomas, Mrs. M. J.
Fagan, H. R.	Kelly, P.	Wyall, Mrs. H. B.
Fry, Mrs.	McMinn, J.	Zachariah.

E. HUTTON,

*Presidency Postmaster, Calcutta.*

*Calcutta, the 17th April 1886.*

**SEA AND FOREIGN MAILS.**

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
Madras and Ceylon	1886. 17th April	P. & O. Str. <i>Bokhara</i> .
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	27th "	From Bombay.
Foreign Mails <i>via</i> Bombay	20th "	From Bombay.*
Ditto Book Post and Pattern Packets	10th "	From Bombay.
Rangoon and Moulemein	21st "	Str. <i>Goulpara</i> .
Akyab, Kyauk Phoo, Sandoway and Rangoon	21st "	Str. <i>Coconada</i> .
Madras, Ceylon, Batavia, Singapore, and China	23rd "	French Str. <i>Tibre</i> .
Straits and Hong-Kong	20th "	Str. <i>Wingong</i> .

\* Also for Cape of Good Hope and Natal through United Kingdom also *via* Aden for Zanzibar, Mozambique, East Coast of Africa Delagoa Bay, Natal and Cape Colonies, can be forwarded.

N.B.—The letter-box will close at 7 P.M. precisely, after which hour Foreign letters, fully prepaid and bearing an extra postage stamp of four annas on each cover, will be received up to 7.30 P.M.

E. HUTTON,

*Presidency Post Master.*

**GOVERNMENT CINCHONA FEBRIFUGE.**

This preparation is an efficient substitute for quinine, and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, *Rs 4-8*; per eight-ounce tin, *Rs 8-8*; per pound tin, *Rs 16-8*. The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the under-noted rates—per four-ounce tin, *Rs 5-8*; per eight-ounce tin, *Rs 10-8*; per pound tin, *Rs 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

**گورنمنٹ سنکونا فبري فيوج**

یہ دوا کوئیٹائیں کا خوب قائم مقام ہے اور کلکتہ کے ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری واسطے سرکاری کام اور خیرات کے اور سوائے اون کے جو کوئی ایک مشہد بیس پونڈ خرید لینے سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا سولہ روپیہ آٹھ آنہ

اور عوام الناس ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس کے تین کا پانچ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا دس روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا بیس روپیہ

یہ دوا کلکتہ کے بڑے بڑے دلائی اور دہی دوا خانوں میں ہندی میں ماسوائے قیمت مذکورہ بالا کے موصول ذاتی چار اور آٹھ اونس کے تین کا آٹھ آنہ ; اور ایک پونڈ کے تین کا بارہ آنہ









# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 17, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### BRITISH BURMA.

#### NOTICE.

DEPUTY COMMISSIONER'S COURT,  
DISTRICT THONEGWA.

*The 4th February 1886.*

CIVIL SIDE MISCELLANEOUS CASE  
No. 4 OF 1885.

IN THE MATTER OF THE ESTATE OF  
G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa District, died intestate on the 5th January 1885 Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,  
*District Judge, Thonegwa.*

### NOTICE.

The business heretofore carried on by my late father at No. 59, Ezra Street, in the City of Calcutta, under the style or firm of E. D. J. Ezra, will from this date be carried on by myself under the firm and style of E. D. J. Ezra & Co.

J. E. D. EZRA.

### PROMISSORY NOTES.

#### Lost, Stolen or Destroyed.

Six Government Promissory Notes Nos. 114004, 111657, 102111, 102110, 102109, 102108, of the 4 per cent. of 1st May 1865, for ₹500 each, the first two originally standing in the name of Ram Durga, and the remaining four in that of the Bank of Bengal, and last endorsed to same Ram Durga, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

RAM DURGA,  
*P. O. & Village Sholaghor,  
Dacca.*





SUPPLEMENT TO  
**The Gazette of India.**

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No. 16. }

CALCUTTA, SATURDAY, APRIL 17, 1886

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**OFFICIAL PAPERS.**

*A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

*Non-Subscribers to the GAZETTE may receive the SUPPLEMENT separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees if sent by Post.*

*No Official Orders or Notifications, the Publication of which in the GAZETTE OF INDIA is required by Law, or which it has been customary to publish in the CALCUTTA GAZETTE will be included in the SUPPLEMENT. For such Orders and Notifications the body of the GAZETTE must be looked to.*

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GOVERNMENT OF INDIA.  
DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENTS OF PRICES CURRENT (RETAIL) OF FOOD-GRAINS FOR THE 1st HALF OF JANUARY, 2nd HALF OF FEBRUARY AND 1st HALF OF MARCH 1886, PUBLISHED IN PAGES 281, 716, 717, 719, 739, 742 AND 743 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA" DATED 20th FEBRUARY, 27th MARCH AND 10th APRIL 1886.

1	2	QUANTITIES PER RUPEE IN SPERS OF 80 DOLAS.																REMARKS.
		3	4	5	6	7	8	9	10	11	12	13	14	15	16			
PROVINCE.	DISTRICT.	Wheat.	Barley.	Rice, best sort.	Rice, common.	Lower or Chulm (Sorghum vulgare).	Kajra or Cumbu (Pennisetum typhoides).	Matta or Ragi (Eleusine Coriandana).	Kanmaon or Kaku (Setaria italica).	Chola, Kadala, or Sonaga (Cleria aristatum).	Maize (Zea Mays).	Arhar or Thar (Cajupia indica).	Firewood.	Salt.				
BOMBAY.	1st half of January 1886.																	
	Aden	8 0		6 3	7 0	10 3	11 3			11 3	...	6 3	65 5	32 0				
	Dahra Dün	19 0	30 0	6 8	11 0	22 0	22 0			26 0	25 0	17 0	160 0	11 0				
	Saharanpur	20 7	32 4	9 1	2 14	30 11	25 13			27 15	30 0	18 4	107 8	12 5				
	Muzaffarnagar	19 12	33 0	6 0	14 0	29 11	24 0			28 0	30 12	17 10	110 0	12 10				
	Meerut	19 0	32 0	6 0	14 0	27 0	25 0			28 0	25 0	24 0	100 0	12 0				
	Baladshahr	18 8	27 0	6 0	10 11	25 12	22 8			27 0	24 0	23 0	160 0	12 8				
	Aligarh	17 0	26 8	5 8	10 8	22 0	20 0			26 0	20 0	24 0	130 0	12 8				
	Kanmaon	12 8	14 0	10 0	11 0	...	22 0			13 0	...	10 0	240 0	7 0		* Mandwa.		
	Garhwal	15 0	18 0	7 8	10 12	...	22 0			9 0	...	9 8	160 0	8 2				
	Binor	18 0	20 13	12 15	13 8	...	21 6			24 12	28 0	19 3	125 0	11 13				
	Moradabad	18 7	26 14	10 8	15 0	25 8	22 0			26 14	28 0	23 8	125 0	13 0				
	Budaun	17 6	22 3	6 0	13 3	20 6	19 3			21 9	19 3	18 0	172 0	11 6				
N. W. PROVINCES.	and half of February 1886.																	
	Bareilly	15 10	23 2	5 10	13 12	22 8	18 12			23 2	21 14	17 8	125 0	11 4				
	Shahjahanpur	16 8	23 0	8 0	10 8	20 0	22 0			22 8	...	21 0	160 0	12 0				
	Tara Pergunnahs.	20 0	28 12	8 12	14 8	25 0	22 8			22 8	23 12	20 0	100 0	10 12				
	Muttra	17 0	29 0	7 8	13 0	26 0	22 8			29 0	28 0	24 0	120 0	12 0				
	Agra	16 0	25 8	6 0	12 0	23 0	20 0			26 8	28 0	20 0	100 0	13 0				
	Farrukhabad	15 4	20 11	6 8	14 6	10 5	17 9			21 13	28 0	17 0	140 0	11 0				
	Manpuri	16 0	23 4	4 8	13 8	...	17 9			22 7	24 0	20 8	160 0	11 12				
	Etawah	15 8	23 12	6 0	11 8	21 8	19 12			23 8	24 0	22 8	120 0	12 0				
	Etah	17 12	24 0	7 0	14 0	22 0	20 0			23 14	28 0	22 0	140 0	10 8				
	Jalaun	18 0	22 0	9 0	12 0	23 0	21 0			24 0	28 0	23 8	200 0	11 0				
	Jansi	16 2	26 9	9 0	16 0	19 0	18 0			23 11	22 0	22 0	160 0	10 8				
	Lalitpur	14 8	20 0	10 0	13 0	22 0	22 0			21 0	25 0	22 0	150 0	13 0				
	Cawnpore	17 8	25 8	10 0	15 0	19 12	18 12			19 4	...	18 12	160 0	10 8				
Fatehpur	15 0	18 12	12 12	15 0	23 0	20 8			25 0	...	20 8	160 0	11 0					
Banda	16 8	18 0	8 0	16 0	23 0	24 8			25 0	...	21 8	115 0	11 0					
Allahabad	16 12	26 8	7 0	14 0	26 8	19 2			25 12	...	23 14	140 0	11 0					
Hamirpur	18 0	23 10	10 2	12 6	19 2	19 2			23 12	28 0	22 0	155 0	11 6					
Jaunpur	16 8	25 8	7 0	17 1	24 8	25 0			22 8	24 5	19 3	160 0	11 9					

Azamgarh	19 3	27 7	10 5	14 12	27 0	24 0	20 10	19 3	177 8	11 2
Mirzapur	17 0	24 0	7 0	14 0	23 0	22 12	23 0	19 0	100 0	8 0
Benares	17 1	26 4	10 5	16 4	23 5	22 12	22 12	19 0	100 0	10 6 1
Ghazipur	18 10 1	27 8	6 7	14 2 1	25 12	21 14	24 7	18 10 1	128 12	10 5
Balia	18 0	27 0	12 14	16 12	22 0	22 0	23 2	18 8	100 0	11 4
Philibut	17 0	27 0	14 0	16 4	...	...	27 8	21 0	150 0	11 4
Sultanpur	20 0	30 0	11 0	18 0	32 0	32 0	...	20 0	160 0	12 8
Partabgarh	18 3	31 3	17 11	19 0	28 5	26 0	...	21 0	168 0	11 0
Fyzabad	17 0	26 0	1 0	17 0	26 8	30 0	23 0	19 8	120 0	11 0
Kheri	19 4	25 12	8 8	14 8	26 8	30 0	29 8	22 0	140 0	11 0
Lucknow	15 12	22 0	6 0	15 3	19 0	18 12	23 12	21 0	120 0	11 8
Bara Banki	14 8	24 0	7 0	15 0	37 0	22 0	23 0	22 0	140 0	11 8
Bahraich	21 0	35 0	15 0	20 0	22 8	22 8	...	19 0	165 0	10 0
Rai Bareilly	16 10	21 8	8 0	17 8	22 8	22 8	24 0	27 8	200 0	10 12
Sitapur	18 0	24 0	14 12	14 0	25 0	22 0	26 0	26 0	100 0	11 0
Gonda	10 4	26 12	14 12	18 14	...	23 10	29 0	24 0	200 0	11 12
Unao	16 0	19 0	8 0	15 0	18 0	18 0	18 0	19 0	160 0	11 8
Hardui	16 14	20 0	6 0	13 0	21 0	21 0	...	26 0	160 0	7 0
Amraoti	20 4	...	8 0	11 0	20 12	20 8	17 0	11 8	...	12 0
Akela	21 8	9 0	7 0	10 0	28 0	21 0	20 0	18 0	...	11 0
Fitchpur	19 0	...	8 0	10 0	27 0	16 0	14 0	11 0	...	10 8
Buldana	22 0	...	8 0	11 0	30 0	24 0	19 0	12 0	...	11 0
Wun	17 0	16 0	7 8	11 0	24 0	13 0	16 0	18 0	...	11 0
Basim	25 5	...	7 13	11 0	36 0	36 0	24 5	15 0	...	10 2
Kanara (Karwar)	12 5	...	7 0	11 14	16 0	13 0	15 0	13 0	213 5 1	11 0
Akyab	...	...	11 0	13 0	...	...	10 0	...	240 0	30 0
Northern Arakan	...	...	17 1	18 9	...	...	...	...	...	...
Kyaukpada	...	...	22 14	26 13	...	...	4 0	...	50 0	42 0
Sandway	...	...	...	...	...	...	...	...	46 11	39 0
Rangoon Town	11 6	...	13 10	15 0	...	...	15 0	...	320 0	29 2
Pegu	...	...	10 2 1	15 12 1	...	...	11 2 1	...	108 0	20 14
Tharawaddy	...	...	11 14	12 15	...	...	11 1	...	535 17	29 12
Prome	9 2	...	13 7	15 4	...	...	10 6	...	107 9	19 10
Bassein	...	...	17 1	16 11	...	...	10 15	...	245 8	31 3
Henzada	...	...	13 0	15 10	...	...	...	...	183 8	35 8
Thonegwa	...	...	10 12	18 6	...	...	12 14	...	184 8	35 7
Thayetmyo	9 4	...	11 2	13 13	...	...	13 13	...	392 0	14 3
Moulmein Town and Amherst	9 0	...	9 0	12 2	...	...	12 2	...	220 0	30 8
Tavoy	...	...	14 9	21 0	...	...	...	...	399 3	16 1
Merqui	...	...	5 4	20 3	...	...	...	...	428 0	14 9
Loungoo	...	...	10 10	12 13	...	...	12 9	...	27 0	18 12
Shwaymyin	...	...	9 13	11 5	...	...	...	...	200 0	18 14

BRITISH BURMA

ARAKAN DIVISION

PEGU DIVISION

IRRAWADDY DIVISION

TENASSERIM DIVISION

ODDH.

H. A. PROVINCE

ROYAL BURMA

1st half of March 1886.

Firewood is sold by head-load, bullock-load, and cart-load, and not by weight.

100 cobs for R1.

50 cobs for R1.

SUPPLEMENT TO THE STATEMENTS OF PRICES CURRENT (RETAIL OF FOOD-GRAINS, &c.—continued.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
PROVINCE.	DISTRICT.	QUANTITIES PER RUPEE IN SEERS OF 80 TOLAS.														REMARKS.
		Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or Cholam (Sorghum vul- gare.)	Bajra or Cumbu (Pennisetum typhoidesum).	Marua or Ragi (Eleusine Cor- cana).	Kangni or Kakun, Tilian millet (Setaria italica).	Gram, Chenna, Chola, Kadala, or Sunaga (Cicer arietinum).	Maize (Zea Mays).	Arhar or Thur Cadian Pea (Ca- janus indicus).	Firewood.	Salt.		
H. A. DISTRICT.	Amraoti	19 8	..	8 0	11 12	28 0	19 12	..	..	18 0	..	12 0	..	12 0	* Firewood is sold by head-load, bullock- load, and cart-load, and not by weight.	
	Akola	19 0	..	7 0	11 0	28 0	21 0	..	..	20 0	..	21 0	..	11 0		
	Elkhpur	19 0	9 0	8 0	10 0	29 0	16 0	..	..	15 0	..	11 0	..	10 8		
	Beldana	23 0	..	8 0	11 0	38 0	26 0	..	..	24 0	..	12 0	..	11 0		
	Wun	18 0	16 0	8 0	11 0	27 0	13 0	..	..	18 0	..	18 0	..	11 0		
Mysore.	Basim	26 10	..	7 13	11 0	35 13	36 0	..	..	23 0	..	18 8	..	10 3		
	Bangalore	10 8	11 8	9 0	10 0	24 0	..	29 12	..	12 2	..	12 7	96 0	12 0		
	Kolar	..	11 0	9 8	11 8	..	..	32 0	..	10 3	..	14 0	192 0	11 0		
	Lunkur	13 0	12 0	10 0	11 0	..	..	36 0	..	13 0	..	15 0	340 0	11 0		
	Mysore	11 0	..	10 8	11 0	25 0	..	26 0	..	12 8	..	12 0	78 0	10 8		
Kadur	Shimoga	13 10	15 12	12 10	14 11	31 8	..	33 10	..	14 11	..	16 13	480 0	11 9		
	Kadur	10 0	12 0	14 0	16 0	..	..	32 0	..	16 0	..	12 0	64 0	9 0		

DEPARTMENT OF FINANCE AND COMMERCE,  
(Statistical Branch).

D. BARBOUR,  
Secretary to the Government of India.



GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. XLVIII of 1885-86.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	RAILWAYS.	Total mean length open.	RECEIPTS FOR WEEK ENDING 7TH MAR. 1885.		Total mean length open.	RECEIPTS FOR WEEK ENDING 6TH MAR. 1886.		TOTAL RECEIPTS FROM 1ST APRIL 1884 TO 7TH MAR. 1885.		TOTAL RECEIPTS FROM 1ST APRIL 1885 TO 6TH MAR. 1886.		Total Increase in 1885-86.	Total Decrease in 1885-86.	
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.			
	<i>Guaranteed.</i>		<i>R</i>	<i>R</i>		<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	
13th Mar. 1886	Oudh and Rohilkhand	594	90,348	152	680	1,35,820	200	47,4,234	170	52,77,101	175	5,72,867	...	
13th ditto	Madras	801	1,48,659	173	861	1,42,604	166	67,04,100	160	70,05,386	167	3,01,286	...	
13th ditto	South Indian	654	1,13,943	174	654	87,100	133	39,94,264	125	41,56,417	131	1,62,233	...	
13th ditto	Great Indian Peninsula	1,504	7,06,415	511	1,504	7,77,401	517	3,18,57,582	435	3,31,91,027	454	13,33,445	...	
13th ditto	Bombay, Ceylon and Central India	461	2,22,865	483	461	2,50,000	542	1,12,08,395	499	1,19,93,885	536	7,85,490	...	
	TOTAL	4,074	13,44,230	330	4,100	13,92,925	335	5,84,68,575	497	6,16,23,896	309	31,55,321	...	
	<i>State.</i>													
20th Mar. 1886	East Indian	1,509	8,66,799	574	1,515	9,63,211	636	3,94,93,440	538	4,35,11,957	589	41,08,517	...	
13th ditto	Eastern Bengal	233	1,00,589	432	233	94,535	406	51,12,743	450	42,47,283	375	...	8,65,460	
20th ditto	Nabati	27	1,404	52	27	1,857	68	72,027	55	72,658	55	631	...	
13th ditto	Northern Bengal	249	30,983	124	249	41,570	167	20,48,289	169	21,55,921	178	1,17,632	...	
13th ditto	Kaunia-Dharka	37	3,771	102	37	2,277	62	1,42,175	78	1,17,646	65	...	24,529	
13th ditto	Tinoot	226	18,958	84	226	28,828	128	11,50,357	114	11,92,145	109	32,788	...	
20th ditto	Patna-Gya	57	10,930	186	57	9,599	168	4,93,700	177	4,50,222	162	...	43,478	
20th ditto	Cawnpore-Ahmedra	249	16,506	56	253	24,382	96	8,83,319	73	8,50,509	69	...	23,750	
20th ditto	Dildarnagar-Ghazipur	12	872	73	12	808	72	43,813	75	42,016	74	...	887	
13th ditto	Rajputana-Malwa (a)	1,411	3,19,801	227	1,411	3,57,000	253	1,28,48,170	200	1,52,00,291	222	23,52,115	...	
13th ditto	Wardha Coal	45	6,523	145	45	15,593	347	6,16,178	281	5,89,095	270	...	27,083	
13th ditto	Nagpur and Chhattisgarh	149	33,459	225	149	41,116	276	12,22,160	168	13,20,617	182	98,457	...	
13th ditto	British Burma	254	60,309	237	327	93,932	285	19,12,545	163	20,80,713	140	1,74,108	...	
20th ditto	Sindia	75	8,181	109	75	14,138	189	3,55,934	99	3,47,944	99	...	7,990	
20th ditto	North-Western	1,803	5,97,084	332	1,803	5,44,325	302	2,06,71,493	233	2,65,22,969	302	58,51,476	...	
20th ditto	Amritsar-Pathankot	66	5,288	80	66	7,097	108	2,07,158	68	2,69,549	84	61,891	...	
20th ditto	Barilly-Pilibhit	36	1,339	37	36	2,481	69	(b) 23,086	31	72,635	42	49,549	...	
13th ditto	Narainang-Dacca-Mymensingh	10	2,139	214	86	3,605	42	(c) 17,633	196	1,05,866	37	88,233	...	
27th Feb. 1886	Jorhat	..	(d)	...	..	(d)	...	(e) 3,511	13	(f) 32,132	24	28,621	...	
	TOTAL	4,939	12,18,730	247	5,092	12,82,303	252	4,78,23,817	204	5,56,86,201	226	78,62,384	...	
GRAND TOTAL (GUARANTEED AND STATE)			10,522	34,23,765	326	10,767	36,38,439	338	14,56,95,832	288	16,08,22,054	309	1,51,26,222	...
GROSS ESTIMATED EXPENSES			...	...	...	...	...	7,73,45,328	153	8,66,10,070	166	...	...	
NET RECEIPTS			...	...	...	...	...	6,81,50,504	135	7,42,05,984	143	60,55,480	...	
	<i>Assisted Companies.</i>													
13th Mar. 1886	Bengal Central	126	12,254	97	126	10,827	86	4,78,082	78	4,99,319	82	21,237	...	
20th ditto	Rohilkhand and Kumaon	67	2,933	44	67	4,131	62	(b) 70,446	50	2,30,317	71	1,59,871	...	
6th ditto	Assam	78	4,522	58	78	6,945	89	2,12,337	62	2,56,759	66	44,422	...	
20th ditto	Southern Mahratta	214	8,984	42	315	19,932	63	2,74,530	37	9,26,148	67	6,51,618	...	
13th ditto	Bengal and North-Western	303	23,420	77	303	31,480	104	(g) 2,08,092	40	12,55,937	85	10,47,645	...	
20th ditto	Tarakessur	22	6,653	302	22	9,655	439	(h) 59,017	284	2,33,728	216	1,74,711	...	
	TOTAL	810	58,766	73	911	82,970	91	13,02,704	55	34,02,208	79	20,99,504	...	
	<i>Native States.</i>													
13th Mar. 1886	Bhavnagar-Gondal	193	20,508	107	193	20,125	104	10,33,317	110	8,74,096	93	...	1,59,221	
13th ditto	Jodhpore	44	2,239	51	64	5,850	91	66,356	35	1,69,397	54	1,03,041	...	
6th ditto	Nizam's	121	18,456	153	121	19,880	164	9,08,197	154	10,81,401	184	1,73,204	...	
13th ditto	Mysore	140	7,858	56	140	7,146	51	3,54,392	63	4,07,308	60	52,916	...	
20th ditto	Rajpura-Patiala	16	991	62	16	1,475	92	(i) 11,999	41	50,563	65	38,564	...	
	TOTAL	514	50,142	98	534	54,470	102	23,74,261	102	25,82,765	99	2,08,504	...	

N.B.—As regards the figures in column "Total receipts from 1st April to date," audited figures have been availed of as far as possible.

(a) Including Rewari-Ferozepore State Railway.

(b) Total receipts from 12th October 1884 to 7th March 1885.

(c) Total receipts from 4th January to 7th May 1885.

(d) Return not received.

(e) Total receipts from 15th December 1884 to 28th February 1885.

(f) Total receipts from 1st April 1884 to 27th February 1886.

(g) Total receipts from 2nd April 1884 to 7th March 1885.

(h) Total receipts from 1st January to 7th March 1885.

(i) Total receipts from 1st November to 7th March 1885.

SIMLA,  
The 9th April 1886.

FRED. FIREBRACE, Major, R.E.;  
Under-Secretary.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. XLIX OF 1885-86.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Return received.	RAILWAYS.	Total mean length open.	RECEIPTS FOR WEEK ENDING 14TH MARCH 1885.		Total mean length open.	RECEIPTS FOR WEEK ENDING 13TH MARCH 1886.		TOTAL RECEIPTS FROM 1ST APRIL 1884 TO 14TH MARCH 1885.		TOTAL RECEIPTS FROM 1ST APRIL 1885 TO 13TH MARCH 1886.		Total increase in 1885-86.	Total Decrease in 1885-86.
			Total.	per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		<i>R</i>	<i>R</i>		<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>
Mar. 1886	Oudh and Rohilkhand.	594	1,10,296	186	680	1,29,556	191	48,14,530	170	54,06,657	175	5,92,127	...
ditto	Madras	861	1,38,515	172	861	1,53,069	178	68,52,615	160	71,82,118	148	3,29,503	...
ditto	South Indian	654	98,891	151	651	9,481	141	40,93,155	126	42,49,083	131	1,56,828	...
ditto	Great Indian Peninsula	1,504	9,02,994	600	1,504	8,81,089	580	3,27,00,576	438	3,40,75,611	457	13,15,035	...
ditto	Bombay, Baroda and Central India	461	2,28,278	495	461	2,59,000	562	1,14,36,673	499	1,22,38,826	536	8,02,153	...
	<b>TOTAL</b>	<b>4,074</b>	<b>14,88,974</b>	<b>365</b>	<b>4,160</b>	<b>15,15,195</b>	<b>364</b>	<b>5,09,57,549</b>	<b>298</b>	<b>6,31,53,195</b>	<b>311</b>	<b>31,95,646</b>	...
	<i>State.</i>												
Mar. 1886	East Indian	1,509	10,24,569	679	1,515	8,71,405	575	4,04,28,009	539	4,43,83,362	591	39,55,353	...
ditto	Eastern Bengal	233	82,169	353	233	84,348	362	51,94,912	449	43,31,631	375	...	8,63,281
ditto	Nalhati	27	1,442	53	27	1,629	60	73,409	54	74,320	55	851	...
ditto	Northern Bengal	249	31,561	127	249	40,800	164	20,66,850	168	22,03,325	178	1,33,475	...
ditto	Kaunia-Dharla J.	37	3,727	101	37	2,245	61	1,45,902	79	1,19,750	65	...	26,152
ditto	Arrhoot	226	24,878	110	226	28,065	124	11,84,236	114	12,21,875	109	37,639	...
ditto	Panta-Gya	57	13,258	232	57	8,816	154	5,06,958	178	4,59,038	162	...	47,020
ditto	Cawnpore-Achnera	249	30,647	123	253	19,376	77	9,13,996	74	8,85,713	71	...	28,283
ditto	Dildarnagar-Ghazipur	12	953	70	12	720	60	44,756	75	43,636	74	...	1,120
ditto	Rajputana-Malwa (a)	1,411	3,33,201	236	1,411	3,20,000	227	1,31,51,381	201	1,55,24,800	222	23,43,420	...
ditto	Wardha Coal	45	18,448	410	45	20,750	461	6,34,626	284	6,09,146	273	...	25,480
ditto	Nagpur and Chhatis-garh	149	40,932	275	149	36,747	247	12,63,002	171	13,55,278	183	92,186	...
ditto	British Burma	254	64,961	256	327	87,493	268	19,77,506	164	21,74,206	142	1,90,700	...
ditto	Sindia	75	11,734	157	75	10,808	144	3,67,668	99	3,58,752	97	...	8,916
ditto	North-Western	1,803	6,03,581	335	1,803	4,94,608	274	2,12,75,074	235	2,70,17,577	302	57,42,503	...
ditto	Amritsar-Pathankot	66	5,886	89	66	6,057	92	2,13,544	68	2,75,606	84	62,002	...
ditto	Bareilly-Pilibhit	36	1,338	37	36	1,991	54	(b)24,424	31	74,596	41	50,172	...
ditto	Narayanganj-Dacca-Mymensingh	10	2,097	210	86	4,035	57	(c)10,730	197	1,10,388	37	90,058	...
Feb. 1886	Jorhat	...	...(d)	...	...	...	...	(e)3,511	13	(f)32,132	24	28,621	...
	<b>TOTAL</b>	<b>4,939</b>	<b>12,70,816</b>	<b>257</b>	<b>5,092</b>	<b>11,60,358</b>	<b>230</b>	<b>4,90,94,634</b>	<b>206</b>	<b>5,68,71,769</b>	<b>226</b>	<b>77,77,135</b>	...
	<b>AND TOTAL (GUARANTEED AND STATE)</b>	<b>10,522</b>	<b>37,84,359</b>	<b>360</b>	<b>10,767</b>	<b>35,55,958</b>	<b>330</b>	<b>14,94,80,192</b>	<b>290</b>	<b>16,44,08,326</b>	<b>310</b>	<b>1,40,28,134</b>	...
	<b>GROSS ESTIMATED EXPENSES</b>	...	...	...	...	...	...	<b>7,06,64,569</b>	<b>155</b>	<b>8,84,45,668</b>	<b>167</b>	...	...
	<b>NET RECEIPTS</b>	...	...	...	...	...	...	<b>6,98,15,623</b>	<b>135</b>	<b>7,50,63,258</b>	<b>143</b>	<b>61,47,635</b>	...
	<i>Assisted Companies.</i>												
Mar. 1886	Bengal-Central	126	10,380	82	126	12,282	97	4,88,462	78	5,11,601	82	23,139	...
ditto	Rohilkhand and Kumaon	67	3,176	47	67	4,233	63	(b)73,622	50	2,34,550	71	1,60,928	...
ditto	Assam	78	3,796	49	78	6,958	89	2,16,133	62	2,63,716	66	47,583	...
ditto	Southern Mahratta	214	8,694	41	315	25,040	79	2,83,224	37	9,51,188	67	6,07,964	...
ditto	Bengal and North-Western	303	34,930	115	303	30,420	100	(g)2,43,222	44	12,86,357	85	10,43,135	...
ditto	Tarakessur	22	6,463	294	22	5,878	267	(h)65,481	285	2,39,606	217	1,74,125	...
	<b>TOTAL</b>	<b>810</b>	<b>67,439</b>	<b>83</b>	<b>911</b>	<b>84,811</b>	<b>93</b>	<b>13,70,144</b>	<b>55</b>	<b>34,87,018</b>	<b>80</b>	<b>21,16,874</b>	...
	<i>Native States.</i>												
Mar. 1886	Bhavnagar-Gondal	193	81,481	111	193	20,457	106	10,54,798	110	8,95,332	94	...	1,59,466
ditto	Jodhpore	44	5,386	122	64	4,150	65	71,742	37	1,73,547	55	1,01,805	...
ditto	Nizam's	...	...(d)	...	...	...	...	(f)19,08,197	154	(k)10,81,401	184	1,73,204	...
ditto	Mysore	140	7,810	56	140	9,079	65	3,62,202	62	4,16,387	60	54,185	...
ditto	Rajputana-Patna's	16	1,835	115	16	1,273	80	(i)3,834	45	5,1836	65	38,002	...
	<b>TOTAL</b>	<b>393</b>	<b>136,512</b>	<b>93</b>	<b>413</b>	<b>34,959</b>	<b>85</b>	<b>24,10,773</b>	<b>101</b>	<b>26,18,503</b>	<b>99</b>	<b>2,07,730</b>	...

I.B.—As regards the figures in column "Total Receipts from 1st April to date," audited figures have been availed of as far as possible.

(a) Including Rewari-Ferozepore State Railway.

(b) Total receipts from 12th October 1884 to 14th March 1885.

(c) Total receipts from 4th January to 14th March 1885.

(d) Return not received.

(e) Total receipts from 15th December 1884 to 28th February 1885.

(f) Total receipts from 1st April 1885 to 27th February 1886.

(g) Total receipts from 2nd April 1884 to 14th March 1885.

(h) Total receipts from 1st January to 14th March 1885.

(i) Total receipts from 1st April 1884 to 7th March 1885.

(j) Total receipts from 1st April 1885 to 6th March 1886.

(k) Total receipts from 1st November 1884 to 14th March 1885.

SIMLA,  
10th April 1886.

FRED. FIREBRACE, Major, R.E.,  
Under-Secretary.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 17.]

SIMLA, SATURDAY, APRIL 24, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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**PART II.**—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

**PART III.**—Advertisements and Notices by private individuals and Corporations.

**PART IV.**—Acts of the Governor General's Council assented to by the Governor General:—

*Nothing for publication.*

**PART V.**—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22:—

*Nothing for publication.*

**SUPPLEMENT No. 17.**

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### HOME DEPARTMENT.

#### NOTIFICATIONS.—PUBLIC.

*Simla, the 22nd April, 1886.*

**No. 569.**—*Erratum.*—In Home Department Notification No. 2042, dated the 19th December, 1884, publishing the names of certain gentlemen appointed Members of the Bengal Civil Service,

*for*  
Michael Francis Dwyer,  
*read*  
Michael Francis O'Dwyer.

#### EXAMINATIONS.

*The 22nd April, 1886.*

**No. 11.**—Mr. R. C. Dutt, of the Bengal Civil Service, having obtained a Degree of Honour

in Sanskrit, in the 1st Division, has been presented with the authorized donation of Rs. 5,000.

### FORESTS.

*The 22nd April, 1886.*

**No. 316 F.**—The services of Mr. E. E. Fernandez, officiating Deputy Director of the Forest School at Dehra Dun, are placed temporarily at the disposal of the Government of the North-Western Provinces and Oudh, for employment on special duty in connection with the preparation of Working Plans of Forests, with effect from the date on which he may be relieved of his duties at the Forest School by Mr. A. F. Broun, officiating Deputy Conservator of Forests in the North-Western Provinces and Oudh.

A. P. MACDONNELL,

*Offg. Secretary to the Government of India.*

## FOREIGN DEPARTMENT.

## NOTIFICATIONS.—GENERAL.

*Simla, the 19th April, 1886.*

**No. 833 G.**—The following promotions are made in the Bhopal Battalion, with effect from the 1st December, 1885:—

Jemadar Bhugwan Singh, to be Subadar, *vice* Shamsheer Singh, invalided.

Havildar Wahid Ali Khan, to be Jemadar, *vice* Bhugwan Singh, promoted.

**No. 836 G.**—Captain A. P. Thornton, Cantonment Magistrate at Secunderabad, is appointed to officiate as a Political Agent of the 3rd class, and is posted as Political Agent in Bhopāwar, with effect from the date of assuming charge.

**No. 841 G.**—Surgeon W. W. Webb, officiating Medical Officer, Meywar Bhil Corps, is granted privilege leave for sixty days, with effect from the 1st April, 1886, or date of departure.

*The 21st April, 1886.*

**No. 855 G.**—Surgeon-Major C. E. McVittie, Medical Officer, 3rd Cavalry, Hyderabad Contingent, is appointed to officiate as Residency Surgeon at Hyderabad, with effect from the date of assuming charge, during the absence on privilege leave of Surgeon-Major E. Lawrie.

**No. 857 G.**—Munshi Gurdatt Singh, Naib Mir Munshi of the Secretariat of the Punjab Government, is appointed to be Native Assistant to the Governor-General's Agent in Central India, with effect from the 1st January, 1886, *vice* Rai Bahadur Pandit Dharam Narayan, C.I.E., retired.

*The 22nd April, 1886.*

**No. 860 G.**—The following promotions are made in the Infantry Branch of the Deoli Irregular Force, with effect from the 2nd April, 1886:—

Jemadar Bulwant Singh, to be Subadar, *vice* Birth Singh, invalided.

Pav-Havildar Sinath, to be Jemadar, *vice* Bulwant Singh, promoted.

## INTERNAL.

*The 19th April, 1886.*

**No. 1217 I.**—His Excellency the Viceroy and Governor-General is pleased to confer upon Bhagat Singh, Executive Engineer, 4th grade, sub. *pro tem.*, Public Works Department, Rajputana, the title of "Sardar Bahadur," as a personal distinction.

*The 21st April, 1886.*

**No. 1263 I.**—In exercise of the power conferred by Section 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor-General in Council is pleased to appoint the officer, for the time being, holding the office of Cantonment Magistrate of Secunder-

abad, being a European British subject, to be a Justice of the Peace within the limits of that Cantonment.

H. M. DURAND,

*Secretary to the Government of India.*

## DEPARTMENT OF FINANCE AND COMMERCE.

## NOTIFICATION.

*Simla, the 23rd April, 1886.*

**No. 397.**

**CODES.**

**CIVIL LEAVE CODE.**

**PAGE 194.**

**Section 127.**

**Rule 5.**

*Substitute the following for Note (2) under this Rule.—*

**NOTE (2).**—Police Probationers and temporary and officiating Assistant Superintendents of Police in all Provinces count their service towards leave, provided they have passed their examinations, have served two years in the Department, and have attained the age of 22 years.

**CIVIL PENSION CODE.**

**PAGE 35.**

**Section 74.**

**Rule 4.**

*Substitute the following for the Note under this Rule.—*

**NOTE.**—Police Probationers and temporary and officiating Assistant Superintendents of Police in all Provinces count their service towards pension, provided they have passed their examinations, have served two years in the Department, and have attained the age of 22 years.

D. M. BARBOUR,

*Secretary to the Government of India.*

## MILITARY DEPARTMENT.

*Simla, the 23rd April, 1886.*

## APPOINTMENTS.

## COMMISSARIAT DEPARTMENT.

**No. 253.**—Lieutenant D. J. T. O'Brien, Bengal S. C., Wing Officer, 15th Bengal Infantry, to be a Sub-Assistant Commissary General, 2nd class, on probation, *vice* Lieutenant H. Hamilton, who has resigned. Dated 26th February, 1886.

**No. 254.**—Captain F. J. D. Lugard, Norfolk Regiment, to officiate as Sub-Assistant Commissary General for Transport, 2nd class, *vice* Major S. D. Turnbull, on furlough. Dated 25th March, 1886.

Lieutenant W. H. Allen, Bengal S. C., Wing Officer, 27th Bengal Infantry, to officiate as Sub-Assistant Commissary General for Transport, 2nd class. Dated 11th March, 1886.

**No. 255.—GOVERNOR-GENERAL'S BODY-GUARD—**

The Viceroy and Governor-General has been pleased to make the following appointment.—

Lieutenant J. G. Turner, Bengal S. C., Squadron Officer, 19th Bengal Lancers, Aide-de-Camp to His Excellency the Commander-in-Chief, to be Adjutant, *vice* Lieutenant R. C. Onslow, who has resigned the appointment. Dated 9th April, 1886.

**No. 256.—JUDGE ADVOCATE GENERAL'S DEPARTMENT—**

Lieutenant-Colonel A. L. E. H. Holmes, Bengal S. C., to officiate as Deputy Judge Advocate, *vice* Lieutenant-Colonel H. B. Sanderson, on furlough. Dated 26th March, 1886.  
Major C. H. Stoddart, Bengal S. C., Wing Commander, 5th Bengal Infantry, to officiate as Deputy Judge Advocate, *vice* Colonel R. F. C. A. Tytler, on furlough. Dated 13th April, 1886.

**ORDNANCE DEPARTMENT.**

**No. 257.**—With reference to G. G. O. No. 192 of 1886, Lieutenant-Colonel R. F. Lewis, R.A., Director General of Ordnance in India, to have the local rank of Major-General whilst so employed. Dated 15th March, 1886.

**No. 258.**—Lieutenant-Colonel F. W. M. Spring, R.A., Deputy Inspector General of Ordnance, Bengal Circle, to be Inspector General of Ordnance, *vice* Major-General A. A. Bayly, R.A., whose tenure of appointment has expired. Dated 6th April, 1886.

Colonel C. Cowie, R.A., Commissary of Ordnance, 1st class, to be Deputy Inspector General of Ordnance, Bengal Circle, *vice* Lieutenant-Colonel F. W. M. Spring, R.A. Dated 6th April, 1886.

**No. 259.—QUARTER-MASTER-GENERAL'S DEPARTMENT—**

Major J. Gordon, Royal Irish Fusiliers, to be a Deputy-Assistant Quarter-Master-General on the establishment, *vice* Major E. R. Elles, R.A., appointed an Assistant Quarter-Master-General. Dated 5th April, 1886.

**No. 260.—VOLUNTEER CORPS—***Ghazipur Volunteer Rifle Corps.*

Mr. J. Rhind to be Captain and Mr. P. Henderson to be Lieutenant, to complete the establishment.

**FURLOUGH AND LEAVE.**

**No. 261.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Major-General Sir C. J. S. Gough, K.C.B., V.C., Cavalry, Commanding Allahabad Division, (m. c.) for six months, under Article 814, India Army Regulations, Volume I, Part I.  
Brigadier-General Sir C. M. MacGregor, K.C.B., C.S.I., C.I.E., Bengal S. C., Commanding Punjab Frontier Force, (m. c.) for six months, under Article 814, India Army Regulations, Volume I, Part I.

Colonel F. D. M. Brown, V.C., Bengal S. C., Executive Engineer, 1st grade, North-Western Provinces and Oudh, Public Works Department, (p. a.) for 152 days, under rule IX of the regulations of 1868.

Colonel R. H. Inglis, Infantry, Commandant, 6th Bengal Infantry, (p. a.) for one year and 110 days,—110 days under rule VIII, clause 2, and the remaining period under rule IX of the regulations of 1868. (This cancels the furlough granted to him in G. G. O. No. 127 of 1886.)

Major P. D. Jeffreys, Connaught Rangers, Brigade-Major on the establishment, (p. a.) for four months, under Article 824, India Army Regulations, Volume I, Part I.

Major E. S. Neave, Bengal S. C., Squadron Commander, 18th Bengal Cavalry, (m. c.) for one year, under rule XIV, clause 2, of the regulations of 1868.

Captain R. O. Lloyd, R.E., Executive Engineer, 2nd grade, Assistant Secretary to the Chief Commissioner, Assam, Public Works Department, (m. c.) for one year under rules IX and XV of the regulations of 1868.

Deputy Surgeon-General R. Webb, Medical Staff, (m. c.) for six months, under Article 822, India Army Regulations, Volume I, Part I.

**No. 262.**—Colonel C. K. M. Walter, Bengal S. C., has been granted by the Secretary of State for India an extension of furlough (m. c.) for six months.

**PROMOTIONS.**

**No. 263.**—Under the provisions of the Royal Warrant of the 10th November, 1881, the names of the following officers are moved up on the Indian Gradation List:—

Colonel T. S. Hawks, Madras S. C., is placed on the list of Major-Generals, in consequence of the transfer to the Unemployed Supernumerary List of Major-General H. H. O'Connell, Madras S. C., on the 16th February, 1886.

Colonel J. J. H. Gordon, C.B., Bengal S. C., is placed on the list of Major-Generals, in consequence of the transfer to the Unemployed Supernumerary List of Major-General J. Marquis, Bengal S. C., on the 17th February, 1886.

**No. 264.—COMMISSARIAT DEPARTMENT—**

Assistant-Commissary and Honorary-Lieutenant William Adolphus Armstrong to be Deputy-Commissary.

Deputy-Assistant-Commissary and Honorary-Lieutenant Thomas Donlea to be Assistant-Commissary.

Conductor Joseph Tyler to be Deputy-Assistant-Commissary.

Sub-Conductor John Brown to be Conductor.

Sergeant James Carter to be Sub-Conductor,—

with effect from the 20th November, 1885, *vice* Deputy-Commissary and Honorary-Captain John Henry Sharpe, retired.

**No. 265.—PUNJAB FRONTIER FORCE—***5th Punjab Cavalry.*

Jemadar Mian Singh to be Ressaidar and Kote-Dufladar Mahtab Singh to be Jemadar, on augmentation, with effect from the 2nd October, 1885.

**REWARDS.****No. 256.—ORDER OF BRITISH INDIA—**

In G. G. O. No. 218 of 1886, for Ressaidar "Jamaul De Beg," read Ressaidar "Mirza Jamal-ud-din Beg."

## MILITARY WORKS DEPARTMENT.

## PROMOTIONS.

No. 267.—The following promotions are made in the Engineer Establishment of the Military Works Department, with effect from the 4th March, 1886 :—

Names.	From	To	Nature of promotion.
Major W. G. Nicholson, R.E.	Superintending Engineer, class III, sub. <i>pro tem</i>	Superintending Engineer, class III, special.	Permanent.
Captain R. F. Moore, R.E.	Executive Engineer, 1st grade, sub. <i>pro tem</i> .	Executive Engineer, 1st grade	Ditto
Lieutenant-Colonel G. D'A. Jackson, General List, Cavalry.	Executive Engineer, 2nd grade, sub. <i>pro tem</i> .	Executive Engineer, 2nd grade	Ditto
Captain W. H. Chippindall, R.E.	Executive Engineer, 3rd grade, sub. <i>pro tem</i> .	Executive Engineer, 3rd grade	Ditto.
Captain S. A. E. Hickson, R.E.	Executive Engineer, 4th grade, sub. <i>pro tem</i> .	Executive Engineer, 4th grade	Ditto
Lieutenant H. G. Harvey, R.E.	Assistant Engineer, 1st grade, sub. <i>pro tem</i> .	Assistant Engineer, 1st grade	Ditto
Lieutenant T. F. B. Renny-Tailyour, R.E.	Assistant Engineer, 2nd grade, sub. <i>pro tem</i> .	Assistant Engineer, 2nd grade	Ditto
Colonel J. H. Crowdy, R.E.	Executive Engineer, 1st grade, and officiating Superintending Engineer.	Superintending Engineer, class III.	Sub. <i>pro tem</i> .
Major A. E. Ward, S.C.	Executive Engineer, 2nd grade	Executive Engineer, 1st grade	Ditto.
Captain S. Grant, R.E.	Executive Engineer, 3rd grade	Executive Engineer, 2nd grade	Ditto.
Captain S. A. E. Hickson, R.E.	Executive Engineer, 4th grade	Executive Engineer, 3rd grade	Ditto.
Captain J. G. Day, R.E.	Assistant Engineer, 1st grade	Executive Engineer, 4th grade	Ditto.
Captain H. Appleton, R.E.	Assistant Engineer, 1st grade	Executive Engineer, 4th grade	Temporary.

O. R. NEWMARCH, Colonel,

Offg. Secretary to the Government of India.

(N.B.—No General Orders bearing Nos. 219 to 228 have been issued.)

## MARINE DEPARTMENT.

## FURLOUGH AND LEAVE.

No. 16.—Mr F. M. Barwick, 1st grade officer, H. M.'s Indian Marine, is granted furlough out of India (m. c.) for six months, with effect from the 22nd March, 1886, under rule VII of Marine Circular No. 16 of 1884.

No. 17.—Mr. A. J. G. Piffard, 2nd grade officer, H. M.'s Indian Marine, is granted furlough out of India (p. a.) for one year, under rule I of Marine Circular No. 16 of 1884.

No. 18.—Mr. C. E. Lamborne, gazetted clerk, H. M.'s Indian Marine, is granted furlough out of India (m. c.) for one year, with effect from the 3rd April, 1886, under rule VII of Marine Circular No. 16 of 1884.

No. 19.—Mr. C. H. Owen, 2nd grade officer, H. M.'s Indian Marine, has been granted an extension of furlough (m. c.) for six months by the Secretary of State for India.

## PROMOTIONS.

No. 20.—The following promotions are made in H. M.'s Indian Marine, with effect from the 1st April, 1886 :—

*To be 2nd Grade Officers.*

3rd grade officer G. S. Hewett.  
3rd grade officer K. V. Bacon.  
3rd grade officer T. J. Walker.  
3rd grade officer L. H. Smith.  
3rd grade officer R. W. W. Gordon  
3rd grade officer J. H. D. St. John.  
3rd grade officer F. H. Elderton.

*To be Engineers.*

Assistant Engineer R. Malcolm.  
Assistant Engineer W. G. Kelly.  
Assistant Engineer G. Kelly.  
Assistant Engineer W. Torrie.  
Assistant Engineer J. Andrews.  
Assistant Engineer R. Walker.

O. R. NEWMARCH, Colonel,

Offg. Secretary to the Government of India.

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 19th April, 1886.*

No. 109.—Captain J. C. Addison, R.E., Executive Engineer, 3rd grade, Central Provinces, held charge of the current duties of the office of the Chief Engineer and Secretary to the Chief Commissioner, Public Works Department, from the 1st to 8th April, 1886, inclusive.

*The 21st April, 1886.*

No. 110.—Ishwari Prasad, Apprentice Engineer, Central Provinces, is promoted to Assistant Engineer, 3rd grade, with effect from the 9th April, 1886.

*The 22nd April, 1886.*

No. 111.—Colonel C. M. Browne, R.E., Chief Engineer, 3rd class, on furlough, is appointed Chief Engineer and Secretary to the Chief Commissioner of British Burma in the Public Works Department.

No. 112.—Mr. P. L. Rooper, Assistant Engineer, 2nd grade, State Railways, is promoted to Assistant Engineer, 1st grade, with effect from the 29th October, 1885.

W. S. TREVOR, Colonel,

Secretary to the Government of India.



## GOVERNMENT OF INDIA.

## REVENUE AND AGRICULTURAL DEPARTMENT.

## REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING 21st APRIL, 1886.

GENERAL REMARKS.—Rain has continued to fall during the past week in Assam, and there have also been showers at Dacca, in parts of the Madras Presidency, in Mysore and Coorg, and at Hyderabad. With the exception of the Amritsar and Peshawar districts, no rain has fallen in Northern or Central India.

The weather is generally seasonable, westerly winds prevail in Northern and Western India, and the temperature is rising.

The *rabi* harvest is in progress in the south-east Punjab, and prospects are favourable. In Bombay and Sind it is nearly completed; and threshing and winnowing operations are well advanced in the North-Western Provinces and Oudh, Behar, the Central Provinces, and Central India States. In the Meerut district the outturn of the wheat crop has been less favourable than was anticipated.

Cotton is being picked in Surat and Dharwar and in the Madras Presidency, where rice and *ragi* are also being harvested.

A good outturn is expected from the *boro* rice crop in Bengal, and the *aus* rice and indigo sowings are progressing, though rain is wanted in some districts. Some damage is reported to have been caused to the *boro* rice in Sylhet by the recent rainfall.

Standing crops in the Madras Presidency and Mysore are generally in good condition, but are suffering in a few districts for want of water. Rain is also much needed in Mysore for coffee-planting.

The land is now being generally prepared for *kharif* sowings, which have commenced in Sind. Sugarcane is being pressed and planted in the North-Western Provinces and Oudh and in Bengal, where planting has been nearly completed; the cuttings are progressing favourably.

Prices are generally stationary, except in Mysore and Coorg, where they have fallen.

Cattle-disease is reported generally. There is some scarcity of water and fodder in Mysore and in parts of the Bombay Presidency and Rajputana.

The public health is generally fair, though fever and small-pox are reported from many places.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(April 21st)</b>		
Bellary . . . . .	<i>Nil</i>	Standing dry crops generally good, and wet crops in parts of two taluks generally good, but water insufficient to support them; harvest wet and dry crops, yield average; cotton average; rest about average. Fever in one, guinea-worm in two, and cattle-disease in three taluks.
Kurnool . . . . .	<i>Nil</i>	Standing second crop paddy good; harvest paddy and cotton, yield paddy full and cotton below average. Small-pox and cattle-disease in three taluks.
Ganjam . . . . .	<i>Nil</i>	Slight small-pox in six, five in five, and cattle-disease in four taluks, 1 death from cholera. Average number employed on Chilka canal 174.
Kistna . . . . .	<i>Nil</i>	Slight fever, small-pox, and guinea-worm prevalent; deaths from cholera in five taluks unreported last week 37, this week 32, cattle-disease in one village.
Chingleput (Madras) . . . . .	<i>Nil</i>	Standing crops generally fair, except in parts of one taluk, where they are withering; harvest paddy and <i>ragi</i> , yield below average. Small-pox and maulas in one and cattle-disease in three taluks.
Combatore . . . . .	02	Standing crops good; harvest wet and dry grains, outturn generally above average. Fever in one and small-pox in parts of three taluks.
Tanjore . . . . .	<i>Nil</i>	Standing crops generally good, except in one taluk, where rain is wanted; harvest wet and dry crops, outturn below average.
Madras . . . . .	05	Harvest paddy, yield about average. Fever in one taluk.
Malabar . . . . .	83	Third crop cultivation progressing. Fever in one and slight small-pox in nine taluks; 80 deaths from cholera in two taluks.
Travancore . . . . .	44	Harvest paddy, yield average. Fever in parts and small-pox spreading.
		<i>General Remarks.</i> —General prospects fair.
<b>Bombay—(April 21st)</b>		
Kurrachee . . . . .	<i>Nil</i>	River at Kotri on 10th, 8 feet 6 inches against 12 feet 4 inches on same date last year. <i>Rabi</i> harvesting completed in three taluks; <i>kharif</i> sowing progressing in three taluks. Fever in six and cattle-disease in two taluks; 4 cases of small-pox recovered, 1 remaining. Prices—wheat, red rice, and <i>barley</i> in Kurrachee 26, 30 and 34, in Ghorabari <i>nil</i> , 40 and 30, in Supawal 24, 40 and 42, and in Dadu 32, 52 and 42 pounds per rupee, respectively.



Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—contd.</b>		
Hyderabad	<i>Nil</i>	<i>Rabi</i> crops are being trodden in some talukas; harvesting is also going on still. River at Kottai on 9th, 8 feet 6 inches against 12 feet 4 inches on same date last year. Fever in four, small-pox in three, and cattle-disease in four talukas. Wheat 25, <i>juari</i> 40, <i>bajri</i> 38, white rice 19, and red rice 30 pounds per rupee.
Ahmedabad	<i>Nil</i>	Reaping of <i>rabi</i> crops nearly completed. Public health good. Wheat 35 and <i>bajri</i> 33 pounds per rupee.
Baroda	<i>Nil</i>	Public health generally good; small-pox abating in Baroda city. Standing crops in good condition. Prices— <i>bajri</i> 29, wheat 23 and rice 13 pounds per rupee.
Surat	<i>Nil</i>	Cotton-picking in progress. Fever in Bardoli and Mandvi talukas. <i>Juari</i> 38 and <i>ajali</i> 44 pounds per rupee.
Nasik	<i>Nil</i>	<i>Rabi</i> threshing continues. Public health generally good. Wheat 31, <i>bajri</i> 33, and rice 20 seers per rupee.
Colaba (Bombay)	<i>Nil</i>	Average abnormal temperature 1° warm from 14th to 16th, 1° cool from 17th to 19th, and <i>nil</i> on 20th; vapour in air defective on 14th, afterwards normal; abnormal wind northerly on 15th, 16th, 19th and 20th; wind normal on all other days.
Poona	<i>Nil</i>	Harvest of <i>rabi</i> crops almost completed. Small-pox in Sarur, Parandhar, and Bhimthad talukas; 1 cholera case in Poona city, no deaths. <i>Bajri</i> 35 and <i>juari</i> 44, in Poona <i>bajri</i> 34 and <i>juari</i> 35 pounds per rupee.
Ahmednagar	<i>Nil</i>	Reaping almost completed. Public health good. <i>Bajri</i> average 40 and <i>juari</i> 60 pounds per rupee.
Sholapur	<i>Nil</i>	Reaping of <i>rabi</i> completed in talukas; land being prepared in Pandharpur and Madaras talukas for <i>khari</i> sowing. <i>Juari</i> 58 pounds 8 tolas and <i>bajri</i> 45 pounds 8 tolas per rupee.
Dharwar	<i>Nil</i>	Harvesting of late <i>juari</i> and cotton-picking in progress; grounds being prepared for early crops in four talukas. Scarcity of drinking-water in Karagi, Koli, and Navalgund. Public health good. Rice 20 to 30 and <i>juari</i> 45 to 64 pounds per rupee.
Kanara	<i>Nil</i>	Second rice crop harvest completed on coast; sugarcane planting in progress; preparing ground for monsoon crop. Cattle-disease, fever, and small-pox in five talukas. Common rice at Karwar 14, in district average 13½ seers per rupee.
Rajkot	<i>Nil</i>	Small-pox among cattle in Godka; fever and bowel complaints prevalent. Weather hot. <i>Bajri</i> 33, wheat 32, and <i>juari</i> 40 pounds per rupee.
<i>General Remarks.</i> —Scarcity of drinking-water in parts of Khanzeer, Belvaum, and Karwat, and of fodder in parts of Khandesh and Upper Sind Frontier. Fever and small-pox in parts of ten and cattle-disease in parts of six districts; other conditions unchanged.		
<b>Bengal—(April 21st)</b>		
Chittagong	<i>Nil</i>	Weather seasonable. Winter crops being harvested. Prices steady. Small-pox continues; cholera reported from Sakkhara; public health generally good.
Dacca	0.94	Harvesting of <i>boro</i> paddy commenced; ploughing and sowing of <i>boro</i> rice and jute continue; prospects good. General health good.
24-Pergunnahs (Calcutta).	<i>Nil</i>	No crops on ground, except sugarcane; lands being prepared for early paddy. Common rice 15 to 18 seers per rupee. Public health generally good, though case of cholera reported from parts of Diamond Harbour, Baraset, and Sadr subdivisions.
Moorshedabad	<i>Nil</i>	Weather seasonable. Ploughing for next rice crop progressing in some places; sowings going on; prospects of <i>boro</i> paddy favourable. Public health fairly good, but some cases of cholera have occurred in Sadr and Lalbagh subdivision. Common rice 18 to 19 seers per rupee.
Rangpore	<i>Nil</i>	Rain wanted. Weeding of <i>aus</i> , <i>kaon</i> , and jute continues. Bowel complaints prevalent.
Burdwan	<i>Nil</i>	Rain wanted for <i>aus</i> cultivation. Price of rice 17 to 22 seers per rupee. Public health fair; cattle-disease in Cutwa subdivision.
Bhagalpur	<i>Nil</i>	Ploughing in progress; some <i>moone</i> and <i>dhan</i> already sown; prospects good. Public health good. Rice 17 seers to chittacks per rupee.
Putneah	<i>Nil</i>	Crops good; <i>rabi</i> being harvested. Coarse rice 20 seers per rupee. Public health good, except some cholera in Anarcali subdivision.
Patna	<i>Nil</i>	Harvesting of <i>rabi</i> crops almost finished; <i>rahar</i> still being reaped in some places; cotton flowering. Public health good.
Dhurbhunga	<i>Nil</i>	Threshing of <i>rabi</i> continues. <i>Moone</i> , early paddy, and indigo coming on well. Rain wanted. Prices rising slightly. Public health good.
Hazaribagh	<i>Nil</i>	Weather very warm, with strong winds. Sugarcane doing well; <i>mohua</i> yielding fairly. General health good.
Cuttack	<i>Nil</i>	Weather hot. <i>Dal</i> and rice being reaped; ploughing in progress. Price of rice unchanged. Public health generally good.
Midnapore	<i>Nil</i>	Land being prepared for rice; <i>boro</i> paddy being harvested. Public health generally good.
Khoolna	<i>Nil</i>	Weather hot. Yield of <i>boro</i> paddy good. Ploughing continues. Public health good.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bengal—contd.</b>		
Dinagepore	<i>Nil</i>	Weather hot; winds changeable. Rain wanted. Cholera in Rajarampore.
Pubna (Serajganj)	<i>Nil</i>	Crops doing well. Cholera not increasing.
Gya	<i>Nil</i>	Sugarcane and <i>chhat</i> doing well; no other crops on ground. Price steady. Public health good.
Chumparun	<i>Nil</i>	<i>Rabi</i> harvest nearly completed; opium weighment progressing. Price stationary. Public health good.
		<i>General Remarks.</i> —More rain in Dacca; none in other reporting districts. Sugarcane, <i>cheena</i> , and indigo doing well. Ploughing and sowing of <i>aus</i> rice and paddy going on, but rain wanted in some districts. <i>Boro</i> rice being harvested, with prospect of good output. Cholera prevalent in some localities, otherwise public health good. Prices of rice remain stationary.
<b>N. W. Provinces and Oudh—(April 21st)</b>		
Benares (April 20th)	<i>Nil</i>	Heat rapidly increasing. <i>Rabi</i> all cut; threshing going on; average output of <i>rabi</i> a twelve-anna crop. Supplies sufficient. Prices slightly fluctuating. Some cases of cholera and small-pox reported, otherwise health generally good; no cattle-disease in the district.
Gorakhpur ( " 19th)	<i>Nil</i>	Threshing in full progress; opium weighments commenced. Prices stationary. Health fair.
Fyzabad ( " 20th)	<i>Nil</i>	Weather seasonable. Fertilizing and winnowing in progress; opium collection completed. Supplies ample. Health good.
Lucknow ( " 19th)	<i>Nil</i>	Weather warm; strong west wind. Fertilizing and winnowing in progress; opium collection finished, melon crop is being watered. Supplies ample. Prices stationary. Health of people as well as the condition of cattle good.
Rae Bareilly ( " " )	<i>Nil</i>	Weather seasonable, with high westerly winds. Harvesting of <i>rabi</i> crop continues. Markets well supplied. Prices fluctuating. General health good.
Allahabad ( " 20th)	<i>Nil</i>	Wind westerly; weather getting hotter daily. <i>Rabi</i> harvested. Markets fully supplied. Prices steady. Occasional cases of small-pox and fever reported, otherwise health good.
Cawnpore ( " 19th)	<i>Nil</i>	Weather getting hotter. <i>Rabi</i> cut, threshing and winnowing in progress. Prices steady. Condition of people and cattle good.
Karakhabad ( " 20th)	<i>Nil</i>	Weather seasonable. Crops all cut. New grain coming to market. Health of people good.
Shapur ( " " )	<i>Nil</i>	Strong westerly wind have prevailed during the week, but weather seasonable. New grain reaching the market. No sickness reported.
Barcelly ( " " )	<i>Nil</i>	Harvest almost completed. Prices steady. Fine weather, with strong hot west winds during the day. Public health normal.
Banda ( " " )	<i>Nil</i>	Harvest operations almost completed. Prospects fair. Prices slightly lower. Public health good; cattle-disease in four villages.
Kumaon ( " " )	<i>Nil</i>	Weather fine. <i>Rabi</i> crops ripening. Ploughing for <i>charif</i> commenced. Prices falling. Food and other reported from <i>mohammedi</i> and <i>malpota</i> cattle-disease abating.
Agra ( " 19th)	<i>Nil</i>	<i>Rabi</i> harvesting continues. Prices steady. Health good.
Jhansi ( " " )	<i>Nil</i>	Weather getting warm. Cropping of <i>rabi</i> crops completed; threshing in progress. Prices steady. Health of people good; cattle-disease in four villages.
Balua ( " " )	<i>Nil</i>	Weather clear, heat increasing; wind westerly. Threshing of <i>rabi</i> crop continues; sugarcane sowings nearly finished. Supplies ample. General health good.
Meerut ( " 20th)	<i>Nil</i>	Seasonable weather, with west wind. <i>Rabi</i> harvest in full progress; great disappointment about the wheat crop, which has been seriously affected and is expected to be only a five-anna or at the outside a twelve-anna crop; on the other hand, quality of other crops fine and milk sowings commenced. Prices stationary. General health good.
		<i>General Remarks.</i> —Weather seasonable. Harvesting operations progressing. Supplies ample. Prices generally steady. Public health and condition of cattle good.
<b>Punjab—(April 21st)</b>		
Delhi (April 20th)	<i>Nil</i>	Health good. Prices fluctuating.
Hissar	<i>Nil</i>	Health good. Prices stationary.
Umbaila	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest good.
Jullundur	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest good.
Amritsar	20	Health good. Prices stationary. Prospects of current harvest good.
Sialkot	<i>Nil</i>	Health good. Prices stationary.
Ferozepore	<i>Nil</i>	Health good. Prices rising. Prospects of current harvest good.
Lahore	<i>Nil</i>	Health good. Prices almost stationary. Prospects of current harvest good.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Punjab—contd.</b>		
Rawalpindi . . . . .	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest average.
Shahpur . . . . .	<i>Nil</i>	Health good. Prices stationary.
Mooltan . . . . .	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest good.
Dera Ismail Khan . . . . .	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest good.
Peshawar . . . . .	20	Health fair. Prices falling. <i>General Remarks.</i> Rain has fallen in the Peshawar and Amritsar districts. Health good. Prices rising in the Ferozabad and falling in the Peshawar district, elsewhere stationary. Prospects of current harvest good; harvest in progress in the Hissar and Delhi districts.
<b>Central Provinces— (April 21st)</b>		
Nagpur . . . . .	<i>Nil</i>	Weather hot. Threshing almost completed. Fever, small-pox, and cattle-disease in places. Prices steady.
Jubbulpore . . . . .	...	No report received.
Saugor (April 20th) . . . . .	<i>Nil</i>	Weather hot and windy. Reaping and threshing progressing; prospects good. Health good.
Seoni . . . . .	<i>Nil</i>	Weather cloudy. Threshing in progress. Cattle-disease in places. Health good. Prices easier.
Hoshangabad . . . . .	<i>Nil</i>	Weather seasonable. Winnowing continues. Small-pox in places. Wheat 15½ and rice 9½ seers per rupee.
Khandwa . . . . .	<i>Nil</i>	Weather warm, with high winds. Threshing nearly completed. Health fair. Prices steady.
Raipur . . . . .	<i>Nil</i>	Weather hot. Threshing continues. Cholera and cattle-disease in places. Wheat 30 and rice 21 seers per rupee.
Sambalpur . . . . .	<i>Nil</i>	Weather cloudy and warm. Sugarcane planting progressing. Cholera in parts. Rice 20 seers per rupee. <i>General Remarks.</i> Weather hot. Threshing and winnowing in progress. Cholera and small-pox, with some cattle-disease in places. Prices steady.
<b>British Burma— (April 21st)</b>		
Akyab . . . . .	<i>Nil</i>	Public health good; cattle healthy.
Bassein . . . . .	<i>Nil</i>	A few deaths from cholera in town and district; cattle-disease in one township.
Rangoon . . . . .	<i>Nil</i>	Public health good; cattle healthy.
Andherst (Moulmein) . . . . .	<i>Nil</i>	Public health good; cattle healthy.
Pegu . . . . .	<i>Nil</i>	Public health and health of cattle good.
Henzada . . . . .	<i>Nil</i>	Public health good; cattle-disease in one township.
Prome . . . . .	<i>Nil</i>	Public health good; cattle healthy.
Toungoo . . . . .	<i>Nil</i>	Public health and health of cattle good.
Thayetmyo . . . . .	<i>Nil</i>	Public health and health of cattle good. <i>General Remarks.</i> Slight cholera in two districts, elsewhere public health good; cattle-disease slight in five districts, elsewhere health of cattle good.
<b>Assam—(April 21st)</b>		
Gauhati . . . . .	36 during the week ending 20th instant.	Weather hot and windy. Cholera prevalent in station Gauhati and in Luku taluk; cattle-disease reported from some mauzabs. Sowing of <i>ahu</i> paddy still in progress.
Sylhet . . . . .	370	Some damage is reported to have been done by the rains to <i>boro</i> paddy in Habagang, otherwise state and prospects good.
Cachar . . . . .	329	Cattle-disease and cholera prevailing in part of district.
Dibrugarh . . . . .	299	Weather warm. Ploughing for <i>asa</i> crops continues. Common rice 13 seers and ¾ chittacks per rupee. 2 deaths from cholera reported from Kangora; general health good.
<b>Mysore and Coorg— (April 21st)</b>		
Bangalore . . . . .	Rain in the civil and military station and in the Bangalore and Tumkur districts.	Standing crops in good condition, except in parts of the Bangalore and Kolar districts. Supply of water and fodder diminishing in parts of the Madan districts. Prospects of season fair in Kadur district. Rain is much needed for coffee planting. Public health generally good; cattle-disease prevalent in parts of the Bangalore, Kolar, and Shimoga districts. Prices slightly fallen in the Mysore, Shimoga, and Kadur districts.
Mysore . . . . .		Prices of foodgrains slightly fallen. Prospects of season and public health good.
Mercara . . . . .		
<b>Berar and Hyderabad— (April 21st)</b>		
Amraoti . . . . .	<i>Nil</i>	Weather clear and hot. Preparations for ensuing <i>khurif</i> sowings continue. Wheat 22 and <i>juar</i> 26 seers per rupee.
Akola . . . . .	<i>Nil</i>	Weather getting warm. Preparations for <i>khurif</i> sowings progressing.
Hyderabad . . . . .	Average 89	<i>Tabi</i> crops prospering. Heat excessive. Fever still prevalent. Prices—wheat 15, coarse rice 12, white <i>juar</i> 22, yellow <i>juar</i> 24 and 15½ seers per current sicca rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central India States— (April 21st)</b>		
Indore . . . . .	<i>Nil</i>	Weather seasonable. Health good. Water scarce.
Morar (Gwalior) . . . . .	<i>Nil</i>	Weather seasonable. Small-pox still in Lashkar.
Suna . . . . .	<i>Nil</i>	Weather clear and hot. Health and prospects good.
Neemuch . . . . .	<i>Nil</i>	Weather warm. Health and prospects good.
Goona . . . . .	<i>Nil</i>	Health good.
Agra . . . . .	<i>Nil</i>	Health and prospects good.
Schore . . . . .	<i>Nil</i>	Weather clear. Health good.
Nowgong . . . . .	<i>Nil</i>	Weather seasonable; nights and mornings cool. Prices easier.
Bhoparwar (Manpur) . . . . .	<i>Nil</i>	Health good. Health and prospects fair.
<b>Rajputana—(April 21st)</b>		
Abu (April 21st) . . . . .	<i>Nil</i>	Weather seasonable; nights cold.
Sirohi ( „ 18th) . . . . .	<i>Nil</i>	No water in tanks; wells good. Health good. Weather fine and warm.
Marwar. ( „ 16th) . . . . .	<i>Nil</i>	Tanks almost half full. Health good; small-pox disappearing. Crops being harvested. Weather not so hot as last week; nights cooler and drier. Prices stationary.
Kherwara ( „ 18th) . . . . .	<i>Nil</i>	Tanks and wells drying. Reaping and threshing in progress. Health good; prices steady. Weather seasonable; heat increasing.
Meywar ( „ 17th) . . . . .	• <i>Nil</i>	Tanks and wells low. Crops being reaped. Health very good. Prices stationary. Weather seasonable.
Pertabgurh ( „ „ ) . . . . .	<i>Nil</i>	Tanks and wells drying. Wheat and opium slightly damaged. Health good. Prices average. Hot season set in.
Haroti ( „ „ ) . . . . .	<i>Nil</i>	Weather seasonable. Crop outturn somewhat below average. Health good. Prices stationary.
Jhallawar ( „ 16th) . . . . .	<i>Nil</i>	Weather seasonable. Crops stocked. Opium collected.
Kotah ( „ 17th) . . . . .	<i>Nil</i>	Harvesting almost completed. Fever and small-pox still prevalent. Prices falling.
Ajmere ( „ 20th) . . . . .	<i>Nil</i>	Tanks and wells diminishing. Fever and small-pox in parts of district; no cattle-disease. Crops being reaped. Heat increasing; nights cool.
Jeypore ( „ 17th) . . . . .	<i>Nil</i>	Weather warm. Harvest good.
Udwur ( „ 20th) . . . . .	<i>Nil</i>	Harvesting continues. Water in wells failing. Fever in four taluk; small-pox in two. Prices easy.
Bikanir ( „ 17th) . . . . .	<i>Nil</i>	Fever and small-pox in district. Prices stationary. Weather warmer.

C. J. LYALL,

Officiating Secretary to the Government of India.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. LI OF 1885-86.

## APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Return sived.	Railways.	Total mean length open.	RECEIPTS FOR WEEK ENDING 28TH MARCH 1885.		Total mean length open.	RECEIPTS FOR WEEK ENDING 27TH MARCH 1886.		TOTAL RECEIPTS FROM 1ST APRIL 1885 TO 28TH MARCH 1886.		TOTAL RECEIPTS FROM 1ST APRIL 1885 TO 27TH MARCH 1886.		Total increase in 1885-86.	Total decrease in 1885-86.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		<i>Rs.</i>	<i>Rs.</i>		<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>
April 1886	Oudh and Rohilkhand	504	1,38,642	250	680	1,36,423	201	50,60,502	171	56,80,607	176	6,14,015	...
do.	Madras	801	1,82,701	12	801	1,52,200	17	71,73,037	101	74,08,984	109	3,22,347	...
March	South Indian	654	97,484	149	654	94,735	145	4,77,008	17	44,90,033	133	2,06,305	...
April	Great Indian Peninsula	1,304	99,0947	600	1,304	7,60,504	560	3,49,58,094	445	3,09,01,811	439	10,35,117	...
do.	Bombay, Baroda and Central India	390	2,88,497	626	411	2,76,000	500	1,19,58,300	501	1,17,81,786	537	8,36,477	...
	<b>TOTAL</b>	4,074	1,00,00,001	410	4,100	14,20,171	311	6,01,34,800	301	6,61,50,120	312	30,15,000	...
	<i>State.</i>												
April 1886	East Indian	1,500	10,36,658	687	1,515	9,30,461	614	4,25,23,577	545	2,61,00,136	501	36,60,629	...
March	Eastern Bengal	233	1,38,871	139	234	80,450	301	57,00,003	475	44,81,214	371	12,30,779	...
April	Nalhati	27	1,371	8	27	1,25	95	7,000	5	7,000	50	1,471	...
do.	Northern Bengal	249	50,000	205	24	4,000	175	21,00,000	10	2,00,000	175	1,37,005	...
do.	Kanma-Dhatla	37	7,000	100	37	1,75	50	1,00,000	80	1,00,000	65	28,030	...
do.	Turkot	220	3,000	145	22	23,800	100	1,00,000	117	1,00,000	100	21,054	...
do.	Patna-Gya	77	12,700	271	77	18,000	204	5,00,000	11	4,87,114	100	47,096	...
do.	Cawnpore-Achnera	240	1,68,000	80	24	20,400	81	9,00,000	7	9,00,000	7	37,795	...
do.	Doldinara-Guazpur	12	944	79	12	670	51	40,000	70	48,307	73	1,498	...
do.	Rajputana-Malwa (a)	1,411	3,20,112	223	1,411	2,90,000	211	1,38,14,170	202	1,00,04,107	201	22,76,091	...
do.	Wardha Coal	45	28,948	643	45	8,000	103	6,81,000	203	6,32,401	273	48,865	...
do.	Nagpur and Chhattis-goh.	140	47,480	210	140	40,100	271	1,35,077	17	1,00,000	18	7,000	...
do.	Berach Burma	284	6,000	21	284	7,400	240	2,00,000	107	2,00,000	140	2,00,000	...
do.	Sunda	75	11,000	100	75	6,000	80	1,00,000	101	7,00,000	90	17,028	...
do.	North-Western	1,000	6,000,000	300	1,000	5,00,000	32	2,00,000,000	241	2,00,000,000	20	7,000,000	...
do.	Amritsar-Patankot	60	7,000	117	60	6,000	100	1,00,000	101	2,00,000	101	01,000	...
do.	Bareilly-Delhi	30	3,475	99	30	1,000	4	10,000,000	34	78,421	4	48,000	...
March	Narvaing-im-Dacca-	10	3,400	350	50	7,000	01	6,27,381	211	1,22,750	40	90,390	...
do.	Mumensingh	...	(a)	...	...	(a)	...	(a) 4,257	13	(j) 35,302	20	29,108	...
	<b>TOTAL</b>	10,000	14,00,000	200	10,000	12,34,057	442	6,21,1,152	210	5,92,34,904	200	70,00,842	...
	<b>AND TOTAL (GUARANTEED AND STATE)</b>	10,500	41,77,000	307	10,500	35,85,410	331	7,78,20,561	204	7,15,77,300	311	1,37,45,731	...
	<b>GROSS ESTIMATED EXPENSES</b>	...	...	...	...	...	...	5,45,00,000	157	6,01,00,000	107	...	...
	<b>NET RECEIPTS</b>	...	...	...	...	...	...	7,33,20,561	137	7,04,75,076	144	70,85,720	...
	<i>Assisted Companies.</i>												
Mar. 1886	Bombay-Central	120	14,374	114	120	10,845	80	5,12,007	79	5,35,482	83	22,485	...
April	Northland and Kun-	67	7,200	107	67	5,440	81	(b) 8,408	52	2,45,702	71	1,61,073	...
March	Assam	78	5,000	69	78	7,711	90	2,25,828	62	2,78,070	67	52,228	...
April	Southern Mahratta	214	11,104	52	214	26,131	83	3,42,837	41	9,01,007	66	6,58,200	...
do.	Bombay and North-	303	47,130	156	303	30,110	99	(g) 3,18,662	53	13,65,981	87	10,47,310	...
do.	Western	22	4,740	22	22	5,391	247	(h) 70,245	270	2,52,523	220	1,70,278	...
	<b>TOTAL</b>	810	89,923	111	810	85,684	94	15,50,058	58	16,68,901	78	21,18,243	...
	<i>Native States.</i>												
April 1886	Bhavnagar-Gondal	103	24,793	128	103	20,104	104	11,00,790	111	9,32,704	94	1,68,086	...
do.	Jodhpore	64	4,271	67	64	4,420	60	70,077	39	1,84,307	55	1,04,740	...
March	Nizam's	...	(d)	...	...	(d)	...	(j) 19,47,752	155	(k) 11,18,849	183	1,71,012	...
do.	Mysore	140	7,557	54	140	8,199	50	3,70,077	02	4,33,270	60	86,619	...
April	Rajputana-Patiala	10	1,000	75	10	1,237	77	(l) 17,883	52	54,427	66	36,544	...
	<b>TOTAL</b>	413	37,814	91	413	33,060	82	25,23,714	101	27,23,953	90	2,00,930	...

—As regards the figures in column "Total receipts from 1st April to date," audited figures have been available as far as possible.

(a) Including Rewari-Ferozepore State Railway.

(b) Total receipts from 1st October 1884 to 28th March 1885.

(c) Total receipts from 1st January to 28th March 1885.

(d) Return not received.

(e) Total receipts from 15th December 1884 to 14th March 1885.

(f) Total receipts from 1st April 1885 to 14th March 1886.

(g) Total receipts from 2nd April 1884 to 28th March 1885.

(h) Total receipts from 1st January 1884 to 28th March 1885.

(i) Total receipts from 1st April 1884 to 21st March 1885.

(j) Total receipts from 1st April 1885 to 30th March 1886.

(k) Total receipts from 1st November 1884 to 28th March 1885.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 24, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 15th March 1886.*

From the 10th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

	R	s	d.
Subscription for <i>Gazette</i> and Supplement per annum . . . . .	15	0	0
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Subscription for Supplement only . . . . .	6	0	0
Postage . . . . .	3	0	0
For a single copy of the <i>Gazette</i> . . . . .	0	8	0
For a single copy of the Supplement . . . . .	0	4	0
Postage on single copies varies according to weight.			

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the *Gazette*. The annual subscription for the two Parts is Rs 5 per annum, payable in advance. When sent by post, Rs 2-8 per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's *Gazette*.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

*Publisher, Gazette of India.*

### HIGH COURT—Original Side.

#### NOTIFICATION.

*Calcutta, the 16th March 1886.*

The Honorable the Chief Justice has, with the approval of His Excellency the Governor-General of India in Council, confirmed Mr. J. G. Apcar, Barrister-at-Law, in the appointment of Clerk of the Crown for the purpose indicated in the High Court Notification dated 28th July 1884 and published in the *Gazette of India*, Part II, of the 2nd August 1884.

R. BELCHAMBERS,

*Registrar.*

## SURVEY OF INDIA.

### NOTIFICATIONS.

*Simla, the 17th April 1886.*

**No. 552.**—The following promotions are made, with effect from the 1st April 1886, *vice* Mr. W. A. Fielding, Assistant Surveyor, 1st Grade, resigned :—

Mr. H. Corkery, B.A., I.L.B., Assistant Surveyor, 2nd Grade, to be Assistant Surveyor, 1st Grade.

Mr. P. Beechey, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

**No. 553.**—Mr. H. A. Charrier, Assistant Surveyor, 3rd Grade, Survey of India, is granted privilege leave for one month, under Section 138, Chapter X, of the Civil Leave Code, with effect from 4th instant, or such subsequent date as his services can be spared.

H. R. THUILLIER, *Lieut.-Colonel, R.E.,*  
*Offg. Surveyor General of India.*

## AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

### NOTIFICATIONS.

*Abu, the 14th April 1886.*

**No. 811 G.**—Captain A. C. Talbot, C.I.E., Political Agent, Bickaneer, is granted privilege leave for eighty-eight days, with effect from the 20th April 1886, or such subsequent date as he may avail himself of the same.

**No. 815 G.**—Colonel F. W. Boileau, Commandant, Deolee Irregular Force, is granted sixty days' privilege leave, with effect from the 6th May 1886, or such subsequent date as he may avail himself of the same.

*The 16th April 1886.*

**No. 844 G.**—Second Class Hospital Assistant Jowala Pershad, of the Government Reserve List of Hospital Assistants, returned from leave granted him in this Office Notification No. 189 G., dated 30th January 1886, on the 10th March 1886.

**No. 845 G.**—Local Class Hospital Assistant Luchman Panday, attached to the Shahpura Raj Dispensary, was granted three months' privilege leave from 2nd March 1886, and 3rd Class Hospital Assistant Hushmut Ally, of the Reserve List of Hospital Assistants for Native States, was appointed to act for him during his absence.

**No. 846 G.**—Third Class Hospital Assistant Nazcer Khan, attached to Ajmere Branch Dispensary at Ramsar, is granted two months' privilege leave, with effect from the forenoon of the 1st April 1886, and 2nd Class Hospital Assistant Jowala Pershad, of the Government Reserve List, is appointed to officiate for him during his absence.

*The 17th April 1886.*

**No. 860 G.**—Captain C. Herbert, Assistant Agent to the Governor-General, Rajputana, and Magistrate of Abu, having returned to duty on the forenoon of the 12th April 1886 from the examination leave granted him in this Office Notification, No. 508 G., dated the 20th of March 1886, and of which he availed himself on the 20th ultimo, the unexpired portion of his leave is hereby cancelled.

*The 19th April 1886.*

**No. 879 G.**—In continuation of this Office Notification No. 932 G., dated 21st April 1885, the following appointment is made in the Meywar Bhil Corps :—

Jemadar Ganga, to act as Native Adjutant, with effect from the 22nd March 1886, during the absence on furlough of Jemadar Adjutant Seonarain, who resumed charge of the duties of his staff appointment from Jemadar Megha on 21st March 1885.

By Order,

HUGH DALY,

*for 1st Asst. Agent to the Govr. Genl.,*  
*Rajputana.*

## CHIEF COMMISSIONER OF AJMERE-MERWARA.

### NOTIFICATION.

*Abu, the 15th April 1886.*

**No. 380-390.**—With reference to this Office Notification No. 170-300, dated 20th February 1886, 2nd Class Hospital Assistant Muhammad Abdul Wahid assumed medical charge, in addition to his own duties, on the forenoon of the 4th February 1886, of the Station of Beawar, from Babu Gopal Chandra Mukerji, B.A., proceeded on privilege leave.

By Order,

HUGH DALY,

*for 1st Asst. to the Agent to the Govr. Genl.,*  
*Rajputana.*

## DIRECTOR GENERAL OF RAILWAYS.

### NOTIFICATIONS.—ESTABLISHMENT.

*Simla, the 17th April 1886.*

**No. 33.**—Mr. F. E. Robertson, Executive Engineer, 1st Grade, sub. *pro tem.*, has been granted by Her Majesty's Secretary of State for India, leave for five months in extension of that granted in Director General's Notification No. 30, dated 6th March 1885.

*The 19th April 1886*

**No. 34.**—With reference to Public Works Department Notification No. 105, dated 15th April 1886, Mr C. F. Chadburn, Class III of the Superior Revenue Establishment of State Railways, Traffic Department, is posted to the Eastern Bengal State Railway.

F. S. STANTON, *Colonel, R.E.,*

*Director General of Railways.*



## CALCUTTA MINT.

## NOTIFICATION.

List of Coins acquired under the Indian Treasure Trove Act and available for sale to Numismatists. (Home Department Resolution No. 46—1668-82, dated 9th October 1884).

Register Number.	DESCRIPTION.	Metal.	Value.			Number available for sale.	REMARKS.
			R	a.	p.		
1	Found in the Faltchgarh District. Coins of Maizz-ud-din Muhammad bin Sami : Obverse : Horseman with an indistinct Persian inscription probably "Muhammad." Reverse : Bull with a Hindi inscription "Shri Muhammad Sami."—Date about 1192 A.D.	Copper.	0	1	0	12	These coins will be available for sale up to and not later than the 4th September 1886.
				each			
4	Found at Chaibassa, in the Singhum District. Old Hindu punched coins .	Silver .	0	4	0	228	Do 7th December 1886.
				each			
22	Found in the Gujrat District (Punjab). Coins of Pathan Sikandar Lodi A. H. 894 923 = A.D. 1488—1517, with imperfect dates.	Copper.	0	1	0	70	Do. 17th January 1887.
23	Ditto with illegible dates .	Do.	0	0	6	102	
				each			
39 & 40	Found in the Hissar District. Akbar Gold Mohur with two beaded, oblong, and square areas Mint Dar-ul Khilafat, Agra, dates 983—984.	Gold.	22	0	0	17	Do. 5th April 1887
				each			
41, 42, & 43.	Same as above. Mint illegible, dates, 982, 983, 984 and 985.	Do.	22	0	0	37	
29 & 30	Akbar Gold Mohur, with two straight-lined, oblong, and round areas—Mint Ahmadabad, dates 980 and 981.	Do.	22	0	0	9	
				each			
31, 32, 33, & 34.	Same as above. Mint Dar-ul-Khilafat, Agra, dates 977, 978, 979, and 980.	Do.	22	0	0	8	
26, 27, & 28.	Same as above. Mint illegible, dates 980, 981, and 983.	Do	22	0	0	7	
				each			

A. W. BAIRD, Major, R.E.,  
Offg. Master of the Mint.

## SURVEY OF INDIA DEPARTMENT.

### Rules for the supply of Maps and for the execution of Lithographic or Photographic work on the public service or on payment.

#### Supply of Printed Maps.

1. The Map Record and Issue Office, Calcutta, supplies printed maps from stock on book-debit on the public service. It also arranges for the colouring and mounting of maps when required, but work of this description must be paid for *in cash*, as well as charges for packing cases, carriage, and postage.

2. Maps can also be obtained from the abovementioned Office on payment *prepaid*, as well as from the following Local Agents, who, however, have no authority to issue maps on the public service :—

ALLAHABAD,—Curator of Government Books.

AHMEDABAD,—Huzoor Deputy Collector.

LAHORE,—Curator of Government Books.

MADRAS,—Messrs. Higginbotham & Co.

SIMLA,—Messrs. Williams and Co.

NAGPUR,—Curator of Government Books.

POONA,—Supdt., Govt. Photographic Dept.

RAJKOT,—Mr. Narainji Sunderji

RANGOON,—Curator of Government Books.

3. All applications for maps on the public service should be made to the Assistant Surveyor General, in charge of the Map Record and Issue Office, 13, Wood Street, Calcutta, and should give full particulars as to the kind of map and its scale, and any other information that will guide this Office in knowing exactly what is required.

4. The mode of transit and address or station to which the maps are to be sent should invariably be specified.

5. Indent forms for maps on the public service can be obtained from the Assistant Surveyor General, in charge of the Surveyor General's Office.

6. Lists of all newly published maps are periodically notified in the Gazettes of India and Local Governments.

*Requisitions for Lithographic or Photographic Work.*

7. The Lithographic and Photographic Offices at Calcutta reproduce maps, plans and drawings by lithography and by photography on book-debit on the public service, and on cash payment in certain special cases only. The Trigonometrical Branch Office at Dehra Dun does not, as a rule, undertake work for other Departments.

8. As a rule, drawings in line can be reproduced by photozincography if suitably drawn in accordance with instructions, which may be obtained on application to the Assistant Surveyor General, Photographic Office, No. 1, Wood Street, Calcutta. Coloured and other drawings unsuitable for photozincography must be lithographed, but the cost is considerably greater.

9. Photographs if required in large numbers can be cheaply reproduced by the photo-collotype and heliogravure processes from suitable negatives.

10. All applications for Lithographic or Photographic work on the public service should, if possible, be submitted in the following form, which is not required in duplicate. Blank forms may be obtained on application to the Assistant Surveyor General, Surveyor General's Office.—

INDENT No. \_\_\_\_\_ on the LITHOGRAPHIC PHOTOGRAPHIC OFFICE, S. I. DEPT., for \_\_\_\_\_ to be reproduced by \_\_\_\_\_  
for the use of \_\_\_\_\_ dated \_\_\_\_\_ 1885.

Description of Map or drawing.	Number of original sheets.	Scale.	Size of reproduction.	Number of copies required.	Quality and size of paper to be printed on.	Purpose for which required.	How and where to be despatched and other special instructions.
							The address which should be affixed to the parcels or cases to be distinctly given in full. Abbreviations sometimes lead to mistakes.

I do hereby certify that the maps, &c., specified in this indent are indispensably necessary to the best of my knowledge and belief, after the most careful examination.

Recommended.

Countersignature of approving authority.

Signature of Indenting Officer, with designation of appointment in full.

11. All necessary information as to the scale of reproduction, number of copies required, quality and size of paper, mode of transit, and address to which proofs and printed copies are to be despatched, should be shown on the face of the indent and not in a covering letter, unless more explanation is required than can be given on the face of the indent.

12. All indents must be duly approved and countersigned by the heads of departments, or the Government under which indenting officers may be serving, before they can be supplied, *viz.* :—

Survey of India Department, Trigonometrical Branch, by Deputy Surveyor General	} or by Surveyor General.
Do. do. Topographical do. " do. do. do.	
Do. do. Revenue do. " do. do. do.	
Settlement Department,	" Boards of Revenue.
Public Works Department,	" Superintending Engineers or higher authorities.
Military Works Department,	" do. do. do.
Telegraph Department,	" Director General of Telegraphs.
Marine Department,	" Superintendent of Marine.
Quarter Master General's Department and all } Military indents,	" Quarter Master General of the Army.
All other Civil Officers or Military Officers in } Civil employ,	" Secretary to Government under which serving, or Secretary to Board of Revenue.
Forest Department,	" Provincial Conservators or Supdt., Forest Survey.
Meteorological Department,	" Meteorological Reporter to Government of India.
Archaeological Survey,	" Director of Archaeological Survey.
Geological Survey,	" Director of the Geological Survey of India.

and they should be addressed to the Assistant Surveyor General, in charge of the Lithographic and Photographic Offices, Calcutta, at No. 1, Camac Street and No. 1, Wood Street, respectively.

13. Lithographic and Photographic work will be undertaken on behalf of Municipalities, Port Trusts, Railway Companies, the Trustees Indian Museum, and other quasi-official bodies for cash payment on indents in the form prescribed above. Private work cannot be undertaken except in very special cases, when it cannot possibly be done otherwise, and when the Office can take it up without inconvenience. On such work an extra charge of 10 per cent. will be made over and above the usual rates. In all cases where cash payment is required, an estimate will be given and the amount must be remitted before the work can be put in hand.

14. As a rule, maps and drawings reproduced by lithography or photography are not coloured, but in special cases where colouring is essential, it can be arranged for on cash payment, as prescribed under Rule 1. Packing and transit charges must also be paid by indentors.

15. To enable the indenting officer, as well as the officer who countersigns and finally passes an indent, to know the cost involved thereby, the average ordinary price of each description of work executed in the Lithographic or Photographic Offices is given in the annexed list.

16. Indents should be regulated, not according to what an officer would like to have, but by what is absolutely necessary. It is in all cases an economy to have maps and drawings reproduced on as small a scale as possible.

## SCALE of CHARGES for WORK executed at the PHOTOGRAPHIC and LITHOGRAPHIC OFFICES, SURVEY of INDIA DEPARTMENT.

## Photographic Work.

	32" x 24"	30" x 24"	24" x 24"	24" x 17"	22" x 20"	22" x 18"	22" x 16"	20" x 15"	18" x 15"	17" x 14"	16" x 13"	15" x 12"	12" x 10"	10" x 8"	8" x 6" and smaller.
Negatives and Transparencies	0	0	8	12	5	12	5	8	5	6	5	4	4	4	0
Photo-Transfer Prints*	0	0	6	12	4	12	4	8	4	6	4	4	3	3	0
Silver Prints, Albumenized paper	0	0	6	12	4	12	4	8	4	6	4	4	3	3	0
Do. Plain paper	0	0	6	12	4	12	4	8	4	6	4	4	3	3	0
Cyanotype Prints	0	0	6	12	4	12	4	8	4	6	4	4	3	3	0

\* Additional Photo-Transfer Prints will be charged for at same rates.

## Photo-Collotype and Heliogravure Printing.

As the data for founding a complete scale of charges are not yet available, work by these processes will be charged for at a fair valuation of the time, labor and materials expended, plus the usual percentage of 20 per cent.

## Lithographic Drawing.

For drawing per 100 square inches or about the size of a half sheet of foolscap.

	1st Class.	2nd Class.	3rd Class.	4th Class.	5th Class.	R. a. p.
Close intricate work on stone and superior style of Chalk Drawings	9	0	0	0	0	20
Close intricate work on transfer paper with or without well drawn detail on transfer paper, but required to be well drawn	5	0	0	0	0	12
stone and ordinary Chalk Drawings	5	0	0	0	0	5

\* For each subsequent proof half the above rates will be charged.

## Lithographic and Zincographic Printing.

For printing per 100 pulls in black and for each color on the following sizes of paper—

	Antiquarian 54" x 31"	Double Imperial 44" x 30"	Double Elephant 40" x 27"	Double Royal 40" x 25"	Atlas 34" x 24"	Imperial 30" x 22"	Super Royal, Elephant, Double Foolscap.	Half Imperial 22" x 15"	Half Super Royal.	Foolscap.	Atlas 4 to.	Imperial. 4 to.	Super Royal 4 to.	Foolscap folio.	Super Royal 8vo.
Transferring, Proving, and corrections*	7	0	5	0	4	8	4	0	4	0	3	0	3	0	2
Printing per 100 pulls	10	0	7	8	6	0	5	0	5	0	4	0	3	0	2

\* For each subsequent proof half the above rates will be charged.

† Add £1 for each additional transfer on the plate or stone.

‡ Add £1 per 100 pulls for each additional lay on the plate or stone.

The price of paper varies according to size and quality, and will be charged at invoice rates, 20 per cent. should be added to the total cost of work by the above rates, to cover profit and loss, and incidental charges. 10 pulls to be charged as 25 pulls; over 10 and less than 50 as 50 pulls, and over 50 and under 100 as 100 pulls. Machine printing will be charged for at half the above rates.

PARTIAL LANS.	3½ PER CENT. TRANSFER LOAN OF 1853-54.	4 PER CENT. LOANS					4½ PER CENT. LOANS			TRANSFER LOAN OF 1879, 1½ PER CENT. PORTION.	5 PER CENT. LOAN OF 1856-57.	GRAND TOTAL.			
		Of 1833-35	Of 1842-43.	Of 1854-55.	Transfer of 1855	Reduced 4 per cent loan of 1879	Total.	Of 1876.	Of 1878.				TRANSFER LOAN OF 1879, 1½ PER CENT. PORTION.	Total.	
Balance of 31st March 1886	54,100	13,73,653	27,60,300	2,23,60,700	89,91,600	2,69,61,200	2,30,58,200	8,55,19,653	44,19,700	77,62,800	9,70,61,900	10,92,44,400	1,33,800	32,200	19,49,84,153
Add—															
Amount enfaced at Madras between 1st and 15th April 1886	...	...	...	13,500	3,100	24,800	...	40,400	...	4,000	59,100	63,100	...	...	1,09,500
Amount enfaced at Bombay between 1st and 15th April 1886	...	...	12,700	1,91,800	17,400	55,200	1,15,500	3,83,200	...	500	18,300	19,000	...	...	4,02,200
Amount enfaced at Calcutta between 1st and 15th April 1886	...	...	1,000	45,600	15,500	44,600	13,000	1,22,700	...	...	1,06,500	1,06,500	...	...	2,29,200
Deduct—															
Amount written off in the London Registers	...	...	...	2,400	54,900	3,500	1,100	56,500	...	41,500	2,08,300	2,49,800	...	...	3,68,100
Balance on 15th April 1886	54,100	13,73,653	27,77,600	2,25,59,700	90,32,100	2,70,90,400	2,31,20,200	8,59,53,653	44,19,700	77,25,800	9,70,37,700	10,91,83,200	1,33,800	32,200	19,53,56,953

Note.—From 9th June 1877 to 15th Feb. 1886 enfaced from India 5,208 lakhs re-transferred from London 4,631 lakhs.

10th Feb. 1886 to 15th "	"	"	"	"	"	"	"	"	"	"	"	"	"	"
1st Mar. "	"	"	"	"	"	"	"	"	"	"	"	"	"	"
16th "	"	"	"	"	"	"	"	"	"	"	"	"	"	"
1st Apl. "	"	"	"	"	"	"	"	"	"	"	"	"	"	"

5,252 lakhs  
4,637 "

Balance against India 595 lakhs.

## SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

### NOTIFICATION.

*Simla, the 1st April 1886.*

**No. 7.**—Assistant Surgeon Gholam Nabi, of the Punjab Provincial Establishment, is dismissed the service.

B. SIMPSON, M.D.,  
*Surgeon-General with the Govt. of India.*

### CURRENCY NOTES.

The following Currency Note of the Government of India is stated to have been lost, and payment of its value has been claimed by the person whose name is placed against the number. Any other person having this Note in his possession, or claiming a right to it, is warned to communicate at once with the undersigned—

#### Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.			
Regr. No.	No. of Note.	Value.	Name of Claimant.
		<i>R</i>	
2	E 26—21270	100	G. Maflin, Esq., Custom House, Calcutta.

LAHORE,  
*The 10th April 1886.*

W. H. EGERION,  
*for Deputy Commissioner of Currency.*

### TREASURE TROVE.

#### NOTICE.

It is hereby notified under Section V of the Indian Treasure Trove Act (VI of 1878) that on or about the 12th day of December 1885, treasure, consisting of the undermentioned images, &c., valued in the aggregate at Rs 649-2-6, was found buried underneath the Vishnu temple at Eedayarpankum, in the Conjeveram Taluk, Chingleput District, in the Presidency of Madras :—

1. Sree Rama, with a bow (made of copper.)
2. Luckshmana Perumal, with a bow (made of copper.)
3. Seethapirathi (made of copper).
4. Pedestal (made of copper).
5. Brackets, three (made of copper).
6. Perumal (made of copper).
7. Ubhayanachiyars, two (made of copper).
8. Pedestal (made of copper).
9. Brackets, three (made of copper).
10. Anudant (made of copper).
11. Barathur (made of copper).
12. Narasimmaswami (made of copper).
13. Aunjanayar (made of copper).
14. Garudalwar (made of copper).
15. Krishnaswami, with a bracket (made of copper).

16. Krishnaswami, with a small bracket (made of copper).
17. Ranganathaswami (made of copper).
18. Sreenivasaswami (made of copper).
19. Varadarajaswami (made of copper).
20. Veeraragavaswami (made of copper).
21. Selvar (made of copper).
22. Mayagrivar (made of copper).
23. Vijiaragavaswami, with Ubhayanachiyars, three (made of copper).
24. Deseekar (made of copper).
25. Lukshminarayana Perumal (made of stone).
26. Brass tripod, copper plate, copper cups, two, copper small spoon, five.
27. Brass lamp.
28. Thoobam, &c., three.
29. Bells, three.
30. Brass tripod, two.
31. Copper Srisadagopum (sacred feet of God).
32. Broken pieces of plate, cup, &c., made of mixture of brass and copper, thirty-three.
33. Stones for grinding sandal, two.

All persons claiming the treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of Chingleput, at his office, on the 22nd day of September 1886, in order to the matter being enquired into and determined in accordance with the provisions of the Act.

L. M. WYNCH,  
*for Acting Sub-Collector in charge.*

CHINGLEPUT DIST. COLLECTOR'S OFFICE;  
CAMP CHINGLEPUT,  
*The 10th April 1886.*

### YEARLY EXAMINATION FOR FOURTH GRADE ACCOUNTANTS.

The yearly examination of candidates for the 4th grade of Accountants, Public Works Department, will be held at the Government Engineering College, Seebpore, on Monday, June 7th, 1886, and following day, at 10 A. M. The examination will be conducted either at the College or by an Examiner, Public Works Accounts (including Railway and Telegraph), in Bengal, Assam, and Burmah only, as may be most convenient to the candidate.

All applications must be accompanied by a fee of Rs 10, and must reach the undersigned on or before 6th May 1886

For further particulars apply to—

S. F. DOWNING,  
*Principal, Government Engineering College*

## POST OFFICE.

## NOTIFICATIONS.

*Simla, the 5th April 1886.*

With effect from the 1st May 1886, the limit of weight for *light* parcels exchanged with the United Kingdom through the *British Post Office*\* will be raised from 7 lbs. to 11 lbs. The postage rate (8 annas per lb.) and general conditions relative to such parcels despatched from India remain unaltered.

\* See Clauses 216 to 221, and Clauses 225 to 228 of the Postal Guide, dated April 1886.

2. From the same date the maximum limit of weight for parcels exchanged with Malta and Gibraltar will be raised from 7 lbs. to 11 lbs.

3. *Heavy* parcels exchanged with the United Kingdom through the medium of the Peninsular and Oriental Steam Navigation Company\* are not affected by this change; the maximum limit of weight for such parcels is 50 lbs. as heretofore.

\* See Clauses 217 and 225 of the Postal Guide, dated April 1886.

4. The Commissioners of Customs in the United Kingdom have recently pointed out the frequent omission, on the part of senders, to give a proper or true description of the contents of parcels forwarded from India; special attention is called to Clause 211 of the Postal Guide, where it is distinctly stated that "the contents (of a parcel) should be stated *in full detail*, a separate description of each article, and its value, being given" and that "an incorrect declaration of value renders a parcel liable to confiscation."

L. G. WAIT,

*Att. Dir. for General of the Post Office of India.*

*The 17th April 1886.*

No. 978.—Mr J. H. Smith is appointed to be Postmaster, Simla, on probation for six months.

Mr. W. Bright is appointed to be Postmaster, Peshawar.

Mr. J. P. Grice is appointed to be Postmaster, Mooltan.

No. 980.—Mr. H. M. Mehta is appointed to be Postmaster, Allahabad.

G. J. HYNES,

*Assistant Director General of the Post Office of India*

*Unclaimed letters held in the Calcutta General Post Office on 21st April 1886.*

Middleton, P. E. S.

Ross, C. H.

## Letters marked "Care of Post Office."

Aman, A.	Groseman, Sig. L.	Petersen, Dr. Geo.
Bates, J. N.	Grub, Otto	Phillips, W. G. St. V.
Baxendale, S.	Guerrier, H. J.	Pike, H. R.
Beauchamp, A.	Gustave, E. q.	Pinkerton, William.
Berry, Adolph.	Halv, J. J.	Power, J. O.
Bigez, Mon. E.	Harris, J. D.	Preston, R. C. Camphell.
Bose, P. N.	Henderson, Lt.	Pyle, Mrs. C. I.
Bowers, S.	Hoyes, Mrs. A.	Reece, Mrs. A.
B. R.	Hughes, Capt.	Rice, V. G. L.
Capel, Lt.-Col.	Hutton, Lt.-Col.	Richardson, H. W.
C. B. H.	Iman, James.	Rishworth, B. J.
Chelton, H.	Jefferson, J. J. D.	Robinson, E. A.
Clark, James.	Kelly, Miss G.	Salten, Miss M.
Clarke, F. G.	K. T. M.	Schmidt, Otto.
Crawford, J.	Kirkbride, J.	Sharpe, Capt. A.
Derham, Henry.	Lamprey, J. H.	Shaw, H. J.
Dessa, H. T.	Lee, Jay.	Simpson, Percy.
Dimmock, Basil.	Lemaitre, A.	Smallwood, Geo.
Dowling, D. G. A.	Le-ter, Geo.	Smart, Mrs. R. V.
Dracoll, J.	Lloyd, E. T.	Speer, A. E.
Dukes, Mrs.	Loudor, R.	Stanislaus, Walter.
Dundas, Mrs.	M. O.	Sternberg, A.
Dwaris, J. H.	McDonald, Miss.	Stone, Mrs. T.
Easton, Percy H.	McLaughlin, John.	Storey, A.
Ellis, Mrs. Jus.	Manfield, J. J.	Straw, Mrs. R.
Entwistle, R.	May, J. A.	Swingle, Mrs. C.
Ferrell, J. B.	Melvil, H.	Tomsen, J.
Fez, Lt. Col.	Morrett, A.	Ugden, Walter
Forrester, W.	Minaell, Mr.	Ureu, Capt. T.
Gaytor, E. Hugh.	Moore, W.	Walker, G. A.
Gilbert, Mrs. M.	Nellie, Miss N.	Walker, P. C.
Godfrey, J. B.	Norville, Mrs. L.	Ward, Lieut. B. R.
Goodall, Miss.	Parker, Mrs. A. H.	Wessendorf, Henri.
Gow, J. P.	Percy, A.	Wilson, Mrs. Mark.
Grant, Mrs. M.		

## Registered Letters.

Freeman, S.	Guerner, H. J.	Ross, A.
Godfrey, J. E.	Rebeiro, A. J.	Sterzulica, David.

## Unclaimed Letters held in the Barrackpore Post Office on the 16th April 1886.

Arrakiel, M.	Dennout, F.	McMinn, J.
Bissell, Miss.	Fagan, H. R.	Owen, J.
Campbell, Lady	Fry, Mrs.	Owen, M. S.
Campbell, Sir J. W.	Grey, H.	Rogers, A. G.
Carter, L.	Hadkins, Mrs.	Thomas, Major C. F.
Chatterjee, Hari Das	Hart, H.	Thomas, Mrs. M. J.
Cook, A.	Hume, Lt.	Wjail, Mrs. H. B.
De, Hurry Nath.		

E. HUTTON,

*Presidency Postmaster, Calcutta.*

*Calcutta, the 24th April 1886.*

## SEA AND FOREIGN MAILS

Mails for	Date of closing at Calcutta.	Per Steamer
Madras and Ceylon	1886.	
Columbo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	28th April	P & O Str. <i>Medra</i> .
Egypt, Europe, America, Cape Colonies through United Kingdom	27th "	From Bombay.
Ditto Book Post and Pattern Packets	27th "	From Bombay.
Rangoon and Mouleim	26th "	From Bombay.
Akyab, Kyauk Phyoo, Sandoway and Rangoon	28th "	Str. <i>Goda</i> .
	28th "	Str. <i>Kitwa</i> .

N.B.—The letter-box will close at 7 P.M. precisely, after which hour Foreign letters, fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover, will be received up to 7.30 P.M.

E. HUTTON,

*Presidency Post Master.*

## GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for quinine, and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, *Rs 4-8*; per eight-ounce tin, *Rs 8-8*; per pound tin, *Rs 16-8*. The general

public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the under-noted rates—per four-ounce tin,  $\text{Rs } 5-8$ ; per eight-ounce tin,  $\text{Rs } 10-8$ ; per pound tin,  $\text{Rs } 20$ . This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

### گورنمنٹ سنکونا فیری فوج

یہ دوا کوئینائین کا خوب قائم مقام ہے اور کلکتہ کے ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہوائیکل ملازم سرکاری واسطے سرکاری کام اور خیرات کے اور سوائے اوتکے جو کوئی ایک مشہد بیس پونڈ خرید لینے سے بقیہ نقد حسب نرخ ذیل خرید کر سکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا سولہ روپیہ آٹھ آنہ

اور عوام الناس ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ ذیل خرید کر سکتے ہیں یعنی نرخ چار اونس کے تین کا پانچ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا دس روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا بیس روپیہ

یہ دوا کلکتہ کے بڑے بڑے ولایتی اور دیسی دوا خانوں میں بکتی ہے ماسوائے قیمت مذکورہ بالا کے محصول ڈاک چار اور آٹھ اونس کے تین کا آٹھ آنہ ; اور ایک پونڈ کے تین کا بارہ آنہ

### CRYSTALLYNE CINCHONA FEBRIFUGE.

A new and improved preparation made at the Government Factory from Red Cinchona Bark. This is a more perfect substitute for Quinine than the ordinary uncrystallized Febrifuge. It can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds and upwards* at a time, from the Superintendent, Royal Botanic Garden, Seebpore, near Calcutta, for *cash only*, at the following rates: per four-ounce tin,  $\text{Rs } 6-8$ ; per eight-ounce tin,  $\text{Rs } 12-8$ ; per pound tin,  $\text{Rs } 24$ . The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the under-noted rates: per four-ounce tin,  $\text{Rs } 8-8$ ; per eight-ounce tin,  $\text{Rs } 16-8$ ; per pound tin,  $\text{Rs } 32$ . This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates

### کرسٹلین سنکونا دوائی بخار

لال سنکونا باری کی ایک نئی اور عمدہ دوا گورنمنٹ فاکٹری میں تیار ہوئی ہے معمولی بے صاف کی ہوئی دوائی

بخار سے کوئین کے لئے یہ بہت خوب فایم مقام ہے اور سب پور متصل کلکتہ کے ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری کلم اور خیرات کے لئے اور وہ لوگ جو ایک مشہد بیس پونڈ لین نقد اس بھار سے خرید سکتے ہیں یعنی چار اونس کے تین کا چھ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا بارہ روپیہ آٹھ آنہ ; اور ایک پونڈ کے تین کا چوبیس روپیہ

اور عام لوگوں کو ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے نقد اس بھار پر مل سکتا ہے یعنی چار اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا سولہ روپیہ آٹھ آنہ اور ایک پونڈ کے تین کا بیس روپیہ آٹھ آنہ کلکتہ کے بڑے بڑے ولایتی اور دیسی دواخانوں میں بھی بکتی ہے محصول ڈاک چار اونس کے تین کے لئے چار آنہ ; آٹھ اونس کے تین کے لئے آٹھ آنہ اور ایک پونڈ کے تین کے لئے آٹھ آنہ علاوہ اوتکے ہوئے نرخ کے ہے

### METEOROLOGICAL PUBLICATIONS FOR SALE.

At the Meteorological Office, No. 5, Russell Street; also at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices specified below—

- Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts.  $\text{Rs } 1$ .
- Report on the Meteorology of India in 1876, 4to, 97 pages text, 340 pages tables, 3 charts.  $\text{Rs } 1$ .
- Report on the Meteorology of India in 1877, 4to, 193 pages text, 375 pages tables, 3 charts.  $\text{Rs } 1$ .
- Report on the Meteorology of India in 1882, 4to, 152 pages text, 208 pages tables, 8 charts.  $\text{Rs } 1$ .
- Report on the Meteorology of India in 1883, 4to, 150 pages text, 305 pages tables, 9 charts.  $\text{Rs } 1$ .
- Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 9 plates.  $\text{Rs } 2-8$ .
- Indian Meteorological Memoirs, Vol. I, Part II, 4to, 63 pages, 4 plates.  $\text{Rs } 1-8$ .
- Indian Meteorological Memoirs, Vol. I, Part III, 4to, 86 pages, 2 plates.  $\text{Rs } 1-8$ .
- Indian Meteorological Memoirs, Vol. I, Part IV, 4to, 62 pages, 8 plates.  $\text{Rs } 1-8$ .
- Indian Meteorological Memoirs, Vol. I, Part V, 4to, 57 pages, 10 plates.  $\text{Rs } 1-8$ .
- Indian Meteorological Memoirs, Vol. I, Part VI, 4to, 62 pages.  $\text{Rs } 1-8$ .
- Indian Meteorological Memoirs, Vol. II, Part I, 4to, 78 pages, 1 plates.  $\text{Rs } 1-8$ .
- Indian Meteorological Memoirs, Vol. II, Part II, 4to, 69 pages, 9 plates.  $\text{Rs } 1-8$ .
- Indian Meteorological Memoirs, Vol. II, Part III, 4to, 68 pages, 3 plates.  $\text{Rs } 1-8$ .
- Indian Meteorological Memoirs, Vol. II, Part IV, 4to, 232 pages, 7 plates.  $\text{Rs } 3$ .
- Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to, 87 pages, 4 plates.  $\text{Rs } 2$ .
- Report on the Madras Cyclone of May 1877, 4to, 117 pages text, 97 pages tables, 5 plates.  $\text{Rs } 2-8$ .
- Rainfall Chart of India showing the average annual distribution of rainfall (in colours).  $\text{Rs } 2$ .
- Rainfall Map of India (in two sheets, scale 64 miles to one inch), showing the annual distribution of rainfall (in colours)  $\text{Rs } 3$ .
- Register of Original Observations of six stations in India for each of the years 1879 to 1884, corrected and reduced. Each year,  $\text{Rs } 2-8$ .
- The Indian Meteorologist's Vade Mecum, Part I [Instructions to Observers].  $\text{Rs } 3$ .
- The Indian Meteorologist's Vade Mecum, Part II [The Meteorology of India].  $\text{Rs } 5$ .
- Tables for the Reduction of Meteorological Observations in India.  $\text{Rs } 2$ .

HENRY F. BLANFORD,

Meteorological Reporter to the Government of Ind. a.



## THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

The Indian Law Reports, published under the authority of the Governor General in Council, appear in monthly parts, published as soon as possible after the first of each month, at Calcutta, Madras, Bombay, and Allahabad, and comprise four series,—one for the Calcutta High Court, a second for the Madras High Court, a third for the Bombay High Court, and a fourth for the Allahabad High Court. The cases heard by the Privy Council on appeal from each High Court are reported in the series for that High Court. Cases heard by the Privy Council on appeal from Provinces in India not subject to any High Court are reported in the Calcutta Series.

The Calcutta Series is distributed by the Bengal Secretariat; the copies for subscribers registered by Messrs. Thacker, Spink & Co. are distributed by that firm; and the Madras, Bombay and Allahabad Series are distributed direct from Madras, Bombay, and Allahabad respectively.

In supersession of previous advertisements, on and from the 1st January, 1885, the terms of subscription and sale will be as follows:—

*Terms of subscription, payable annually in advance.*

For the complete Series, including postage	Without postage	With postage
	Rs 10 0	Rs 12 8
For the Calcutta Series	Rs 10 0	Rs 12 8
„ each of the Madras, Bombay and Allahabad Series	„ 6 0	„ 7 0
„ a part of the Calcutta Series purchased separately inclusive of postage in India	„	„ 2 0
„ a part of the Madras, Bombay and Allahabad Series purchased separately inclusive of postage in India	„	„ 1 0

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- Messrs. Thacker, Spink & Co., Calcutta.
- „ Thacker & Co., Bombay
- „ Higginbotham & Co., Madras.
- The Government Central Book Depot, Bombay.
- „ Curator of Government Books, North-Western Provinces and Oudh
- „ Superintendent of Government Printing, Bengal.

*Orders and subscriptions for 1885 should be at once remitted.*

## NOTICE.

*Indian Law Reports.*

Advertisements will be received for publication on the wrappers of the Indian Law Report, Calcutta Series, by the Calcutta Central Press Company, "Printed," 5-1, Council House Street, at the following rates, payable in advance:—

	One page.	Half page.	Quarter page.
For one issue	Rs 15	Rs 10	Rs 6
„ three issues	„ 40	„ 25	„ 14
„ six „	„ 70	„ 40	„ 25
„ twelve „	„ 110	„ 70	„ 45

At these rates the advertisers will have the option of changing their advertisements in each issue.

## THE BENGAL LAW REPORTS.

A few sets of the Bengal Law Reports (Volumes 1 to 15) are available at Messrs. Thacker, Spink & Co., Calcutta, at Rs 75 a set.

**A Manual of Reference to the Examinations in Oriental languages, with the latest orders of Government, and specimen papers of the various standards.** By Lieutenant-Colonel H. S. JARRETT. New Edition Rs 4.  
Apply to the Librarian, 17, Elysium Row.

*For sale in Rajputana to Officers stationed there.*

**Moore's Manual of Family Medicine for India, 4th Edition. Price—**

To Government Officers (except those mentioned below) and to the public at large, Rs 4.

To all Officers employed in Government Departments who are in receipt of salaries under Rs 500 per mensem, on a certificate being furnished declaring that the book is to be purchased only for the personal use of the officer. Rs 3. (8a.)

## BOOKS AND PUBLICATIONS

FOR SALE BY THE

## SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA

8, HASTINGS STREET, CALCUTTA.

All books published by the Superintendent of Government Printing, India, can be purchased either directly or through the following or any other booksellers:—

### AGENTS.

CALCUTTA	Thacker, Spink, & Co.
MADRAS	Higginbotham & Co.
BOMBAY	{ Thacker, Vining, & Co.; Cooper, Maddon, & Co.
POONA	Cooper, Maddon, & Co.

## CATALOGUE.

**NOTICE.**—Books required for private use only can be purchased. Applications should be accompanied by a remittance, unless it is wished that the books should be sent by value-payable post, in which case, besides the ordinary postage, an additional charge will be made for registration and commission.

Books required for the public service should be obtained through Local Governments.

## FINANCIAL DEPARTMENT.

**Codes of the Financial Department: Pension, Leave, and Pay and Acting Allowance.** Sixth edition, corrected to 20th February 1884, Super royal 8vo, boards. Rs 3-8 (6a.)

•• Lists of corrections to the above are supplied for Rs per annum.

**Travelling Allowance Code (Civil).** Second edition, 1885. Royal 8vo, boards. Rs 1 (2a.)

•• Lists of corrections to the above are supplied for Rs per annum.

**Financial Statements,** bound in one volume, from 1860-61 to 1873-74. Super royal 8vo, cloth. Rs 4 (12a.)

**List of Officers appointed by the Government of India in the Financial Department, and of the Office establishment of the Financial Secretary to the Government of India,** with Appendix, published monthly. Royal 8vo, paper cover 4a. (1a.) each Number.

**Public Loans of the Government of India, Notifications relative to the,** from 1822 to 1879. Demy 8vo, boards. Rs 1 (4a.)

**Production of Gold and Silver: Demand for Gold and Price of Silver.** By R. H. HOLLINGBERRY. Fcap., paper cover. Rs 1 (4a.)

**Food-grains and Salt throughout India, 1861-83, prices of.** Super royal, boards. Rs 8 (4a.)

**Prices and Wages in India, Parts I and II.** Super royal, boards. Rs 5 (5a.)

**Trade and Navigation of British India, Accounts relating to the.** In monthly parts, from December 1866 to 1874-75, Fcap., paper cover. From 1875-76 to date, Royal 8vo. 8a. (2a.) each part.

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# The Gazette of India.

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CALCUTTA, SATURDAY, APRIL 24, 1886.

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 Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### BRITISH BURMA.

#### NOTICE.

DEPUTY COMMISSIONER'S COURT,  
DISTRICT THONEGWA.

*The 4th February 1886.*

CIVIL SIDE MISCELLANEOUS CASE  
NO. 4 OF 1885.

IN THE MATTER OF THE ESTATE OF  
G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa District, died intestate on the 5th January 1885 Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court

will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,  
*District Judge, Thonegwa.*

### HINDU FAMILY ANNUITY FUND.

#### NOTICE.

Under Rule 91 of the Rules of the Hindu Family Annuity Fund, it is hereby notified that the limit of aggregate annuities securable under Rule 23 has been raised from Rs60 to Rs80, all other limitations remaining as at present.

RAMAPRASANNA GHOSH, M.A., B.L.,

*Secretary.*

CALCUTTA,  
*The 21st April 1886.*







•SUPPLEMENT TO  
**The Gazette of India.**

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No. 17.}

CALCUTTA, SATURDAY, APRIL 24, 1886

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GOVERNMENT OF INDIA.  
DEPARTMENT OF FINANCE AND COMMERCE.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 2nd HALF OF MARCH 1886.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
DISTRICTS.		QUANTITIES PER RUPEE IN SEERS OF 80 TOLAS.													
PROVINCES.	Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or Cholam (Sorghum vulgare).	Bajra or Cumbu (Pennisetum typhoides).	Maize or Ragi (Eleusine coracantha).	Kangri or Kikun, Italian millet (Setaria italica).	Gram, Channa, Chola, Kadalay or Sunaga (Cicer aristatum).	Maize (Zea Mays).	Arhar or Thor (Adian Pea (a- janus indicus)).	Firewood.	Salt.	REMARKS.	
															S. Ch.
MADRAS.	Ganjam	11 13		12 2	13 0	21 10	23 13	23 6				215 13	13 13		
	Viragapatam	15 0		9 0	10 3	23 0	23 13	22 3				97 3	14 0		
	Godavary	13 8		11 14	15 0	23 0	21 2	22 8				170 2	13 8		
	Kistna	7 13		13 0	13 10	17 3		26 8				145 13	14 10		
	Nellore	10 13		12 14	14 0	22 2	24 6	25 8				93 5	14 13		
	Cuddapah	13 10		9 14	11 3	22 2	26 13	26 3				194 6	14 13		
	Anantapur	13 14		10 11	11 5	25 11	18 5	24 3				...	13 11		
	Bellary	15 6		10 11	11 14	25 11	21 10	30 2				94 13	13 11		
	Kurnool	14 0		11 6	12 2	26 11	25 0					138 13	14 0		
	Madras	10 14		11 5	13 0		19 13	25 11				85 0	14 10		
	Chingleput			12 6	14 0		21 2	32 8				97 3	15 8		
	North Arcot	10 3		12 8	12 14							140 0	14 13		
	South Arcot	9 0		12 10	15 5	26 14	26 10	26 10				170 2	15 5		
	Tanjore	0 14		17 6			25 6	31 11				166 3	15 10		
	Trichinopoly	10 10		15 13	16 5		21 10	30 2				121 8	16 10		
	Madura	10 14		15 2	15 10		23 8	29 6				121 8	15 14		
	Tinnevely	9 3		14 5	14 13		25 6	24 10				70 0	17 0		
	Combatore	12 11		12 10	13 10	20 14	16 13	15 11				121 8	14 10		
	Nilgiris	9 14		10 6	11 3	10 14	13 11	25 10				170 2	15 11		
	Salem	10 3		11 3	13 3	20 14	19 11	19 5				145 13	17 6		
	South Canara	8 8		13 10	14 11			17 8				121 8	14 6		
	Malabar	10 2		12 8	13 0										
RAJ.	Bombay	10 9	19 2	7 2	10 13	18 14	16 1	17 13	18 9	13 5	18 5	62 6	12 9		
	Daskrohi	17 0	25 0	13 0	11 0	21 0	17 0			20 0		80 0	16 8		
	Kara	13 4		9 4	10 0	21 4		21 4		18 8		80 0	16 0		
	Surat	10 0	20 0	8 0	10 0	20 0	18 0			15 0		80 0	18 0		
	Broach	16 0		8 0	11 0	10 1	15 14			14 5		120 0	14 24		
	Tanna (Salsette)	10 6		8 3	9 0	17 10	13 0			12 12		71 2	14 5		
	Colaba (Albani)	10 12		7 4	10 0	17 0	13 0			20 4		100 0	18 0		
	Khandesh (Dhulia)	17 3		7 8	9 6	25 12	19 9			22 8		100 0	14 0		
	Nasik	10 8	12 8	10 3	11 9	16 8	16 8	22 8	9 0	15 4		100 0	15 0		
	Ahmednagar	14 7		8 4	9 5	23 10	20 2			11 8		60 0	14 3		
	Poona (City)	13 13	7 6	0 13	10 7			13 8		16 2		60 13	14 7		
	Sholapur	13 4		10 0	10 14	28 7	25 11			22 14		91 7	13 4		
	Bijapur	20 9		7 1	9 12	27 0	23 13			17 0		100 0	12 14		
	Satara	12 11		8 14	10 0	17 5	10 3			17 4		116 8	15 4		
	Pelgaum	19 8		11 0	12 8	18 8	21 0	24 0		14 8		103 0	15 0		
	Dharwar (Hubli)	19 0		11 0	12 0	25 0	21 0	28 0		13 0		80 0	15 0		
	Ratnagiri	10 9		9 4	13 3	16 14	12 4	16 7		13		120 6	14 4		

District	Area	Population	Male	Female	Total	Sex Ratio	Population per sq. mile	Population per sq. km
<b>Western Districts.</b>								
Burdwan	15 0	30 0	16 0	21 0	37 0	131	120	138
Bankura	20 0	10 8	22 8	21 0	43 8	122	360	1286
Beerbhoom	16 8	15 8	20 0	22 8	42 8	125	150	1200
Midnapore	14 0	17 0	22 0	17 0	39 0	135	155	1288
Hooghly	10 0	10 0	15 0	16 0	31 0	120	120	1390
Howrah	14 0	8 4	14 12	17 12	31 0	130	80	130
<b>Central Districts.</b>								
Calcutta	14 4	30 0	16 0	21 0	37 0	131	120	138
24-Pargunnahs	13 4	17 8	22 8	21 0	43 8	122	360	1286
Nuddia	17 0	22 15	15 8	20 0	35 8	125	150	1200
Khoolna	12 4	13 4	17 8	16 0	33 8	127	200	1200
Jessore	20 0	13 0	17 8	20 0	37 8	118	120	1121
Moorchhedabad	15 0	17 8	14 12	16 0	30 0	120	100	1147
Dinapore	15 0	32 0	16 8	21 0	37 8	128	240	1240
Rajshahye	21 0	20 4	23 0	21 0	44 0	119	110	134
Rungpore	23 0	20 0	23 0	21 0	44 0	119	110	134
Bogra	18 2	15 0	24 0	21 0	45 0	126	90	106
Pubna	24 0	8 4	12 0	10 0	22 0	91	200	1260
Darjeeling	11 0	5 0	14 0	10 0	24 0	127	120	1200
Jalpaiguri	13 0	14 0	14 0	14 0	28 0	120	120	1200
<b>Eastern Districts.</b>								
Dacca	14 0	26 0	14 8	18 8	33 6	124	120	1200
Farredpore	16 0	25 0	14 0	18 0	32 0	120	140	1200
Backergunge	13 0	12 0	12 0	15 0	27 0	135	120	1200
Mymensingh	16 0	13 0	16 0	14 8	30 8	124	100	1200
Chittagong	13 5	13 5	17 14	16 0	33 14	124	120	1200
Noakhali	11 0	11 0	12 4	12 0	24 0	120	120	1200
Tipperah	12 0	13 0	16 0	12 0	28 0	116	350	1100
Chittagong Hill Tracts	12 0	13 0	16 0	12 0	28 0	116	350	1100
Hill Tipperah	12 0	13 0	16 0	12 0	28 0	116	350	1100

a In sub-divisions retail prices of salt per rupee were :—Culna 14 seers, Cutwa 13-4 seers, and Ranegunge 13-5 seers.

b In Bishenpore retail price of salt 12-5 seers per rupee.

c In Ranpore Hāt retail price of salt 13 seers per rupee.

d In sub-divisions retail prices of salt per rupee were :—Ghattal 14 seers, Tumlook 11 seers, and Contai 13 seers.

e In sub-divisions retail prices of salt per rupee were :—Serampore 13 seers and Jehanabad 13-8 seers.

f In sub-divisions retail prices of salt per rupee were :—Baraset and Barrackpore 12-12 seers, Bussirhat 13 seers, Diamond Harbour (at Kulpihāt) 2-4 seers, and Dum-Dum 12 seers.

g In sub-divisions retail prices of salt per rupee were :—Koothea 12-4 seers, Meherpore 12 seers, Chooadanga 12-12 seers, and Ranaghat 12-14 seers.

h In Sathra and Bagirhat retail price of salt 11 seers per rupee.

i In sub-divisions retail prices of salt per rupee were :—Jhenda and Narail 12 seers, and Magoora 10-1 seers.

j In sub-divisions retail prices of salt per rupee were :—Lalbagh and Kandi 12 seers, and Jangipore 12-5 seers.

k In Nattire and Nowgong retail price of salt 12 seers per rupee.

l In sub-divisions retail prices of salt per rupee were :—Gabbanda 10 seers, Kurigram 12 seers.

m In Sorajunge retail price of salt 13 seers per rupee.

n At Silliguri retail price of salt 11-8 seers per rupee.

o In Alipore sub-division (at Fallacatia) retail price of salt 12 seers per rupee.

p In sub-divisions retail prices of salt per rupee were :—Manickgunge 11 seers, Moonsheegunge 10-12 seers, and Naraingunge 14 seers.

q In sub-divisions retail prices of salt per rupee were :—Gosalinda 12 seers and Madaripore 12-8 seers.

r In sub-divisions retail prices of salt per rupee were :—Putuakhal 10-10 seers, Perazepore 11 seers.

s In sub-divisions retail prices of salt per rupee were :—Kishoregunge 10-10 seers, Attea 12 seers, Jamalpore 11 seers, Sherpoore 10 seers and Netrokona 12-5 seers.

t At Panchgachia in Fenny sub-division retail price of salt 10 seers per rupee.

u In sub-divisions retail prices of salt per rupee were :—Brahmunberiah 12-8 seers, and Chandpore 12 seers.

## PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 2ND HALF OF MARCH 1886—continued.

	QUANTITIES PER RUPEE IN SEERS OF 80 PULAS.																REMARKS.
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
Bihar.	Wheat	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
	Patna	31 0	28 0	25 0	22 0	19 0	16 0	13 0	10 0	7 0	4 0	1 0	0 0	0 0	0 0	0 0	
	Gy	18 0	15 0	12 0	9 0	6 0	3 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Shahabad	15 0	12 0	9 0	6 0	3 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Dehri	16 0	13 0	10 0	7 0	4 0	1 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Muzaffarpur	16 0	13 0	10 0	7 0	4 0	1 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Sarar	17 0	14 0	11 0	8 0	5 0	2 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Chhapra	18 0	15 0	12 0	9 0	6 0	3 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Moreh	23 1	20 0	17 0	14 0	11 0	8 0	5 0	2 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Bhagalpur	21 0	18 0	15 0	12 0	9 0	6 0	3 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
Orissa.	Wheat	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
	Patna	31 0	28 0	25 0	22 0	19 0	16 0	13 0	10 0	7 0	4 0	1 0	0 0	0 0	0 0	0 0	
	Gy	18 0	15 0	12 0	9 0	6 0	3 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Shahabad	15 0	12 0	9 0	6 0	3 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Dehri	16 0	13 0	10 0	7 0	4 0	1 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Muzaffarpur	16 0	13 0	10 0	7 0	4 0	1 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Sarar	17 0	14 0	11 0	8 0	5 0	2 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Chhapra	18 0	15 0	12 0	9 0	6 0	3 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Moreh	23 1	20 0	17 0	14 0	11 0	8 0	5 0	2 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Bhagalpur	21 0	18 0	15 0	12 0	9 0	6 0	3 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
Assam.	Wheat	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
	Patna	31 0	28 0	25 0	22 0	19 0	16 0	13 0	10 0	7 0	4 0	1 0	0 0	0 0	0 0	0 0	
	Gy	18 0	15 0	12 0	9 0	6 0	3 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Shahabad	15 0	12 0	9 0	6 0	3 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Dehri	16 0	13 0	10 0	7 0	4 0	1 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Muzaffarpur	16 0	13 0	10 0	7 0	4 0	1 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Sarar	17 0	14 0	11 0	8 0	5 0	2 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Chhapra	18 0	15 0	12 0	9 0	6 0	3 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Moreh	23 1	20 0	17 0	14 0	11 0	8 0	5 0	2 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	
	Bhagalpur	21 0	18 0	15 0	12 0	9 0	6 0	3 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	

\* In the interior retail prices of common rice ranged from 15-6 to 23-10 seers per rupee.

N.W. PROVINCES.	Rate for whole grain and not for dal is given.									
	1	2	3	4	5	6	7	8	9	10
Bijnor	16 14	12 10	14 1	23 10	25 0	25 14	28 0	27 0	135 0	11 13
Moradabad	16 0	10 8	14 8	22 0	20 0	20 0	20 0	27 8	125 0	12 11
Budaun	18 0	10 0	13 33	18 0	14 0 1/2	27 9 1/2	20 0	25 3 1/2	102 0	12 0
Bareilly	15 0	10 12	13 2	21 4	20 0	20 14	23 12	25 0	125 0	11 4
Shahjahanpur	15 8	8 0	16 0	20 0	16 0	24 0	20 0	22 0	160 0	11 8
Tarai Pergunnahs	17 8	8 12	13 12	21 4	21 4	22 8	21 4	18 12	100 0	11 4
Muttra	16 0	12 8	12 8	21 0	24 0	21 0	25 0	23 0	140 0	12 0
Agra	10 0	10 0	12 0	20 0	20 0	21 8	27 0	20 0	100 0	13 0
Farukhabad	13 12	6 0	13 8	19 0	20 0	23 12	24 0	20 0	120 0	11 8
Mathura	17 8	4 8	12 4	17 0	20 0	24 0	25 0	22 0	120 0	12 0
Etawah	15 0	24 8	12 0	18 0	24 0	24 0	25 0	22 0	140 0	11 0
Etah	17 4	24 0	12 0	22 0	20 3	29 3	28 0	23 4	200 0	11 0
Jalaun	16 0	22 0	10 0	21 0	32 0	29 0	28 0	20 0	140 0	10 12
Jhansi	17 4	27 4	10 0	22 0	32 0	29 0	28 0	20 0	160 0	10 8
Lalitpur	17 0	20 0	14 0	22 0	20 0	22 8	20 0	20 0	140 0	11 0
Cawnpore	19 0	20 0	14 8	23 8	20 0	22 8	20 0	20 0	160 0	10 8
Fatehpur	13 2	20 0	24 0	21 0	21 0	34 0	25 0	20 0	140 0	11 0
Banda	14 8	22 8	15 0	20 8	25 8	33 8	25 0	20 0	155 0	12 0
Allahabad	15 0	22 8	14 10	20 4	28 13	33 0	25 0	20 0	160 0	11 0 1/2
Hamirpur	17 0	22 0	15 8	23 0	15 0	24 0	25 0	20 0	140 0	11 0
Jaunpur	17 11	30 4 1/2	16 10 1/2	23 0 1/2	23 0 1/2	33 0	25 0	20 0	155 0	12 0
Gorakhpur	17 0	34 0	15 0	20 10	15 0	21 0	25 0	20 0	140 0	11 0
Basti	17 11	27 12	17 0	20 10	20 0	24 0	25 0	20 0	177 8	11 2
Azamgarh	16 0	25 0	14 0	23 0	20 0	24 0	25 0	20 0	140 0	10 0
Mirzapur	17 14	25 8	10 4	21 11	27 10	22 4	25 0	26 0	100 0	10 1/4
Benares	17 14	27 11	15 7	20 9 1/2	22 8 1/2	28 4	25 12	24 6	128 12	10 5
Ghazipur	17 12	20 0	12 14	20 8	20 8	28 4	25 12	24 6	140 0	11 5
Buxi	14 4	25 0	12 12	25 0	25 0	22 8	25 0	19 0	150 0	11 12
Pilibhit	14 4	25 0	12 12	25 0	25 0	22 8	25 0	19 0	150 0	11 12
Almora										

Not return received.

O.R.H.	Rate for whole grain and not for dal is given.									
	1	2	3	4	5	6	7	8	9	10
Sahjanpur	21 0	35 0	18 0	24 0	20 0	20 0	20 0	20 0	100 0	11 0
Parasgarh	20 4	34 0	17 6	24 0	20 0	20 0	20 0	20 0	100 0	11 0
Fyzabad	18 8	25 0	16 0	20 0	18 0	24 8	27 0	19 0	120 0	11 8
Kheri	20 1	31 8	15 1	18 4	35 0	21 4	25 2	28 0	130 0	11 12
Lucknow	18 0	26 0	15 0	22 0	24 0	24 0	25 0	21 0	120 0	11 0
Bara Banki	17 5	32 0	15 0	22 0	24 0	24 0	25 0	21 0	100 0	12 0
Bahraich	20 0	30 0	17 0	20 0	24 0	20 0	23 0	20 0	160 0	11 0
Rai Bareilly	21 0	40 0	18 0	25 8	20 8	25 0	23 0	27 0	200 0	12 0
Sitapur	18 0	18 12	14 5	25 0	20 0	25 0	23 0	32 8	200 0	11 12
Gonda	15 0	20 0	14 0	22 0	20 0	21 0	24 0	21 0	160 0	11 8
Unao	16 12	30 0	13 0	22 0	20 0	21 0	24 0	26 0	140 0	7 0
Hardui										
Hissar	23 0	40 0	10 0	28 0	8 0	30 0	20 0	20 0	100 0	13 0
Rohitak	20 0	35 0	14 0	26 0	...	33 0	28 0	35 0	80 0	12 0
Gurgaon	20 0	35 0	16 0	22 0	...	32 0	24 0	37 0	120 0	12 0
Delhi	20 0	34 0	13 0	25 0	17 0	31 0	23 0	30 0	80 0	12 0
Karnal	20 0	35 0	11 0	25 0	20 0	33 0	32 0	22 0	160 0	11 8
Unbaila	23 0	38 0	12 0	24 0	22 0	33 0	32 0	24 0	130 0	14 0
Simla	16 0	21 0	10 0	16 0	18 0	20 0	24 0	11 0	70 0	10 0
Kangra	18 0	32 0	15 0	24 0	20 0	23 0	30 0	8 0	120 0	11 0
Hoshiarpur	20 0	33 0	10 0	24 0	20 0	31 0	32 0	32 0	100 0	13 12
Jullundur	21 0	32 0	8 0	22 0	20 0	32 0	28 0	...	100 0	14 0
Ludhiana	21 0	37 0	35 0	25 0	16 0	37 0	20 0	18 0	100 0	14 8

24 In subdivisions retail prices of salt per rupee were:—K shengange 10 seers and Anaroh (at Ranigunge) 12 seers.  
 25 In subdivisions retail prices of salt per rupee were:—Deoghur 13 seers, Rajmohal and Pakour 12 seers, and Gadda 11 seers.  
 26 In Khoorda retail price of salt 14 seers per rupee.  
 27 In Bhadrach retail price of salt 8 seers per rupee.  
 28 At Kharagdhia in Girdi subdivision retail price of salt 12 seers per rupee.  
 29 In Govindpore retail price of salt 12 seers per rupee.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 2nd HALF OF MARCH 1886—continued.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
PROVINCES.	DISTRICTS.	QUANTITIES PER RUPEE IN SEERS OF 80 TOLAS.													
		Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or Cholam (Sorghum vulgare).	Bajra or Cumbu (Pennisetum typhoidesum).	Marua or Raghi (Eleusine coracana).	Kangni or Kaku (Setaria italica).	Gram, Channa, Chola, Kadaly or Sunaga (Cicer arietinum).	Maize (Zea Mays).	Arhar or Tur (Cajanus indicus).	Firewood.	Salt.	REMARKS.
PUNJAB—continued.	Ferozepore	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
	Mooltan	19 0	33 0	12 0	12 0	28 0	23 0	16 0	35 0	25 0	25 0	14 0	90 0	14 0	
	Lyallpur	15 0	25 0	10 0	10 0	19 0	18 0	16 0	24 0	20 0	20 0	14 8	90 0	14 8	
	Montgomery	16 0	26 0	10 0	10 0	22 0	18 0	20 0	26 0	26 0	...	12 0	200 0	14 4	
	Lahore	18 0	32 0	10 0	10 0	24 0	20 0	13 0	30 0	31 0	24 0	14 0	90 0	14 0	
	Amritsar	21 0	37 0	13 0	13 0	29 0	24 0	24 0	28 0	28 0	31 0	15 0	90 0	15 0	
	Gurdaspur	23 0	38 0	16 0	16 0	24 0	14 0	8 0	24 0	29 0	32 0	14 0	120 0	15 0	
	Sialkot	18 0	33 0	13 0	13 0	26 0	27 0	16 0	29 0	28 0	24 0	20 0	100 0	15 0	
	Gujrat	21 0	32 0	12 0	12 0	25 0	25 0	...	29 0	28 0	24 0	16 0	90 0	15 0	
	Gujranwala	20 0	32 0	13 0	13 0	24 0	22 0	...	29 0	28 0	24 0	16 0	90 0	15 0	
	Shahpur	19 0	28 0	14 0	14 0	25 0	23 0	24 0	27 0	27 0	24 0	16 0	90 0	15 0	
	Jhelum	22 0	30 0	12 0	12 0	25 0	23 0	12 0	26 0	26 0	26 0	12 0	240 0	16 0	
	Rawalpindi	22 0	40 0	12 0	12 0	...	30 0	24 0	24 0	31 0	37 0	27 0	130 0	15 10	
CENTRAL PROVINCES.	Hazara	19 0	31 0	13 0	13 0	25 0	24 0	6 0	21 0	21 0	24 0	32 0	100 0	12 0	
	Peshawar	20 0	42 0	15 0	15 0	20 0	24 0	24 0	25 0	25 0	26 0	108 0	108 0	47 8	
	Kohat	20 0	36 0	18 0	18 0	20 0	28 0	26 0	22 0	22 0	28 0	12 0	133 0	58 11	
	Bannu	26 0	50 0	9 0	9 0	40 0	25 0	6 0	26 0	26 0	35 0	13 0	80 0	37 8	
	D. I. Khan	21 0	30 0	9 0	9 0	28 0	26 0	15 0	6 0	23 0	...	14 0	125 0	23 12	
	D. G. Khan	16 0	25 0	9 0	9 0	21 0	10 0	...	16 0	19 0	15 0	...	125 0	23 12	
	Muzaffargarh	16 0	22 0	6 0	6 0	19 0	18 0	...	...	22 0	...	...	100 0	14 0	
	Saugor.	19 6	...	10 6	13 5	...	...	...	...	27 2	...	14 12	240 0	9 2	
	Damoh	20 0	...	12 5	14 0	18 8	...	...	...	32 0	...	12 13	200 0	10 11	
	Jubbulpore	17 8	...	11 8	14 0	...	...	...	...	25 0	...	14 0	130 0	11 0	
	Mandla	20 0	...	13 0	16 0	...	...	...	...	27 8	...	13 0	250 0	11 0	
	Seoni	22 6	...	12 2	15 7	...	...	...	...	24 14	...	12 2	220 0	11 7	
	Narsinghpur	18 9	...	9 12	11 13	...	...	...	...	24 3	...	16 11	140 0	11 0	
ARAKAN DIVISION.	Hoshangabad	16 10	...	8 7	10 13	...	...	...	...	28 8	...	12 13	160 0	11 5	
	Nimar	19 11	...	8 7	12 8	27 9	...	...	...	21 15	...	10 11	160 0	11 2	
	Betul	15 12	...	12 1	12 8	22 9	...	...	...	22 0	...	11 5	320 0	11 2	
	Chhindwara	16 14	...	8 7	11 7	20 1	...	...	...	21 11	...	12 0	160 0	9 13	
	Wardha	20 0	...	8 6	13 5	26 11	...	...	...	20 0	...	13 3	100 0	9 2	
	Nagpur	20 10	...	8 7	13 8	27 8	...	...	...	20 10	...	10 10	120 0	11 12	
	Chanda	20 10	...	...	13 8	22 13	...	...	...	21 5	...	13 11	675 0	11 2	
	Bhandara	21 4	...	10 0	20 4	...	...	...	...	25 0	...	11 4	250 0	10 8	
	Bilaghāt	23 10	...	15 12	26 6	...	...	...	...	25 3	...	16 4	144 0	10 11	
	Raipur	30 8	...	13 11	24 5	...	...	...	...	21 7	...	...	64 0	11 3	
	Bilaspur	35 8	...	22 8	31 8	...	...	...	...	29 5	...	21 14	...	9 0	
	Sambalpur	19 4	...	21 0	22 12	...	...	...	...	15 0	...	13 0	160 0	10 1	
	Akyab	...	...	11 0	13 0	...	...	...	...	10 0	...	...	240 0	35 0	
	Northern Arakan	...	...	18 3	19 11	...	...	...	...	...	...	...	...	...	
	Kyaukpada	...	...	23 14	26 13	...	...	...	...	4 0	...	...	50 0	42 0	
	Sandway	...	...	...	...	...	...	...	...	...	...	...	469 11	30 0	

Pegu Division.									
Rangoon Town	15 5	14 2	16 10	...	...	...	18 0	...	320 0
Pegu	...	10 2½	15 12½	...	...	...	11 2½	...	168 0
Tharawaddy	...	11 14	12 15	...	...	...	11 1	...	535 11
Prome	12 2	13 7	15 4	...	...	...	15 9	...	167 9
Irrawaddy Division.									
Bassein	...	16 9	15 9	...	...	...	11 14	...	245 8
Henzada	...	13 0	15 10	...	...	...	...	...	183 8
Thonegwa	...	9 6	17 7	...	...	...	12 14	...	185 8
Thayetmyo	9 0	11 2	13 13	...	...	...	13 13	...	24 8
Tenasserim Division.									
Moulmein Town and Amherst	9 0	9 0	12 2	...	...	...	12 2	...	220 0
Tavoy	No return received.	...	...	...	...	...	...	...	...
Mergui	...	16 4	20 3	...	...	...	12 9	...	428 0
Toungoo	...	10 10	12 13	...	...	...	...	...	27 0
Shwaygyin	...	9 13	11 5	...	...	...	...	...	200 0
Salween	No return received.	...	...	...	...	...	...	...	...
Hyderabad Division.									
Secunderabad	17 12	7 8	11 4	20 1	23 0	23 0	15 8	20 1	125 0
Bolarum	8 15	8 13	10 12	23 12	...	...	16 2	...	110 14
Chadarghat	11 8	7 8	9 8	21 8	...	...	17 0	...	88 0
Amritoti	20 6	8 0	11 9	27 9	...	...	20 0	...	...
Atola	19 0	7 0	11 0	28 0	...	...	21 0	...	...
Ellichpur	20 0	8 0	10 0	27 0	...	...	16 0	...	...
Buldana	23 0	8 0	11 0	38 0	...	...	24 0	...	...
Wun	10 0	8 0	11 0	25 0	...	...	18 0	...	...
Basim	27 5	7 0	11 2	38 5	...	...	24 0	...	...
Mysore.									
Bangalore	No return received.	...	...	...	...	...	...	...	...
Kolar	...	...	...	...	...	...	...	...	...
Tunkur	...	...	...	...	...	...	...	...	...
Mysore	...	...	...	...	...	...	...	...	...
Shimoga	...	...	...	...	...	...	...	...	...
Kadur	...	...	...	...	...	...	...	...	...
Coorg.									
Coorg	9 8	12 0	14 12	...	25 0	...	21 4	...	110 0
Rajpootana.									
Jeyapore	16 8	4 8	8 4	31 8	23 8	24 0	30 0	31 0	100 0
Kishengurh	19 0	9 0	10 0	39 0	25 4	...	34 8	36 4	...
Kerowlee	20 10	26 4	12 8	27 8	21 4	...	27 8	...	...
Uluur	29 15	32 9	10 0	26 0	21 11	...	33 5	...	200 0
Bhurtpore (City)	17 8	30 0	6 12	10 0	19 10	13 12	30 4	28 7	200 0
Almere	16 0	3 0	8 0	21 12	19 10	...	30 0	31 4	100 0
Deoli Cantonment	24 5	45 0	11 8	39 10	31 0	...	35 8	32 0	70 0
Eripura	18 8	29 12	6 0	23 0	23 0	...	28 0	...	230 0
Sirhee	15 8	23 0	7 0	21 0	20 0	...	22 0	...	320 0
Abu	17 4	26 0	8 0	...	17 8	20 0	19 0	26 0	200 0
Anadra	No return received.	...	...	...	...	...	21 8	...	160 0
Balmere	13 2	10 8	12 12	19 0	16 0	...	16 0	...	...
Jaysalmere	25 0	28 0	15 0	...	...	...	28 0	...	...
Hilly Tracts of Meywar	18 12	24 3½	9 6	22 10½	14 13½	13 4½	21 14	25 8	...
Meywar (Oodeypore)	26 4	...	15 0	...	...	...	43 8	37 8	200 0
Banswara (Meywar Agency)	21 4	31 4	12 8	27 8	16 14	...	37 8	31 4	...
Parabgarh	17 4	25 0	7 0	22 8	20 0	...	23 12	20 0	...
Marwar (Jodhpore)	...	...	...	...	...	...	...	...	...

\* 100 cobs for R1.

† 64 cobs for R1.

‡ Firewood is sold by head load, bullock load and cart load, and not by weight.

§ Sold in bundles.

|| Eight pies per bundle.

¶ Average price of Baragra, Pachbandra and khari salts.



PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 2ND HALF OF MARCH 1886—concluded.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
PROVINCES.	DISTRICTS.	QUANTITIES PER RUPEE IN SEERS OF 80 TOLAS.													
		Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or Cholam (Sorghum vul. gare).	Bajra or Cumbu (Pennisetum typhoides).	Maria or Ragi (Eleusine cor- cana).	Kangni or Kaku, Italian millet (Setaria italica).	Gram, Channa or Sunaga (Cicer aristatum).	Maize (Zea Mays).	Arhar or Thur Cadian Pea (Ca- janus indicus).	Firewood.	Salt.	REMARKS.
RAJPOOTANA (contd.)	Bikaner	S. Ch. 11 14	S. Ch. No return received.	S. Ch. 3 12	S. Ch. 6 8	S. Ch. ...	S. Ch. 17 11	S. Ch. ..	S. Ch. ..	S. Ch. 20 64	S. Ch. ..	S. Ch. 9 0	S. Ch. 100 0	S. Ch. 14 0	
	Boondee	S. Ch. 25 0	S. Ch. 30 0	S. Ch. 9 0	S. Ch. 10 0	S. Ch. 32 8	S. Ch. 20 0	S. Ch. ..	S. Ch. ..	S. Ch. 38 0	S. Ch. 30 0	S. Ch. 18 0	S. Ch. 240 0	S. Ch. 11 12	
	Kotah	S. Ch. No return received	S. Ch. No return received	S. Ch. 10 0	S. Ch. 11 4	S. Ch. 24 4	S. Ch. 24 3	S. Ch. ..	S. Ch. 18 13	S. Ch. 27 15	S. Ch. ..	S. Ch. 40 10	S. Ch. 90 0	S. Ch. 12 0	
	Tonk	S. Ch. 17 1	S. Ch. 24 0	S. Ch. 10 0	S. Ch. 11 4	S. Ch. 24 4	S. Ch. 24 3	S. Ch. ..	S. Ch. 18 13	S. Ch. 27 15	S. Ch. ..	S. Ch. 40 10	S. Ch. 90 0	S. Ch. 12 0	
	Shahpura	S. Ch. 17 1	S. Ch. 24 0	S. Ch. 10 0	S. Ch. 11 4	S. Ch. 24 4	S. Ch. 24 3	S. Ch. ..	S. Ch. 18 13	S. Ch. 27 15	S. Ch. ..	S. Ch. 40 10	S. Ch. 90 0	S. Ch. 12 0	
CENTRAL INDIA.	Dholpur	S. Ch. 17 1	S. Ch. 24 0	S. Ch. 10 0	S. Ch. 11 4	S. Ch. 24 4	S. Ch. 24 3	S. Ch. ..	S. Ch. 18 13	S. Ch. 27 15	S. Ch. ..	S. Ch. 40 10	S. Ch. 90 0	S. Ch. 12 0	
	Indore	S. Ch. No return received.	S. Ch. No return received.	S. Ch. 10 0	S. Ch. 11 4	S. Ch. 24 4	S. Ch. 24 3	S. Ch. ..	S. Ch. 18 13	S. Ch. 27 15	S. Ch. ..	S. Ch. 40 10	S. Ch. 90 0	S. Ch. 12 0	
	Gwalior	S. Ch. No return received.	S. Ch. No return received.	S. Ch. 10 0	S. Ch. 11 4	S. Ch. 24 4	S. Ch. 24 3	S. Ch. ..	S. Ch. 18 13	S. Ch. 27 15	S. Ch. ..	S. Ch. 40 10	S. Ch. 90 0	S. Ch. 12 0	
	Goona	S. Ch. No return received.	S. Ch. No return received.	S. Ch. 10 0	S. Ch. 11 4	S. Ch. 24 4	S. Ch. 24 3	S. Ch. ..	S. Ch. 18 13	S. Ch. 27 15	S. Ch. ..	S. Ch. 40 10	S. Ch. 90 0	S. Ch. 12 0	
	Baghelkhand (Sutna)	S. Ch. No return received.	S. Ch. No return received.	S. Ch. 10 0	S. Ch. 11 4	S. Ch. 24 4	S. Ch. 24 3	S. Ch. ..	S. Ch. 18 13	S. Ch. 27 15	S. Ch. ..	S. Ch. 40 10	S. Ch. 90 0	S. Ch. 12 0	

DEPARTMENT OF FINANCE AND COMMERCE,  
(Statistical Branch.)

D. BARBOUR,  
Secretary to the Government of India.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. L of 1885-86.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	RAILWAYS.	Total length open.	RECEIPTS FOR WEEK ENDING 21ST MARCH 1885.		Total length open.	RECEIPTS FOR WEEK ENDING 20TH MARCH 1886.		TOTAL RECEIPTS FROM 1ST APRIL 1884 TO 21ST MARCH 1885.		TOTAL RECEIPTS FROM 1ST APRIL 1885 TO 20TH MARCH 1886.		Total increase in 1885-86.	Total Decrease in 1885-86.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
			<i>R</i>	<i>R</i>		<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>
<b>Guaranteed.</b>													
27th Mar. 1886	Oudh and Rohilkhand.	504	1,17,002	107	686	1,38,430	204	40,17,051	170	55,44,185	176	6,26,234	...
27th ditto	Madras	801	1,38,431	101	861	1,10,043	193	60,91,046	100	73,28,435	100	3,37,389	...
27th ditto	South Indian	654	86,989	133	654	1,11,873	171	41,86,144	126	44,01,001	133	2,21,457	...
27th ditto	Great Indian Peninsula	1,504	9,06,071	602	1,504	8,46,444	563	3,39,06,647	441	3,49,31,007	459	12,04,390	...
20th ditto	Bombay, Baroda and Central India	461	2,33,139	506	461	2,60,000	564	1,16,60,812	499	1,25,08,786	537	8,38,974	...
	<b>TOTAL</b>	4,074	14,81,632	364	4,100	14,06,790	360	6,14,25,000	299	6,47,14,014	311	12,88,414	...
<b>State.</b>													
3rd Apl. 1886	East Indian	1,509	10,58,800	701	1,515	9,51,834	630	4,14,86,809	542	4,53,38,196	592	38,51,297	...
27th Mar. 1886	Eastern Bengal	233	83,312	358	233	81,507	319	52,78,224	447	44,13,028	375	...	8,65,196
27th ditto	Nalhati	27	1,087	62	27	1,010	70	75,150	55	79,340	56	1,234	...
27th ditto	Northern Bengal	249	34,037	130	249	40,100	161	21,04,487	167	22,18,074	178	1,40,587	...
27th ditto	Kanma-Dharia	37	3,008	100	37	2,038	55	1,49,810	79	1,22,718	65	...	27,093
27th ditto	Inhoat	220	34,979	150	220	24,838	110	12,10,215	115	12,47,041	111	28,426	...
3rd Apl. 1886	Patna-Gya	57	14,954	262	57	12,850	220	5,10,912	180	4,71,894	163	...	50,018
27th Mar. 1886	Cawnpore-Achnura	249	31,731	125	253	22,399	88	9,15,117	78	0,07,400	71	...	37,827
3rd Apl. 1886	Dildarnagar-Ghazipur	12	1,105	92	12	689	57	45,591	79	44,125	73	...	1,536
20th Mar. 1886	Rajputana-Malwa(a)	1,411	3,04,684	216	1,411	2,88,000	204	1,34,80,64	203	1,57,02,67	221	23,06,103	...
20th ditto	Wardha Coal	45	17,002	393	45	14,615	311	6,52,318	286	6,23,899	274	...	28,419
20th ditto	Nagpur and Chhatargarh	149	42,005	282	149	33,225	23	13,05,097	173	13,86,571	184	81,474	...
20th ditto	British Burma	254	6,353	240	37	70,517	234	20,40,089	106	22,58,127	144	2,18,038	...
3rd Apl. 1886	Sindia	75	10,310	138	75	7,088	94	3,77,987	68	3,65,840	97	...	12,147
3rd ditto	North-Western	1,803	6,07,300	387	1,803	5,34,594	290	2,19,73,374	238	2,75,52,141	302	55,70,767	...
3rd ditto	Amritsar Pathankot	66	6,410	97	66	6,011	100	2,00,000	0	5,55,235	85	62,315	...
27th Mar. 1886	Isareilly-Pilibhit	36	1,856	52	36	2,670	74	(b) 26,280	31	70,897	43	50,617	...
27th ditto	Narayanganj-Dacca	10	2,155	216	86	3,772	44	(c) 21,885	100	1,16,080	38	95,095	...
6th ditto	Mymensingh	...	...	...	...	...	...	(e) 13,817	13	(f) 3,1855	27	29,038	...
	<b>TOTAL</b>	4,939	13,50,783	273	5,001	11,52,730	220	5,04,43,723	207	5,80,10,182	226	75,70,459	...
<b>GRAND TOTAL (GUARANTEED AND STATE)</b>													
		10,522	38,01,305	370	10,707	36,04,600	335	15,33,58,222	292	16,80,68,302	310	1,47,10,170	...
<b>GROSS ESTIMATED EXPENSES</b>													
		...	...	...	...	...	...	8,83,30,065	156	0,03,11,701	167	...	...
<b>NET RECEIPTS</b>													
		...	...	...	...	...	...	7,15,21,057	136	7,77,56,611	143	62,34,734	...
<b>Assisted Companies.</b>													
27th Mar. 1886	Bengal-Central	120	10,161	81	126	13,036	103	4,98,623	78	5,24,637	82	26,014	...
27th ditto	Rohilkhand and Kumaon	67	3,204	49	67	5,641	84	76,886	50	2,40,316	71	1,63,430	...
20th ditto	Assam	78	4,324	55	78	6,029	85	2,20,437	62	2,20,345	67	49,888	...
27th ditto	Southern Mahratta	214	9,521	44	315	25,737	82	2,92,745	37	9,70,925	67	6,84,180	...
27th ditto	Bengal and North-Western	303	28,310	93	303	20,530	97	(g) 2,71,532	46	13,17,422	87	10,55,890	...
3rd Apl. 1886	Tarakessur	22	6,024	274	22	7,232	328	(h) 71,505	284	2,40,538	218	1,75,333	...
	<b>TOTAL</b>	810	61,604	70	911	87,805	96	14,31,748	57	35,80,483	80	21,54,735	...
<b>Native States.</b>													
27th Mar. 1886	Bhavnagar-Gondal	103	21,190	100	193	17,329	80	10,75,997	110	9,12,600	93	...	1,63,397
27th ditto	Jodhpore	64	3,644	57	64	5,430	85	75,386	38	1,12,077	55	1,04,591	...
20th ditto	Nizam's	121	19,675	103	121	18,833	155	9,47,757	155	11,8,849	183	1,71,092	...
27th ditto	Mysore	140	6,868	49	140	8,690	62	3,60,070	62	4,12,077	60	56,007	...
3rd Apl. 1886	Rajpura-Patiala	16	2,850	178	16	1,354	84	(j) 6,090	52	53,100	66	30,500	...
	<b>TOTAL</b>	534	54,242	102	534	51,636	97	24,84,900	99	26,89,693	99	2,04,793	...

N.B.—As regards the figures in column "Total Receipts from 1st April to date," audited figures have been availed of as far as possible.  
(a) Including Rewari-Ferozepore State Railway.  
(b) Total receipts from 12th October 1884 to 21st March 1885.  
(c) Total receipts from 4th January to 21st March 1885.  
(d) Return not received.

(e) Total receipts from 15th December 1884 to 7th March 1885.  
(f) Total receipts from 1st April 1885 to 6th March 1886.  
(g) Total receipts from 2nd April 1884 to 21st March 1885.  
(h) Total receipts from 1st January to 21st March 1885.  
(j) Total receipts from 1st November 1884 to 21st March 1885.

SIMIA.

FRED. FIREBRACE, Major, R.E.,

DEPARTMENT OF FINANCE AND COMMERCE.

Comparative Statement of the Net Indian Sea and Land Customs Revenue (excluding Salt Revenue) for the twelve months of the official year 1885-86 and of the fourteen preceding years.  
(IN THOUSANDS OF RUPEES.)

YEAR.	FOR THE TWELVE MONTHS, APRIL TO MARCH.										TOTAL BRITISH INDIA.					YEAR.										
	BENGAL.			BOMBAY.			SINDH.			MADRAS.			BRITISH BURMA.				TOTAL BRITISH INDIA.									
	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	Total Revenue.							
1871-72.	10,52	70,05	24,64	1,06,11	6,32	48,75	4,66	59,73	1,10	1,35	2,44	4,89	3,74	12,57	14,31	30,62	1,82	4,60	23,83	30,25	23,50	1,38,22	1,61,72	63,88	2,31,60	1871-72.
1872-73.	11,95	68,43	27,16	1,07,54	5,87	46,08	3,79	55,74	1,07	1,22	2,02	4,31	4,01	12,15	12,25	28,81	3,01	5,30	35,44	43,75	25,91	1,33,58	1,59,49	80,66	2,40,15	1872-73.
1873-74.	11,23	65,00	21,19	97,51	6,71	51,69	4,34	62,74	1,30	1,00	1,40	3,70	3,79	14,02	15,20	33,01	3,40	5,49	31,74	39,63	26,43	1,37,29	1,63,72	72,87	2,36,59	1873-74.
1874-75.	12,10	76,03	19,42	1,07,57	7,59	51,92	5,44	64,95	1,22	1,00	1,70	3,04	3,79	13,22	14,22	31,22	3,86	6,80	20,26	36,02	28,53	1,48,99	1,77,52	67,06	2,44,58	1874-75.
1875-76.	12,71	72,96	20,94	1,06,61	8,17	50,29	4,43	62,89	1,37	1,02	1,20	3,59	4,81	13,44	11,79	30,04	3,77	5,46	34,03	43,26	30,83	1,43,17	1,74,00	72,39	2,46,39	1875-76.
1876-77.	13,32	66,58	21,52	1,01,42	8,58	43,03	1,20	53,80	1,49	75	38	2,62	5,55	11,53	6,55	23,03	4,24	5,81	31,59	41,44	33,18	1,28,90	1,62,08	61,13	2,23,21	1876-77.
1877-78.	14,28	80,86	21,02	1,16,16	8,58	49,56	1,51	59,65	1,87	89	48	3,24	6,00	10,13	2,81	18,34	4,93	6,76	29,32	41,01	35,66	1,48,20	1,83,86	53,14	2,39,00	1877-78.
1878-79.	13,40	63,09	20,78	97,36	8,54	44,51	1,53	55,38	1,96	59	36	2,91	5,40	9,20	5,14	19,84	6,96	7,21	33,16	47,33	36,35	1,24,70	1,61,05	61,97	2,23,02	1878-79.
1879-80.	12,47	59,45	15,48	87,40	9,47	40,53	1,57	52,97	3,46	75	38	4,59	5,02	9,17	8,43	22,62	8,31	7,40	37,24	52,95	38,73	1,17,30	1,56,03	61,10	2,20,13	1879-80.
1880-81.	13,23	59,23	17,27	89,73	9,04	56,07	2,81	67,72	5,04	1,25	26	6,75	5,21	10,43	8,34	23,98	5,37	8,74	42,90	57,01	37,89	1,33,72	1,73,61	71,58	2,45,19	1880-81.
1881-82.	13,55	47,66	19,41	80,62	10,47	45,19	2,66	57,72	4,01	1,24	51	5,76	5,01	9,20	4,93	19,20	7,53	7,69	47,88	63,10	40,57	1,10,98	1,51,55	74,85	2,26,40	1881-82.
1882-83.	14,31	17	20,11	34,59	10,49	—	2,02	11,55	3,42	5	62	4,90	5,44	8	4,37	9,89	8,18	8	54,44	62,70	41,84	—	41,26	81,56	1,22,82	1882-83.
1883-84.	14,44	45	18,71	33,60	10,97	55	1,81	13,53	3,66	5	60	4,31	4,89	10	6,07	11,96	8,11	13	43,44	51,68	42,07	1,28	43,35	70,63	1,13,98	1883-84.
1884-85.	12,59	34	15,40	28,33	11,09	52	2,16	13,77	4,02	6	65	4,73	4,84	4	4,68	9,56	7,57	7	34,68	42,32	45,11	1,03	41,14	57,57	98,71	1884-85.
1885-86.	13,32	24	17,49	31,04	12,09	55	1,59	14,23	4,36	8	97	5,41	5,02	12	5,86	9,00	6,96	8	48,11	55,15	41,75	1,07	42,82	72,01	1,14,83	1885-86.

\* The amount refunded is greater than the duty collected.

DEPARTMENT OF FINANCE AND COMMERCE,

STATISTICAL BRANCH;

Calcutta, 20th April 1886.

D. M. BARBOUR,  
Secretary to the Government of India.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 18. } SIMLA, SATURDAY, MAY 1, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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PART III.—Advertisements and Notices by private individuals and Corporations.

PART IV.—Acts of the Governor General's Council assented to by the Governor General:—

*Nothing for publication.*

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22:—

*Nothing for publication.*

SUPPLEMENT No. 18.

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### LEGISLATIVE DEPARTMENT.

#### NOTIFICATION.

*Simla, the 30th April, 1886.*

No. 8.—In exercise of the power conferred by the Statute 24 & 25 Vic., Cap. 67, Section 17, the Governor-General in Council has been pleased to appoint Thursday, the 6th May, 1886, at 11 A.M., as the time, and the Council Chamber in the Viceregal Lodge, Simla, as the place, for a meeting of the Council of the Governor-General for the purpose of making Laws and Regulations.

S. HARVEY JAMES,

*Offg. Secretary to the Government of India.*

### HOME DEPARTMENT.

#### NOTIFICATIONS.—PUBLIC.

*Simla, the 29th April, 1886.*

No. 591.—Under Section 27 of the Indian Arms Act, 1878, the Governor-General in Council is pleased to exclude gun-wads, wire cartridges, and bullets from the operation of Section 6 of that Act. Bullets, however, will be

subject to the restrictions placed on lead by paragraph IV (b) of Home Department Notification No. 518, dated the 6th March, 1879.

#### ESTABLISHMENTS.

*The 30th April, 1886.*

No. 133.—Mr. G. D. Burgess, C.S., Secretary to the Chief Commissioner of British Burma and officiating Commissioner of the Arakan Division, is confirmed in the appointment of Commissioner of a division, with effect from the 1st April, 1886, the date on which the services of Colonel E. B. Sladen were replaced at the disposal of the Military Department of the Madras Government.

Mr. E. S. Symes, C.S., Junior Secretary and officiating Secretary to the Chief Commissioner of British Burma, is confirmed in the latter appointment, with effect from the above date.

#### MUNICIPALITIES.

*The 30th April, 1886.*

No. 47.—For the second proviso in the Notification of the Government of India, Home Department, No. 52, dated the 10th April, 1884 (Municipalities), relating to the levy of the Town

Fund assessment in the Hyderabad Assigned Districts in places where Municipalities have not been regularly constituted under Act IV of 1873, the Governor-General in Council is pleased to direct that the following shall be substituted, namely:—

“Provided also that, in the computation of the income to be assessed, there shall be deducted from the full annual income of the assessee (a) the sum of two hundred rupees, being the minimum assessable income under these rules; and (b) subject to any conditions and restrictions which the Resident may prescribe in this behalf, such portion, if any, not exceeding one-sixth of the full annual income as is paid by the assessee in respect of life-insurance, pension, or provident funds.”

#### EDUCATION.

*The 30th April, 1886.*

**No. 135.**—Under Section 12 of Act II of 1857, the Governor-General in Council is pleased to authorise the affiliation of the Morris College, Nagpur, to the Calcutta University in Law, with effect from the 29th January, 1886.

A. P. MACDONNELL,

*Offg. Secretary to the Government of India.*

#### FOREIGN DEPARTMENT.

##### NOTIFICATIONS.—GENERAL.

*Simla, the 27th April, 1886.*

**No. 877 G.**—Mr. A. Wingate, C.I.E., C.S., Settlement Officer in Meywar, is appointed to officiate temporarily as a Resident of the 2nd Class, and as Resident in Meywar, with effect from the date of assuming charge.

*The 29th April, 1886.*

**No. 900 G.**—The following Regulations which have been recently revised by command of Her Majesty the Queen-Empress of India are published for general information:—

##### REGULATIONS RESPECTING FOREIGN ORDERS.

1. No subject of Her Majesty shall accept a Foreign Order from the Sovereign of any foreign country, or wear the Insignia thereof, without having previously obtained Her Majesty's permission to that effect, signified by a Warrant under Her Royal Sign-Manual.

2. Excepting in the case of Special complimentary Missions to Foreign Sovereigns, such permission shall not be granted to any Subject of Her Majesty unless the Foreign Order shall have been conferred in consequence of active and distinguished Service before the Enemy, either at Sea or in the Field; or unless he shall have been actually and entirely employed, beyond Her Majesty's dominions, in the service of the Foreign Sovereign by whom the Order is conferred.

3. The intention of a Foreign Sovereign to confer upon a British Subject the Insignia of an

Order must be notified to Her Majesty's Principal Secretary of State for Foreign Affairs, either through the British Minister accredited to the Court of such Foreign Sovereign, or through His Minister accredited at the Court of Her Majesty.

4. If the service for which it is proposed to confer the Order has been performed during War, the Notification required by the preceding clause must be made not later than two years after the exchange of the ratifications of a Treaty of Peace.

If the service has been performed in time of Peace, the Notification must be made within two years after the date of such service.

5. After such Notification shall have been received, Her Majesty's Principal Secretary of State for Foreign Affairs shall, if the case comes within the conditions prescribed by the present Regulations, and arises from Naval or Military Services before the Enemy, refer it to Her Majesty's Principal Secretary of State for the War Department, previously to taking Her Majesty's pleasure thereupon, in order to ascertain whether there be any objection to Her Majesty's permission being granted.

A similar reference shall also be made to the Commander-in-Chief if the application relates to an Officer in the Army, or to the Lords of the Admiralty if it relates to an Officer in the Navy.

6. When Her Majesty's Principal Secretary of State for Foreign Affairs shall have taken the Queen's pleasure on any such application, and shall have obtained Her Majesty's permission for the person in whose favor it has been made to accept the Foreign Order, and wear the Insignia thereof, he shall signify the same to Her Majesty's Principal Secretary of State for the Home Department, in order that he may cause the Warrant required by Clause 1 to be prepared for the Royal Sign-Manual.

When such Warrant shall have been signed by the Queen, a Notification thereof shall be inserted in the "Gazette," stating the service for which the Foreign Order has been conferred.

7. The Warrant signifying Her Majesty's permission may, at the request and at the expense of the person who has obtained it, be registered in the College of Arms.

8. Every such Warrant as aforesaid shall contain a Clause providing that Her Majesty's license and permission does not authorise the assumption of any style, appellation, rank, precedence, or privilege appertaining to a Knight Bachelor of Her Majesty's Realm.

9. When a British subject has received the Royal permission to accept a Foreign Order, he will at any future time be allowed to accept the Decoration of a Higher Class of the same Order, to which he may have become eligible by increase of rank in the Foreign Service, or in the Service of his own country; or any other distinctive mark of honor strictly consequent upon the acceptance of the original Order, and common to every person upon whom such Order is conferred.

10. The preceding Clause shall not be taken to apply to Decorations of the Guelphic Order, which were bestowed on British subjects by Her Majesty's predecessors, King George IV. and

King William IV., on whose heads the Crowns of Great Britain and of Hanover were united.

Decorations so bestowed cannot properly be considered as rewards granted by a Foreign Sovereign for services rendered according to the purport of Clause 2 of these Regulations. They must be rather considered as personal favors bestowed on British Subjects by British Sovereigns, and as having no reference to services rendered to the Foreign Crown of Hanover.

*Foreign Office, February 3rd, 1886.*

### REGULATIONS RESPECTING FOREIGN MEDALS.

1. Applications for permission to accept and wear Medals which, not being the decoration of any Foreign Order, are conferred by a Foreign Sovereign on British Subjects in the Army or Navy, should be addressed to the Commander-in-Chief or the Lords of the Admiralty, as the case may be, who, if they see fit, may submit the same for Her Majesty's sanction, upon obtaining which they may grant such permission without other formality.

2. Any other British subject, having obtained Her Majesty's permission, is at liberty to accept and wear a Foreign Medal, not being the Decoration of a Foreign Order.

3. No permission is necessary for accepting a Foreign Medal, if such medal is not to be worn.

*Foreign Office, August, 1885.*

**No. 901 G.**—Captain G. E. Money, officiating 2nd Squadron Commander, 1st Regiment, Central India Horse, is appointed to officiate as Political Assistant at Coona, in addition to his other duties, with effect from the 8th April, 1886, during the absence on privilege leave of Colonel M. G. Gerard, C.B., or until further orders.

**No. 908 G.**—Major F. H. Jackson, Assistant to the Governor-General's Agent at Baroda, in charge of the Amreli Mahals, and Superintendent of His Highness the Gaekwar's Contingent in Kathiawar, was a Resident of the 2nd Class, and Governor-General's Agent at Baroda, sub. *pro tem.*, from the 4th March to the 11th April, 1886, inclusive;

Lieutenant-Colonel W. Scott, Assistant to the Governor-General's Agent at Baroda, in charge of the Okhamandal District, and Commandant of the Wagheer Corps, was sub. *pro tem.* Assistant to the Governor-General's Agent at Baroda, in charge of the Amreli Mahals and Superintendent of His Highness the Gaekwar's Contingent in Kathiawar, *vice* Major Jackson, and

Mr. W. Barr, Adjutant of the Okhamandal Battalion, was sub. *pro tem.* Assistant to the Governor-General's Agent at Baroda, in charge of the Okhamandal District, and Commandant of the Wagheer Corps, *vice* Lieutenant-Colonel Scott, during the same period.

**No. 911 G.**—Mr. J. R. FitzGerald, C.S., First Assistant to the Resident at Hyderabad, officiated as Resident of the 1st Class, and as Resident at Hyderabad, in addition to his own duties, from the 7th to the 11th April, 1886, inclusive.

**No. 913 G.**—Surgeon A. Adams, M.D., Agency Surgeon, Western Rajputana States Residency, is granted privilege leave for ninety days, with effect from the 13th May, 1886, or date of departure.

### INTERNAL.

*The 28th April, 1886.*

**No. 1367 I.**—The Governor-General in Council has received with much satisfaction the intelligence that Her Highness the Begam of Bhopal has abolished all transit duties hitherto levied on that portion of the Bhopal-Ashita-Indore road, which runs through Her Highness's territories.

**No. 1374 I.**—Under the provisions of Clause I, Section 94 of Acts 44 and 45 Victoria, Chapter 58 (The Army Act, 1881), the Governor-General in Council is pleased to appoint the Revd. F. E. Cameron, Chaplain of All Saints Church at Trimulgherry, to be a Justice of the Peace for the purpose of attesting soldiers in the Cantonment of Secunderabad.

*The 30th April, 1886.*

**No. 1398 I.**—Notifications by the Government of the Punjab, dated the 7th April, 1886:—

*"Home Department. Judicial.*

*The 7th April, 1886.*

**No. 396.**—With the sanction of the Governor-General in Council, the following Acts are declared, under the provisions of Section 3 of Act XIV of 1874, to be in force in the Scheduled District of Lahul in the Punjab:—

1836:	XXVI.—Governor-General's Camp Police.
1837:	IV.—Powers to acquire land.
1838:	XXV.—Wills executed before 1st January, 1800.
1839:	XXXII.—Interest.
1841:	XIX.—Curator in cases of succession.
1843:	V.—Slavery.
1847:	XX.—Copyright.
1850:	XVIII.—Protection of Judicial Officers.
1850:	XXI.—Non-forcible of rights by loss of caste.
1850:	XXXIV.—Custody of State prisoners.
1850:	XXXVII.—Enquiries into behaviour of public servants.
1851:	VIII.—Tolls on public roads and bridges.
1852:	XXX.—Naturalization of aliens.
1852:	XXXIII.—Enforcement of judgments beyond jurisdiction, &c.
1853:	II.—Burial on land.
1854:	XXVI.—Education of male minors, &c.
1855:	XII.—Executors and Administrators.
1855:	XXVIII.—Interest.
1850:	XV.—Marriage of Hindu widows.
1857:	XI.—Offences against the State.
1858:	XXXV.—Care of the estates of lunatics.
1858:	XXXVI.—Lunatic Asylums.
1858:	XL.—Care of person and property of minor.
1858:	III.—Arrest and detention of prisoners.
1860:	XXVII.—Collections of debts on succession.
1861:	IX.—Minors.
1863:	XXIII.—Claim to waste lands.
1863:	XXXI.—Gazette of India.
1864:	III.—Foreigners.
1864:	VI.—Whipping.
1864:	XV.—Toll on public roads and bridges.
1866:	XXI.—Disposal of marriage of converts.
1869:	XV.—Prisoners Testimony Act.

**No. 397.**—With the sanction of the Governor-General in Council, the following Acts are declared, under the provisions of Section 3 of

Act XIV of 1874, not to be in force in the Scheduled District of Láhul in the Punjab:—

- 1839: XXX.—Inheritance when descent took place before 1st January, 1866.  
 1839: XXIX.—Dowers when the marriage was contracted before 1st January, 1866.  
 1841: XI.—Military Courts of Request.  
 1842: IX.—Lease and re-lease.  
 1842: XII.—Military Bazzars.  
 1850: XIX.—Binding of apprentices.  
 1853: XIX.—Recruiting witnesses.  
 1854: XXXI.—Barrage embank, &c.  
 1855: XI.—Mesne profits and improvements.  
 1855: XXIII.—Administration of mortgaged estates, &c.  
 1855: XXIV.—Penal servitude.  
 1856: XI.—Desertion by European Soldiers.  
 1857: XXV.—Forfeiture by Mutineers.  
 1859: XV.—Patents.

- 1859: III.—Cantonment Joint Magistrates.  
 1859: IX.—Claims to forfeited property.  
 1860: XXI.—Registration of Societies.  
 1862: III.—Government Seal.  
 1863: XVI.—Excise duty on spirits used in arts.  
 1865: XI.—Small Cause Court.  
 1865: XXI.—Intestate succession among Parsis.  
 1865: XV.—Parsis' Marriage and Divorce.  
 1865: III.—Common carriers.  
 1866: V.—Bills of Exchange.  
 1866: XXVIII.—Trustees and Mortgagees' powers.  
 1867: XXV.—Printing Presses, &c.  
 1870: I.—Quarantine.

W. M. YOUNG,  
 Secretary to Government, Punjab."

H. M. DURAND,  
 Secretary to the Government of India.



## DEPARTMENT OF FINANCE AND COMMERCE.

## NOTIFICATIONS.

## ACCOUNTS AND FINANCE.

Simla, the 27th April, 1886.

No. 148.—*Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.*  
 March 1886. (Lakhs of Rupees.)

	IN MARCH.		TO END OF MARCH.		WHOLE YEAR.	
	1885-86.	1884-85.	1885-86.	1884-85.	Revised, 1885-86.	Actuals, 1884-85.
<b>Civil Revenue.</b>						
Land Revenue (including Land Revenue due to Irrigation).	4,73	4,36	23,15	22,24	22,03	22,30
Opium	84	70	8,05	8,82	8,91	8,82
Salt	05	08	0,34	0,51	0,31	0,51
Stamps	34	34	3,00	3,01	3,05	3,01
Excise	44	41	4,15	4,01	4,12	4,01
Provincial Rates	40	36	2,98	2,79	2,88	2,79
Customs	21	18	1,20	1,03	1,15	1,03
Assessed Taxes	1	2	50	51	51	51
Forest (Madras and Bombay only)	12	2	44	30	42	39
Registration	3	3	31	29	30	29
Tribute from Native States	10	16	71	70	60	70
Other Civil Revenue	32	30	3,40	2,92	3,28	3,15
<b>TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT: GROSS</b>	<b>8,28</b>	<b>7,62</b>	<b>55,79</b>	<b>53,73</b>	<b>55,15</b>	<b>54,11</b>
<b>Civil Expenditure.</b>						
Interest on Ordinary Debt and that on Productive Public Works	— 25	— 24	— 3,81	— 3,78	— 3,80	— 3,78
Opium	— 6	— 9	— 3,05	— 2,97	— 3,10	— 2,96
Exchange on transactions with London	— 50	— 52	— 2,36	— 3,37	— 3,48	— 3,44
Other Civil Expenditure	— 2,89	— 2,62	— 22,25	— 20,28	— 22,15	— 21,20
<b>TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT: GROSS</b>	<b>— 3,70</b>	<b>— 3,47</b>	<b>— 31,47</b>	<b>— 30,40</b>	<b>— 32,53</b>	<b>— 31,38</b>
<b>Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.</b>						
[The figures comprising Revenue, Expenditure, and Debt and Remittance transactions.]						
Post Office (Net: + Receipts more, — Receipts less, than issues)	+ 31	+ 1	+ 80	+ 57	+ 58	+ 62
Forest, Telegraph, Marine (Net as above)	+ 2	— 9	— 3,3	— 25	+ 26	— 21
Guaranteed and Subsidized Railways (Net as above)	+ 40	+ 57	+ 4,95	+ 4,70	+ 4,91	+ 4,83
Do. Repayment of surplus profits, &c.	—	— 2	— 45	— 40	— 41	— 46
Military Receipts	+ 15	+ 15	+ 1,00	+ 81	+ 1,05	+ 99
Military issues	— 1,23	— 1,40	— 14,72	— 12,31	— 14,33	— 12,30
Public Works Department:						
State Railways Receipts	+ 53	+ 30	+ 4,18	+ 3,42	+ 3,59	+ 3,29
State Railways Issues	— 68	— 77	— 5,88	— 5,84	— 5,73	— 5,73
East Indian Railway Receipts	+ 40	+ 40	+ 4,18	+ 3,92	+ 4,31	+ 4,31
East Indian Railway Issues	— 13	— 12	— 1,35	— 1,43	— 1,83	— 1,83
Ordinary Branches Receipts	+ 19	+ 20	+ 1,00	+ 1,83	+ 1,87	+ 1,87
Ordinary Branches Issues	— 1,02	— 1,06	— 7,53	— 7,17	— 4,08	— 7,23
<b>TOTAL NON-CIVIL DEPARTMENTS</b>	<b>— 1,00</b>	<b>— 1,77</b>	<b>— 13,31</b>	<b>— 12,12</b>	<b>— 13,22</b>	<b>— 11,04</b>
<b>Civil Debt and Remittance Transactions.</b>						
Permanent Debt (Net: + Receipts more, — Receipts less, than payments)	—	+ 1	— 6	— 1	— 6	— 1
Mint Certificates and Bullion Advances (Net as above)	— 1	—	+ 17	+ 18	+ 13	+ 11
Council Bills paid (including Telegraphic) at Rs. 10 per £	— 2,48	— 2,01	— 11,17	— 12,68	— 10,87	— 12,09
Other Debt heads (Net as above)	— 9	+ 5	+ 25	+ 64	+ 1,26	+ 1,14
<b>TOTAL DEBT AND REMITTANCE TRANSACTIONS</b>	<b>— 2,58</b>	<b>— 1,95</b>	<b>— 10,81</b>	<b>— 11,87</b>	<b>— 9,54</b>	<b>— 11,45</b>
<b>GRAND TOTAL RECEIPTS AND ISSUES</b>	<b>+ 94</b>	<b>+ 43</b>	<b>+ 20</b>	<b>— 66</b>	<b>— 14</b>	<b>— 66</b>
Opening Cash Balance in Treasuries and Presidency Banks	11,80	12,11	12,54	13,20	12,54	13,20
Closing Cash Balance in Treasuries and Presidency Banks	12,74	12,54	12,74	12,54	12,40	12,54

[For the explanation of these heads, see *Gazette of India*, dated 22nd December, 1883, Part I, page 497.]

**LEAVE AND APPOINTMENTS.***The 28th April, 1886.*

**No. 470.**—Mr. E. S. Byrne, Deputy Auditor General, having been granted privilege leave for three months, made over charge of his duties after noon on the 17th April, 1886.

*The 30th April, 1886.*

**No. 486.**—The gentlemen nominated to be members of the Finance Committee assumed charge of their duties on the dates stated below:—

*President:*

Mr. C. A. Elliott,—March 2nd, before noon.

*Members:*

The Hon'ble Mr. Justice Cunningham,—March 16th, before noon.

Lieutenant-Colonel A. J. Filgate, R.E.,—April 10th, before noon.

The Hon'ble Mr. W. W. Hunter, April 12th, before noon.

Mr. R. Hardie,—April 3rd, before noon.

Mr. J. Westland,—March 27th, before noon.

Hon'ble Rao Bahadur Mahadeo Govind Ranade,—April 21st, before noon.

Mr. H. W. Bliss,—April 19th, after noon.

Mr. S. Jacob assumed charge of the duties of Secretary to the Committee before noon on the 15th March, 1886.

**No. 488.**—Mr. E. Gay, officiating Comptroller and Auditor General and Head Commissioner of Paper Currency, having been granted privilege leave for three months, and the following appointments having been made during his absence,—

Mr. E. F. T. Atkinson to officiate as Comptroller and Auditor General and Head Commissioner of Paper Currency;

Mr. E. W. Kellner to officiate as Accountant General, Bengal;

Mr. C. R. C. Kiernander to officiate as Deputy Comptroller General; and

Mr. J. E. Cooke to officiate as Comptroller of India Treasuries,—

Mr. Gay made over charge of the duties of Comptroller and Auditor General and Head Commissioner of Paper Currency;

Mr. Atkinson made over charge of the duties of Accountant General, Bengal, and assumed charge of those of Comptroller and Auditor General and Head Commissioner of Paper Currency;

Mr. Kellner made over charge of the duties of Deputy Comptroller General, and assumed charge of those of Accountant General, Bengal;

Mr. Kiernander made over charge of the duties of Comptroller of India Treasuries, and assumed charge of those of Deputy Comptroller General; and

Mr. Cooke made over charge of the duties of Deputy Auditor General, and assumed charge of those of Comptroller of India Treasuries,

on the afternoon of the 20th April, 1886.

**CODES.***The 30th April, 1886.***No. 532.****CIVIL PENSION CODE.**

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*Section 140.*

*Insert the following as Rule 3 under this Section:—*

"3. Members of the Police Force serving in the Beluchistan Agency, although the Force is not constituted under any Act of Legislature, are entitled to receive pensions and gratuities under the Rules contained in this Chapter."

**ASSESSED TAXES.****INCOME TAX.***The 27th April, 1886.*

**No. 434.**—In exercise of the powers conferred by Section 6 of Act II of 1886, the Governor-General in Council is pleased to exempt from liability to the tax payable under the said Act the income of Universities or other Associations or bodies existing solely for educational purposes and of Local Authorities, as defined in Section 3, Clause (1); of the Act.

**D. M. BARBOUR,***Secretary to the Government of India.***MILITARY DEPARTMENT.***Simla, the 30th April 1886.***APPOINTMENTS.****No. 268.—COMMISSARIAT DEPARTMENT—**

Captain A. D. Enriquez, Bengal S. C., Wing Officer, 16th Bengal Infantry, to officiate as Sub-Assistant Commissary-General for Transport, 2nd class, *vice* Lieutenant W. E. Hill, Bengal S. C., who has rejoined the 18th Bengal Infantry. Dated 21st January, 1886.

**No. 269.—MEDICAL DEPARTMENT—**

Brigade-Surgeon T. N. Hoysted, Medical Staff, to officiate on the Administrative Medical Staff of the Army, with the temporary rank of Deputy Surgeon-General, *vice* Deputy Surgeon-General R. Webb, on leave. Dated 13th April, 1886.

**No. 270.—STAFF CORPS—**

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Secretary of State for India:—

Lieutenant Harry Francis Holland, Dorsetshire Regiment, Wing Officer, 24th Bengal Infantry,—27th December, 1884.

Lieutenant Herbert Lionel Showers, Norfolk Regiment, officiating Wing Officer, 17th Bengal Infantry. Dated 12th February, 1885.

## VOLUNTEER CORPS.

*1st Punjab Volunteer Rifle Corps.*

**No. 271.**—Mr. F. J. Raynor to be Lieutenant, to complete the establishment.

Surgeon F. F. Perry to be Honorary-Surgeon, *vice* Surgeon-Major Lawrie, who vacates the appointment on transfer.

The Reverend F. J. Montgomery to be Honorary-Chaplain, to complete the establishment.

*3rd, or Sind, Punjab and Indus Valley Railway Volunteer Rifle Corps.*

**No. 272.**—Mr. C. F. White to be Lieutenant, to complete the establishment.

## FURLOUGH AND LEAVE.

**No. 273.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant H. Mansfield, Bengal S. C., Assistant Commissary-General, 4th class, (m. c.) for one year, under rule I of the regulations of 1875.

Surgeon-Major H. K. M'Kay, (u. p. a.) for ninety-one days, under rule XI of the regulations of 1868.

**No. 274.**—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Surgeon-Major P. Cullen, M.D., (m. c.) for six months.

Sub-Conductor J. Owens, Public Works Department, (m. c.) for six months.

**No. 275.**—In G. G. O. No. 245 of 1886, *after* "Conductor O. Maguire, Ordnance Department," read "(m. c.) for six months."

## PROMOTIONS.

**No. 276.**—ORDNANCE DEPARTMENT—

Sub-Conductor Michael Donaghue, on probation, is confirmed in his present grade, with effect from the 16th September, 1885.

## RETIREMENTS.

**No. 277.**—Captain Alexander James Corse-Scott, Bengal S. C., half pay list, has been permitted to retire from the service, with effect from the 4th March, 1886, subject to Her Majesty's approval.

## REWARDS.

**No. 278.**—ORDER OF MERIT—

The Governor-General in Council is pleased to admit No. 3173, Sepoy Ramparshad Doobay, 11th Bengal Infantry, to the 3rd

Class of the Order of Merit, for conspicuous gallantry, in the attack on the stockade at Minbla, Upper Burma, on the 17th November, 1885.

## VOLUNTEER CORPS.

**No. 279.**—His Excellency the Governor-General in Council has approved of the "Sibsagar Mounted Rifles" being in future designated the "Sibsagar Mounted Infantry."

## MARINE DEPARTMENT.

## FURLOUGH AND LEAVE.

**No. 21.**—The undermentioned officers of H. M.'s Indian Marine have been granted extension of furlough (m. c.) for six months by the Secretary of State for India:—

Captain W. C. Hotham.

Mr. J. Balbi, Engineer.

Mr. B. Ashburner, 3rd grade officer.

O. R. NEWMARCH, *Colonel,*  
*Offg. Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 27th April, 1886.*

**No. 113.**—Mr. M. H. Maw, Assistant Engineer, 2nd grade, State Railways, is permitted to retire from the service under Sections 100 and 113 (a) of the Civil Pension Code.

*The 28th April, 1886.*

**No. 114.**—Mr. A. Sprenger, Executive Engineer, 1st grade, Assam, temporarily employed on State Railways, is transferred from the Establishment under the Director General of Railways to that under the Chief Commissioner of British Burma.

**No. 115.**—Mr. E. H. Clementson, Assistant Engineer, 1st grade, State Railways, is transferred from the Establishment under the Government of Bengal to that under the Chief Commissioner of British Burma.

W. S. TREVOR, *Colonel,*  
*Secretary to the Government of India*



**GOVERNMENT OF INDIA.**  
**REVENUE AND AGRICULTURAL DEPARTMENT.**

**REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE  
WEEK ENDING 28th APRIL, 1886.**

**GENERAL REMARKS.**—More rain has been reported from Assam, and there have also been showers in places in the south of the peninsula. With the exception of the Rawalpindi and Peshawar districts of the Punjab, no rain has fallen in Upper and Central India.

In Madras and, except in the Kolar district, in Mysore the standing crops are generally in good condition, and the harvest in progress promises a fair outturn. In Coorg prospects are good.

The *rabi* harvest and the picking of cotton have been nearly completed in Bombay, and preparations for the *kharif* have commenced in that Presidency and in Berar. In Hyderabad, Central India, and Rajputana prospects are generally favourable, though water is scarce in places.

In the Central Provinces the *rabi* is being threshed and winnowed, and ploughing for the *kharif* has begun in places. The *rabi* harvest is in progress in the Punjab, and has been nearly completed in the North-Western Provinces and Oudh. Prospects are good in both Provinces.

In Bengal generally rain is much wanted for crops on the ground and for *aus* cultivation. The *boro* rice is being harvested, with a good outturn. In Assam ploughing and sowing are in progress, and prospects are generally favourable.

The public health is generally fair, though small-pox and cholera are reported from most Provinces.

• Prices are rising in the Umballa, Ferozepore, and Lahore districts of the Punjab and in Coorg, and are falling in Peshawar. Elsewhere they are generally steady.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(April 28th)</b>		
Bellary . . . .	Nil	Standing dry crops generally good, and wet crops in parts of two taluks generally good, but water insufficient to support them; harvest cotton, <i>cholum</i> and sugarcane, outturn cotton average, rest about average. Cattle-disease in two taluks.
Kurnool . . . .	105	Standing second crops paddy good; harvest paddy and cotton, yield paddy average, cotton below average. Small-pox in three and cattle-disease in four taluks.
Ganjam . . . .	Nil	Slight small-pox in five, fever in three, and cattle-disease in six taluks; cholera prevailing. Average number employed on Chalka canal 364; desertion of coolies due to cholera.
Kistna . . . .	Nil	Slight fever and small-pox; cholera in five taluks and two divisions.
Chingleput (Madras) .	Nil	Standing crops generally fair, except in parts of one taluk, where they are withering. Harvest paddy and <i>ragi</i> , yield below average. Cattle-disease in one taluk.
Coimbatore . . . .	Average 118	Standing crops good; harvest paddy and <i>cholum</i> , outturn paddy generally above average, <i>cholum</i> average. Fever in one and slight small-pox in parts of four taluks.
Tanjore . . . .	Nil	Standing crops generally good, except in one taluk, where rain is wanted. Harvest wet and dry crops, outturn below average.
Madura . . . .	Average 112	Harvest paddy, yield about average. Slight small-pox in one and fever in two taluks.
Malabar . . . .	Average 148	More rain wanted for third crop cultivation. Fever in one, slight small-pox in nine, and cholera in three taluks.
Travancore . . . .	136	Small-pox and fever in parts. <i>General Remarks.</i> —General prospects fair.
<b>Bombay—(April 28th)</b>		
Kurrachee . . . .	Nil	River at Kotri on 25th, 8 feet 1 inch against 12 feet 2 inches on same date last year. Fever in six and cattle-disease in three talukas; one remaining case of small-pox recovered. Prices—wheat, red rice, and <i>bajri</i> in Kurrachee, 20, 30 and 34, in Sakro 31, 38 and 48, in Jui 21, 40 and 42, and in Manjhand 25, 36 and 38 pounds per rupee, respectively.
Hyderabad . . . .	Nil	Harvesting is still going on in some talukas; corn is being removed from fields. River at Kotri on 26th, 7 feet 10 inches against 11 feet 8 inches on same date last year. Fever in three, cattle-disease in one, and small-pox in two talukas. Wheat 25, <i>juari</i> 40, <i>bajri</i> 37½, white rice 19, and red rice 30 pounds per rupee. Days and nights very warm.
Ahmedabad . . . .	Nil	Reaping of <i>rabi</i> crops completed. Public health good. Wheat 35 and <i>bajri</i> 33 pounds per rupee.
Baroda . . . .	Nil	Public health good. Standing crops in good condition. Prices— <i>bajri</i> 28, wheat 23, and rice 18 pounds per rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—contd.</b>		
Surat . . . .	<i>Nil</i>	Cotton-picking almost completed. Slight fever and cough in Bardoli taluka. <i>Juari</i> 38½ and <i>nagli</i> 40 pounds per rupee.
Nasik . . . .	<i>Nil</i>	<i>Rabi</i> threshing nearly completed. Public health generally good. Wheat 31, <i>bajri</i> 38, and rice 20 pounds per rupee.
Colaba (Bombay) . . . .	0·01 on 23rd	Average abnormal temperature <i>nil</i> ; vapour in air excessive; abnormal wind southerly from 23rd to 25th and on 27th, wind normal on all other days; distant lightning on 22nd and 23rd.
Poona . . . .	<i>Nil</i>	Harvesting of <i>rabi</i> almost completed. Small-pox in Sirur and Purandhar talukas. <i>Bajri</i> 35 and <i>juari</i> 45, in Poona <i>bajri</i> 34 and <i>juari</i> 37 pounds per rupee.
Ahmednagar . . . .	<i>Nil</i>	Reaping almost completed. Public health good. <i>Bajri</i> average 40 and <i>juari</i> 61 pounds per rupee.
Sholapur . . . .	<i>Nil</i>	Land being prepared for <i>kharif</i> sowing. Sky clouded and weather very sultry. <i>Juari</i> 55 pounds 32 tolas and <i>bajri</i> 44 pounds 32 tolas per rupee.
Dharwar . . . .	Navalgund, 750; Hangal, 730; Karajgi, 705.	Ground being prepared for early crops; harvesting of late <i>juari</i> and cotton-picking nearly completed. Scarcity of drinking-water in Navalgund, Gadag, Karajgi, and Kod. Cattle-disease in Bankapur; public health good. Rice 22 to 32 and <i>juari</i> 45 to 60 pounds per rupee.
Kanara . . . .	Haliyal, 748	Sugarcane planting in progress; preparing ground for monsoon crop. Fever, cattle-disease, and small-pox prevalent in five talukas. Weather hot and cloudy. Common rice at Karwar 14, in district average 13½ seers per rupee.
Rajkot . . . .	<i>Nil</i>	Weather hot. Health generally good. Wheat 35, <i>bajri</i> 32, and <i>juari</i> 45 pounds per rupee.
<i>General Remarks.</i> Slight rain in parts of Dharwar, Belgaum, and Kanara. Small-pox and cattle-disease in parts of 9 and fever in parts of 8 districts. Other conditions unchanged.		
<b>Bengal—(April 27th)</b>		
Chittagong . . . .	0·18	Weather cloudy, with foggy mornings. Winter crops harvested, outturn fair. Prices stationary. Small-pox continues; fever reported from Cox's Bazar. Public health generally good.
Dacca . . . .	<i>Nil</i>	Prospects of crops favourable; paddy and jute being sown; harvesting of <i>boro</i> paddy commenced. Sporadic cases of cholera reported.
24-Pergunnahs (Calcutta). . . .	<i>Nil</i>	No crops on ground, except sugarcane, which is doing well. Lands being prepared for paddy. Public health generally good.
Moorshedabad . . . .	<i>Nil</i>	Weather hot and seasonable. Ploughing for <i>aus</i> crop suspended. Rain wanted. Sporadic cases of cholera reported. Public health good.
Rungpore . . . .	<i>Nil</i>	Prospect, of <i>aus</i> and jute good, but rain wanted. Sporadic cases of cholera reported from the interior. Bowel complaints increasing.
Burdwan . . . .	<i>Nil</i>	Rain much wanted for <i>aus</i> rice cultivation. Public health fair.
Bhagalpur . . . .	<i>Nil</i>	Rain wanted. Sugarcane only on ground. <i>Mohua</i> crops shorter than expected.
Purneah . . . .	<i>Nil</i>	<i>Rabi</i> outturn very good. Cultivation of jute and <i>bhadai</i> rice delayed for want of rain. Public health good, except in Awarah where cholera prevails.
Patna . . . .	<i>Nil</i>	Reaping of <i>rahur</i> still continues; gathering of castor going on; sowing of <i>cheena</i> progressing. Public health good.
Dhurbhunga . . . .	<i>Nil</i>	Threshing of <i>rabi</i> continues; <i>rahur</i> gathering, with fairly good outturn. Rain urgently wanted for early paddy and <i>moong</i> . Prices rising. Public health good.
Hazaribagh . . . .	<i>Nil</i>	Weather hot and oppressive. <i>Mohua</i> yielding well; no other crops to report about. General health good.
Cuttack . . . .	<i>Nil</i>	Weather hot. Reaping of <i>dahua</i> rice continues; ploughing in progress. Price of rice unchanged. Public health generally good.
Midnapore . . . .	<i>Nil</i>	<i>Boro</i> harvest nearly completed, outturn generally good. Rain wanted. Public health fair.
Khoolna . . . .	<i>Nil</i>	Weather hot. <i>Boro</i> rice harvest continues, ploughing for <i>aus</i> and <i>amun</i> rice going on. A little cholera in Bagirhat; public health fair.
Dinagepore . . . .	<i>Nil</i>	Weather hot. Rain wanted for ploughing. Cholera in several thanas.
Pubna (Serajganj) . . . .	0·27	Crops good. Cholera prevalent at head-quarters.
Gya . . . .	<i>Nil</i>	Sugarcane and <i>cheena</i> in good condition. Prices moderate. Public health good.
Chumparun . . . .	<i>Nil</i>	<i>Rabi</i> harvest nearly completed. Weighment of opium progressing. Prices stationary. Public health good.
<i>General Remarks.</i> Slight rain in Dacca, Pubna, Darjeeling, and parts of Julpaigori, but none in other districts; rain generally much wanted for crops on ground and for cultivation of <i>aus</i> rice and jute. <i>Boro</i> rice being harvested, with generally a good outturn; <i>mohua</i> harvest in Bhagulpore and Chota Nagpur divisions fair. General health good, though cholera prevalent in some places. Price of rice generally almost stationary.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>W. Provinces and Oudh—(April 29th)</b>		
Gorakhpur (April 26th)	<i>Nil</i>	Threshing progressing, outturn good. Opium weighment in progress. Weather hot. Health fair; some small-pox. I stationary.
Fyzabad ( „ 27th)	.....	Weather hot, with westerly wind. Sowing of <i>sawan</i> , <i>ch</i> indigo, and sugarcane commenced. Health of men and i fair.
Allahabad ( „ „ )	<i>Nil</i>	Wind westerly; heat increasing. <i>Rabi</i> crops being stored and sugarcane irrigated; supplies ample. Prices falling slightly. Occasional cases of fever and small-pox, otherwise health good.
Farakhabad ( „ „ )	<i>Nil</i>	Opium weighments commenced, estimated yield 20 per cent. below last year's; grain being threshed out; indigo and cane being irrigated. Health of people fair.
Bareilly ( „ „ )	<i>Nil</i>	Harvest cut; sugarcane sowings going on. Prices steady. Public health normal. Weather clear and hot.
Banda ( „ „ )	<i>Nil</i>	<i>Rabi</i> harvest almost completed; prospects fair. Public health good; cattle-disease in four villages. Prices stationary.
Kumaon ( „ 28th)	<i>Nil</i>	Weather fine. <i>Rabi</i> crops nearly ripe; rice sowing commenced. <i>Mahamari</i> and measles in some villages; cattle-disease on the decrease. Prices falling.
Meerut ( „ 27th)	<i>Nil</i>	Hot westerly wind. <i>Rabi</i> harvest approaching completion; last week's estimate of wheat crop confirmed; it will not be over twelve annas if as much crops on dry land give better returns; indigo and cane sowings in progress, and crops germinating well. Some fever about, otherwise health good. New grain coming into market, but prices unaltered yet.
		<i>General Remarks.</i> —Weather seasonable. Harvesting nearly completed; supplies ample. Prices generally steady. Health of people and condition of cattle generally good.
<b>Punjab—(April 28th)</b>		
Delhi (April 27th)	<i>Nil</i>	Health good. Prices fluctuating.
Hissar . . . . .	<i>Nil</i>	Health good. Prices slightly falling.
Umballa . . . . .	<i>Nil</i>	Health good. Prices rising. Prospects of current harvest good.
Jullundur . . . . .	<i>Nil</i>	Health good. Prices stationary. Prospects of the current harvest good.
Amritsar . . . . .	<i>Nil</i>	Health good. Price stationary. Prospects of current harvest good.
Sialkot . . . . .	<i>Nil</i>	Health good. Prices stationary.
Ferozepore . . . . .	<i>Nil</i>	Health good. Prices rising. Prospects of current harvest average.
Lahore . . . . .	<i>Nil</i>	Health good. Prices slightly rising.
Rawalpindi . . . . .	30	Health good. Prices stationary. Prospects of current harvest average.
Shahpur . . . . .	<i>Nil</i>	Health good. Prices almost stationary. Prospects of current harvest good.
Mooltan . . . . .	<i>Nil</i>	Health good. Prices stationary.
Dera Ismail Khan . . . . .	<i>Nil</i>	Health good. Prices almost stationary. Prospects of current harvest good.
Peshawar . . . . .	10	Health good. Prices falling. Prospects of current harvest good.
		<i>General Remarks.</i> —Rain has fallen in the Rawalpindi and Peshawar districts. Health of the province good. Prices of foodgrains rising in the Umballa, Ferozepore, and Lahore districts, and falling in the Peshawar district; elsewhere stationary. Prospects of current harvest good; harvest in progress.
<b>Central Provinces—(April 28th)</b>		
Nagpur . . . . .	<i>Nil</i>	Weather hot and cloudy. Ground being prepared for <i>kharif</i> sowings. Fever, small-pox and cattle-disease prevalent. Prices stationary.
Jubbulpore . . . . .	<i>Nil</i>	Days hot. Threshing and winnowing well in hand. Health good. Prices steady.
Saugor (April 27th)	<i>Nil</i>	Weather hot and windy. Threshing continues. Prices fallen. Fever and small-pox prevalent.
Seoni . . . . .	<i>Nil</i>	Weather cloudy and hot. Threshing and winnowing in progress; ground being prepared for <i>kharif</i> sowings. Slight small-pox. Prices steady.
Hoshangabad . . . . .	<i>Nil</i>	Weather hot. Winnowing continues. Small-pox and cattle-disease in places. Prices steady.
Khandwa . . . . .	<i>Nil</i>	Weather warm and cloudy. <i>Kharif</i> preparations continue. Health fair. Prices stationary.
Raipur . . . . .	<i>Nil</i>	Weather cloudy and hot. Threshing continues. Cholera increasing; small-pox and cattle-disease in places. Rice 24 seers per rupee.
Sambalpur (April 24th)	<i>Nil</i>	Weather warm. Sugarcane planting completed. Cholera in parts. Trade brisk. Prices stationary.
		<i>General Remarks.</i> —Weather hot and rather cloudy. <i>Kharif</i> ploughings commenced in places. Cholera prevalent in Raipur and small-pox in a few districts. Prices steady.



Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>British Burma—</b> (April 28th)		
Akyab . (April 24th)	<i>Nil</i>	Public health good ; cattle healthy.
Bassein . . . . .	<i>Nil</i>	Slight cholera in town ; cattle healthy.
Rangoon . . . . .	<i>Nil</i>	Public health good ; cattle healthy.
Amherst (Moulmein) . . . . .	<i>Nil</i>	Public health good ; cattle healthy.
Pegu . . . . .	<i>Nil</i>	Public health good ; cattle healthy.
Henzada . . . . .	<i>Nil</i>	Public health good ; cattle-disease in one township.
Prome . . . . .	<i>Nil</i>	Public health and health of cattle good.
Toungoo . . . . .	<i>Nil</i>	Public health and health of cattle good.
Thayetmyo . . . . .	<i>Nil</i>	Public health and health of cattle good.
<i>General Remarks.</i> —Slight cholera in Bassein and Thongwa districts ; elsewhere public health good ; slight cattle-disease in the Tharrawaddy, Henzada, and Amherst districts ; elsewhere cattle healthy.		
<b>Assam—</b> (April 28th)		
Gauhati (April 27th) . . . . .	1.68	Weather hot. Cholera prevalent in station Gauhati and in Luki taluk ; cattle-disease still exists in some mouzas.* Sowing of <i>ahu</i> paddy nearly finished ; planting of sugarcane commenced. State of crops good. Prospects favourable.
Sylhet . . . . .	.56	Weather warm. Ploughing for <i>osra</i> crops retarded for want of rain. Common rice 12 seers $5\frac{1}{4}$ chattraks per rupee. Three deaths from cholera from Sadr and seven from Katigora reported.
Cachar . . . . .	<i>Nil</i>	Weather seasonable. Pressing of sugarcane nearly finished. Sowing of <i>ala dhan</i> continues, and land being prepared for <i>sali dhan</i> . Cholera still prevalent in North Lakhimpur.
Dibrugarh . . . . .	3.52	
<b>Mysore and Coorg—</b> (April 28th)		
Bangalore . . . . .	Rain, varying from 15 to 80, falling in four talukas of the Shimoga district ; but no rain reported in the Mysore and Tumkur districts, and in parts of the Bangalore and Kolar districts.	Rain is needed in Kolar for the coffee plantations. Standing crops need water, and fodder is diminishing ; elsewhere crops are generally in good condition. Season prospects fair. Public health good, except that there are cases of small-pox in some talukas of Bangalore and Tumkur, and cattle-disease in parts of the Bangalore and Shimoga districts. No material change in prices.
Mysore . . . . .		
Mercara . . . . .	<i>Nil</i>	Prices of foodgrains slightly risen. Prospects of season and public health good ; fever prevalent in Nanjarajapattana taluk.
<b>Berar and Hyderabad—</b>		
Amraoti (April 28th) . . . . .	<i>Nil</i>	Weather hot. Fields are being prepared for the next season. Wheat 12 and <i>maul</i> 20 seers per rupee.
Akola . . . . .	<i>Nil</i>	Weather hot. Preparations for the ensuing sowing are being made.
Hyderabad . . . . .	.05	Total rainfall since 1st January last 17. Standing crops prospering. General health of talukas fair. Prices wheat 15 $\frac{1}{4}$ , coarse rice 10 $\frac{1}{2}$ , white <i>maul</i> 21 $\frac{1}{4}$ , yellow <i>maul</i> 12, and <i>gur</i> 15 $\frac{1}{4}$ seers per current sicca rupee.
<b>Central India States—</b> (April 28th)		
Indore . . . . .	<i>Nil</i>	Weather very warm and cloudy.
Morari (Gwalior) . . . . .	<i>Nil</i>	Weather seasonable.
Satna . . . . .	<i>Nil</i>	Weather cloudy and very hot. Health and prospects good.
Necmuh . . . . .	<i>Nil</i>	Weather very warm. Water rather scarce. Health good.
Goona . . . . .	<i>Nil</i>	Weather getting warm. Health good.
Agra . . . . .	<i>Nil</i>	Health and prospects fair.
Schore . . . . .	<i>Nil</i>	Weather clear. Health good.
Nowgong . . . . .	<i>Nil</i>	Weather normal. Days are hotter. Health good.
<b>Rajputana—</b> (April 28th)		
Abu (April 28th) . . . . .	<i>Nil</i>	Weather seasonable and warmer ; latterly slightly cloudy.
Sirohi ( " 25th) . . . . .	<i>Nil</i>	Tanks dry ; wells low. Health good. Weather fine and hot.
Marwar ( " 23rd) . . . . .	<i>Nil</i>	Tanks almost half full. Health good. Crops being gathered. Winds hot ; weather sometimes close and oppressive ; heat increasing. Prices stationary.
Kherwara ( " 25th) . . . . .	<i>Nil</i>	Tanks and wells drying. Crops being reaped ; threshing in progress. Health good. Prices steady. Heat increasing.
Meywar ( " 24th) . . . . .	<i>Nil</i>	Tanks and wells low. Crops gathered. Health very good. Prices stationary. Weather seasonable.
Haroti ( " " ) . . . . .	<i>Nil</i>	Weather hot. Threshing and winnowing in progress. Health good.
Jhallawar ( " 23rd) . . . . .	<i>Nil</i>	Weather hot. Health fair.
Kotah ( " 24th) . . . . .	<i>Nil</i>	Harvest being gathered. Weather hot and seasonable.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Rajputana—contd.</b>		
Ajinere (April 27th)	<i>Nil</i>	Tanks and wells decreasing. Heat increasing. Slight fever and small-pox in district. Reaping operations over.
Jeypore ( " " )	<i>Nil</i>	Harvesting almost completed, fair outturn expected. Prices risen.
Kerowlee ( " 24th)	<i>Nil</i>	Tanks and wells dry. Harvesting finished. Prices rising.
Dholepore ( " " )	<i>Nil</i>	Tank, and wells decreasing. Harvesting finished. Prices stationary. Health good.
Bhugtpore ( " " )	<i>Nil</i>	Tank, and wells full. Harvesting continues. Health good. Prices steady.
Ulwur ( " 27th)	<i>Nil</i>	Harvesting almost completed. Small-pox and fever continue in parts. Prices steady.
Bickanir ( " 24th)	<i>Nil</i>	Fever in two districts. Prices stationary. Weather warmer.
<b>Nepal—(April 23rd)</b>		
Katmandu (April 22nd)	·05	Prospects of the crops good.

C. J. LYALL,

*Officiating Secretary to the Government of India.*

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. LII OF 1885-86.

## APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	RECEIPTS FOR 3 DAYS ENDING 31ST MARCH 1885.		Total mean length open.	RECEIPTS FOR 4 DAYS ENDING 31ST MARCH 1886.		TOTAL RECEIPTS FROM 1ST APRIL 1884 TO 31ST MARCH 1885.		TOTAL RECEIPTS FROM 1ST APRIL 1885 TO 31ST MARCH 1886.		Total Increase in 1885-86.	Total Decrease in 1885-86.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		<i>Rs.</i>	<i>Rs.</i>		<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>
3rd April 1886	Oudh and Rohilkhand	608	63,704	105	680	77,956	115	51,30,206	172	57,38,563	176	6,28,267	...
Ditto	Madras	801	71,177	89	801	81,613	95	7,11,814	102	7,77,976	169	3,32,862	...
Ditto	South Indian	654	43,170	66	654	55,520	85	43,9,778	127	48,52,453	134	2,31,675	...
10th April	Great Indian Peninsula	1,504	3,06,255	203	1,504	5,09,681	333	3,59,51,949	447	3,61,32,820	460	10,77,877	...
3rd do.	Bombay, Baroda and Central India	491	1,18,179	250	491	1,73,714	377	1,90,70,488	562	1,90,71,582	538	8,45,094	...
	<b>TOTAL</b>	<b>4,088</b>	<b>6,93,495</b>	<b>169</b>	<b>4,100</b>	<b>8,80,564</b>	<b>214</b>	<b>6,38,77,320</b>	<b>302</b>	<b>6,60,43,100</b>	<b>313</b>	<b>31,15,775</b>	<b>...</b>
	<i>State.</i>												
10th April 1886	East Indian	1,500	4,46,096	296	1,515	5,80,241	383	4,90,70,774	540	4,67,77,685	592	37,56,911	...
3rd April	Eastern Bengal	253	59,179	234	244	47,518	203	57,80,111	476	45,18,770	372	12,31,9...	...
10th do.	Nalhati	27	800	30	27	1,014	38	77,000	83	79,210	56	1,616	...
3rd do.	Northern Bengal	241	17,011	64	241	24,440	98	21,1,114	108	23,3,000	179	1,50,580	...
3rd do.	Kauma Dharla	37	1,407	38	37	744	20	1,1,033	81	1,7,030	66	...	27,21
10th do.	Turboot	240	10,413	73	220	14,383	64	1,0,000	114	1,87,043	100	18,944	...
10th do.	Pitna-Gya	57	5,115	90	57	8,114	147	5,40,837	181	4,01,021	166	...	46,81
10th do.	Cawnpore-Ahmednagar	249	7,000	21	23	12,041	50	9,7,714	75	9,10,119	71	...	32,6
10th do.	Dildarnagar Ghazipur	12	511	43	12	859	47	4,3,34	70	49,413	74	...	9
3rd do.	Raipur-Malwa (a)	1,411	1,28,700	60	1,411	1,88,000	133	1,39,13,39	201	1,64,00,829	224	25,03,593	...
3rd do.	Wardha-Cool	45	7,007	167	45	8,247	183	9,88,773	204	6,39,884	273	...	48,81
3rd do.	Nagpur and Chhatissgarh	149	1,115	142	149	7,446	184	13,73,045	177	14,52,533	187	78,878	...
3rd do.	British Burma	284	29,600	117	317	38,117	117	21,33,118	101	23,78,991	147	2,42,040	...
10th do.	Sonda	75	4,151	55	75	48,19	61	3,3,35	101	3,7,000	97	...	17,20
10th do.	North-Western	1,803	2,94,771	147	1,803	3,00,318	181	2,00,0,731	241	2,81,05,877	303	55,63,148	...
10th do.	Amritsar-Patankot	60	4,47	37	60	4,570	60	1,00,1,3	70	2,00,770	85	63,83	...
10th do.	Bareilly-Pilibhit	30	653	19	30	1,007	18	(b) 20,417	34	7,6,18	42	48,990	...
3rd do.	Nagawangani-Dacca-Mymensingh	10	274	27	86	1,771	21	(c) 27,054	207	1,7,1,117	41	1,05,758	...
13th March	Jorhat	...	(d)	...	...	(e)	...	(f) 1,1,37	13	(f) 3,1,392	16	29,105	...
	<b>TOTAL</b>	<b>10,130</b>	<b>5,60,131</b>	<b>115</b>	<b>5,001</b>	<b>7,11,169</b>	<b>140</b>	<b>5,73,885</b>	<b>206</b>	<b>6,01,41,036</b>	<b>227</b>	<b>74,03,071</b>	<b>...</b>
	<b>GRAND TOTAL (GUARANTEED AND STATE)</b>	<b>10,130</b>	<b>17,06,013</b>	<b>162</b>	<b>10,768</b>	<b>21,80,974</b>	<b>203</b>	<b>17,00,36,034</b>	<b>292</b>	<b>17,38,12,741</b>	<b>311</b>	<b>1,42,75,757</b>	<b>...</b>
	<b>GROSS ESTIMATED EXPENSES</b>							<b>1,1,00,071</b>	<b>170</b>	<b>0,3,54,319</b>	<b>167</b>		
	<b>NET RECEIPTS</b>							<b>7,43,10,613</b>	<b>126</b>	<b>8,05,71,422</b>	<b>144</b>	<b>63,30,500</b>	<b>...</b>
	<i>Assisted Companies.</i>												
3rd April 1886	Bengal-Central.	146	9,801	78	126	6,360	50	5,22,846	80	5,32,511	82	9,665	...
10th do.	Rohilkhand and Kumaon	67	1,741	26	67	3,611	54	(b) 8,833	52	2,43,373	71	1,63,540	...
3rd do.	Assam	78	2,277	29	78	3,485	41	2,28,108	62	2,81,241	69	53,436	...
3rd do.	Southern Malabar	214	5,977	28	316	15,720	50	3,35,814	41	10,00,831	61	6,08,009	...
3rd do.	Bombay and North-Western	398	11,297	37	398	19,609	65	(g) 3,20,939	53	13,87,678	88	10,55,710	...
10th do.	Tarakessur	22	5,097	102	22	5,241	120	(h) 79,812	283	2,0,3,371	221	1,70,559	...
	<b>TOTAL</b>	<b>880</b>	<b>34,063</b>	<b>43</b>	<b>912</b>	<b>52,550</b>	<b>58</b>	<b>15,80,369</b>	<b>59</b>	<b>37,12,297</b>	<b>78</b>	<b>21,26,928</b>	<b>...</b>
	<i>Native States.</i>												
5th April 1886	Bhavnagar-Gondal	193	9,824	51	193	11,789	61	11,10,614	110	9,44,364	94	...	1,66,25
10th do.	Jodhpore	64	708	11	61	2,417	38	80,395	38	1,80,814	50	1,06,440	...
10th do.	Nizam's	121	9,082	75	121	10,150	84	9,78,519	155	11,40,392	182	1,67,873	...
1st 4 days of March 1886	Mysore	140	3,533	25	140	4,460	32	3,80,875	62	4,38,055	60	57,180	...
10th April	Rajpura-Patiala	10	408	20	16	710	45	(j) 18,347	53	55,142	66	30,795	...
	<b>TOTAL</b>	<b>534</b>	<b>23,915</b>	<b>44</b>	<b>534</b>	<b>29,541</b>	<b>55</b>	<b>25,08,720</b>	<b>102</b>	<b>27,70,767</b>	<b>99</b>	<b>2,02,047</b>	<b>...</b>

B.—As regards the figures in column "Total receipts from 1st April to date," audited figures have been availed of as far as possible.

(a) Including Rewari-Ferozepore State Railway.

(b) Total receipts from 12th October 1884 to 31st March 1885.

(c) Total receipts from 4th January to 31st March 1885.

(d) Return not received.

(e) Total receipts from 15th December 1884 to 14th March 1885.

(f) Total receipts from 1st April 1885 to 13th March 1886.

(g) Total receipts from 2nd April 1884 to 31st March 1885.

(h) Total receipts from 1st January to 31st March 1885.

(j) Total receipts from 1st November 1884 to 31st March 1885.

SIMLA,

28th April, 1886.

FRED. FIREBRACE, Major, R.E.,

Under Secretary.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 1, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 15th March 1886.*

From the 10th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the *Gazette*. The annual subscription for the two Parts is **Rs 5** per annum, payable in advance. When sent by post, **Rs 8** per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's *Gazette*.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

*Publisher, Gazette of India.*

### COMPTROLLER, INDIA TREASURIES.

#### NOTIFICATION

*Calcutta, the 28th April 1886*

It is notified that nine blank forms of Remittance Transfer Receipts, Nos 56513 to 56521 inclusive, have been stolen from the Mandalay Treasury.

J. E. COOKE.

**TELEGRAPH DEPARTMENT.****NOTIFICATIONS.***Simla, the 21st April 1886.*

**No. 1.**—Mr. G. Wheatley, Assistant Superintendent, 1st Grade, is allowed furlough for nine months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 25th March 1886.

*The 24th April 1886.*

**No. 2.**—Mr. T. McKelvey, Superintendent, 4th Grade, is allowed furlough for eight months and sixteen days under Section 50 of the Civil Leave Code, with effect from the forenoon of the 21st March 1886.

**A. J. LEPTOC CAPPEL,***Director General of Telegraphs in India.*

**AGENT TO THE GOVERNOR  
GENERAL, BELUCHISTAN,  
P. W. D.**

**NOTIFICATION.***Quetta, the 23rd April 1886.*

**No. 73.**—Babu Aghore Nath Mookerjee, Assistant Engineer, 1st Grade, is transferred from the Office of the Superintending Engineer, Frontier Road Circle, to the 1st Division, Frontier Road

**A. C. BIGG-WITHER,***Joint Secy. to Agent to the Govr. Genl.,  
Beluchistan, P. W. D.*

**AGENT TO THE GOVERNOR GENERAL  
FOR CENTRAL INDIA.**

**NOTIFICATION.***Indore Residency, the 26th April 1886*

**No. 1631.**—Major C. Ransford, Officiating Wing Commander and 2nd-in-Command, Bhopal Battalion, held charge of the Bhopal (Sehore) Treasury, in addition to his own duties, from the 8th March to the 16th April 1886, both days inclusive, during the absence on special duty of Colonel W. Kincaid at Calcutta.

By Order,

**F. L. PETRE,***1st Asst. Agent to the Govr. Genl.  
for Central India.*

**AGENT TO THE GOVERNOR  
GENERAL, RAJPUTANA.**

**NOTIFICATIONS.***Abu, the 22nd April 1886.*

**No. 904 G.**—Captain W. H. C. Wyllie, C.I.E., Political Agent, Kotah, is granted privilege leave for two months, with effect from the 10th May 1886, or such subsequent date as he may avail himself of the same.

Major H. Wyllie, C.S.I., Political Agent, Jhalawar, will hold charge of the current duties of the Kotah Agency Office, in addition to his own, during Captain Wyllie's absence.

**No. 908 G.**—This Office Notification No. 1163 G., dated the 12th May 1885, accepting the resignation by Captain W. G. Gilchrist of his commission in the Rajputana-Malwa Volunteer Rifle Corps, is hereby cancelled.

*The 24th April 1886.*

**No. 926 G.**—With reference to Foreign Department Notification No. 680 G., dated the 29th March 1886, Lieutenant-Colonel A. W. Roberts took over charge of the Ulwar Agency from Lieutenant-Colonel H. P. Peacock on the forenoon of the 17th April 1886.

**No. 928 G.**—Colonel C. B. Euan-Smith, C.S.I., Political Agent, Bhurtpore and Kerowlee, is granted privilege leave for eighty-sixty days, with effect from the 28th April 1886, or such subsequent date as he may avail himself of the same.

*The 26th April 1886.*

**No. 941 G.**—Second Class Hospital Assistant, No. 126, Goolam Nubbee, attached to the Deoli Irregular Force, having returned from the leave granted him in this Office Notification No. 654 G., dated 1st April 1886 on the 31st ultimo, the unexpired portion of his leave is hereby cancelled.

By Order,

**HUGH DALY,***for 1st Asst. Agent to the Govr. Genl.,  
Rajputana.*

**CHIEF COMMISSIONER OF  
AJMERE-MERWARA.**

**NOTIFICATION.***Abu, the 26th April 1886.*

**No. 417-330 IV.**—With reference to Foreign Department Notification No. 682 G., dated the 29th March 1886, Captain A. M. Muir received charge of the office of Cantonment Magistrate, Nasirabad, from Lieutenant-Colonel A. W. Roberts on the forenoon of the 10th April 1886.

By Order,

**HUGH DALY,***for 1st Asst. to the Agent to the Govr. Genl.,  
Rajputana.*

**RESIDENT IN MYSORE.**

**NOTIFICATION.***Bangalore, the 22nd April 1886.*

**No. 1119.**—Mr. S. Venkatavarada Iyengar, B.A., M.L., made over charge, and Major E. A. Fraser assumed charge, of the Office of the Inspector General of Registration in the Civil and Military Station of Bangalore on the forenoon of Thursday, the 15th April 1886.

By Order,

**E. A. FRASER, Major,***Assistant to the Resident.*

## SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

### NOTIFICATION

*Simla, the 10th April 1886.*

**No. 8.**—The services of the undermentioned Hospital Assistants of the Military Establishment are placed permanently at the disposal of the Chief Commissioner, British Burma, for civil employ in that Province, with effect from the dates specified:—

Third Grade Hospital Assistant, No. 322, Jogashur Lall,—12th February 1886.

Third Grade Hospital Assistant, No. 464 Gollam Mustafa,—15th February 1886.

Third Grade Hospital Assistant, No. 510, Jai Lal,—5th February 1886.

B. SIMPSON, M.D.,

*Surgeon-General with the Govt. of India.*

## MILITARY WORKS DEPARTMENT.

### NOTIFICATION.

*Simla, the 22nd April 1886*

**No. 2.**—Lieutenant A. D. G. Shelley, R.E., Assistant Engineer, 2nd Grade, passed the examination laid down in Public Works Department Code II, 16, 18, for promotion to 1st Grade, on 10th April 1886

A. E. WARD, Major, S.C.,  
*for Inspector General, Military Works.*

## DIRECTOR GENERAL OF RAILWAYS.

### NOTIFICATIONS.—ESTABLISHMENT.

*Simla, the 20th April 1886.*

**No. 25.**—With reference to Public Works Department Notification No. 98, dated 12th April 1886, Mr. R. T. Mallet, Chief Engineer, 3rd Class, is posted to the North-Western Railway.

*The 22nd April 1886.*

**No. 36.**—With reference to Public Works Department Notification No. 107, dated 15th April 1886, Kala Ram, Apprentice Engineer, is posted to the Sind-Sagar State Railway.

**No. 37.**—With reference to Public Works Department Notification No. 107, dated 15th April 1886, Sheo Nath, Apprentice Engineer, is posted to the Bellary-Kistna State Railway.

**No. 38.**—Mr. W. Monies, Executive Engineer, 4th Grade, temporary rank, is transferred in the interests of the public service from the North-Western Railway to the Sind-Pishin State Railway, Northern Section.

F. S. STANTON, Colonel, R.E.,

*Director General of Railways.*

## YEARLY EXAMINATION FOR FOURTH GRADE ACCOUNTANTS.

The yearly examination of candidates for the 4th grade of Accountants, Public Works Department, will be held at the Government Engineering College, Seebpore, on Monday, June 7th, 1886, and following day, at 10 A. M. The examination will be conducted either at the College or by an Examiner, Public Works Accounts (including Railway and Telegraph), in Bengal, Assam, and Burmah only, as may be most convenient to the candidate.

All applications must be accompanied by a fee of Rs. 10, and must reach the undersigned on or before 6th May 1886.

For further particulars apply to—

S. F. DOWNING,

*Principal, Government Engineering College.*

## GOVERNMENT ENGINEERING COLLEGE, SEEBPORE.

Candidates for admission to the Engineer Department should apply to the Principal before the 25th May 1886. The session begins on Monday, the 7th June 1886. Candidates must furnish proof that they have passed the Calcutta University Entrance Examination, and that they are under 19 years of age. This limit will be raised to 21 years of age in the case of candidates who have passed the F. A. Examination of the University.

Ten scholarships will be awarded to students entering the Engineer Department not being already holders of Junior Scholarships. The scholarships will be awarded with general reference to the place taken by candidates at the Entrance Examination.

Students who have passed the University Entrance Examination in April are eligible for admission to the Mechanical Apprentice Department up to the 7th June 1886. They must send in their applications before 24th May 1886.

Every applicant before admission to the College will be examined by the College Surgeon as to his physical strength, fitness for manual labour, and eye sight.

Further particulars will be supplied on application to the Principal.

S. F. DOWNING,

*Principal Govt. Engineering College.*

SEEBPORE.

*The 22nd April 1886.*

## BRITISH GUIANA EMIGRATION AGENCY.

### NOTIFICATION.

*Garden Reach, Calcutta, the 27th April 1886.*

It is hereby notified that a statement of unclaimed balances left by Indian immigrants deceased in Demerara is now lodged in this Office for public inspection.

Since the 1st November 1885, the heirs of forty-eight of the deceased have been traced by

the Protector of Emigrants at Calcutta, and Rs. 9,458-15-4 paid to them.

ROBERT W. S. MITCHELL,  
*Emigration Agent for British Guiana.*

**Statement of Silver Balance in the Calcutta Mint for the week ending 21st April 1886.**

	R	R
Value of silver held in the Mint on account of the Currency Department on the evening of the 14th April 1886	12,34,204	
Value of Government silver in the Mint on the same date	6,35,677	18,69,971
<b>ADD—</b>		
Silver received by the Mint during the week on account of the Currency Department	622	
Ditto ditto Government	2,302	2,924
<b>DEDUCT—</b>		
New coin paid to Reserve Treasury during the week	2,10,000	15,72,895
Petty items issued for miscellaneous purposes	596	
		2,10,596
Balance on the evening of the 21st April 1886		16,62,299
The Balance comprises—		
Silver held on account of the Currency Department	9,66,192	
Ditto ditto Government	6,06,107	16,62,299
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	2,89,100	
Ditto ditto Currency Department	55,85,350	58,74,450

A. W. BAIRD, Major, R.E.,  
*Offg. Master of the Mint.*

CALCUTTA MINT,  
The 22nd April 1886.

**Statement of Silver Balance in the Calcutta Mint for the week ending 28th April 1886.**

	R	R
Value of silver held in the Mint on account of the Currency Department on the evening of the 21st April 1886	9,66,192	
Value of Government silver in the Mint on the same date	6,06,107	16,62,299
<b>ADD—</b>		
Silver received by the Mint during the week on account of the Currency Department	3,14,108	
Ditto ditto Government		3,14,108
<b>DEDUCT—</b>		
New coin paid to Reserve Treasury during the week	1,62,000	10,70,497
Petty items issued for miscellaneous purposes		1,62,000
Balance on the evening of the 28th April 1886	...	18,14,497
The Balance comprises—		
Silver held on account of the Currency Department	10,93,258	
Ditto ditto Government	7,21,239	18,14,497
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	591	
Ditto ditto Currency Department	55,85,350	55,85,851

A. W. BAIRD, Major, R.E.,  
*Offg. Master of the Mint.*

CALCUTTA MINT,  
The 29th April 1886.

**CURRENCY NOTES.**

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

**Allahabad Circle.**

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		R	
2	R 10—64630 D 20—55280	100 100	{ The Executive Engineer, Pilibhit and Sebraun Railway Survey, Bareilly.
3	D 20—61120 R 10—68410	100 100	
4	R 10—60016 " —61037	100 100	{ The Chief Pay Master, East Indian Railway, Calcutta. Pandit Jugalkishore Joshi, Moradabad.

ALLAHABAD,

The 28th April 1886.

H. J. BRERETON,

*Asst. Accountant Genl.,*

*In charge of Paper Currency Office.*

**Bombay Circle.**

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value	Name of Claimant.
		R	
1880.			
W17	S 3—19019 " —19003 " —07745 " —00441 " —03232 " —19046 " —19002 M 84—19108 M 57—05779	50 50 50 50 50 50 50 50	{ Dorabji Rustom, Ahmedabad.
W18	M 70—80053	1,000	

BOMBAY,

The 20th April 1886.

R. A. SIFERDALE,

*Asst. Acct. Genl., Paper Currency Dept.*

**Lahore Circle.**

NOTE WHOLLY LOST OR DESTROYED

Regr. No.	No. of Note	Value.	Name of Claimant
		R	
3	E 26—28222	100	The Deputy Commissioner of Police, Calcutta.

LAHORE,

The 19th April 1886.

F. LARJENT,

*for Deputy Commissioner of Currency.*

**Madras Circle.**

NOTES WHOLLY LOST OR DESTROYED

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		R	
1	B 83—42529 B 86—40477	50 100	{ Mr. J. Veil, Mercantile Mission Branch, Mercara.

FORT ST. GEORGE,

The 19th April 1886.

C. HALL,

*Chief Superintendent,*

*In charge of Paper Currency Dept.*



CALCUTTA MINT.

NOTIFICATION.

List of Coins acquired under the Indian Treasure Trove Act and available for sale to Numismatists. (Home Department Resolution No. 46—1668-82, dated 9th October 1884).

Register Number.	DESCRIPTION.	Metal.	Value.			Number available for sale.	REMARKS.
			R	a.	p.		
1	Found in the Fattehgarh District. Coins of Maizz-ud-din Muhammad bin Sami. Obverse: Horseman with an indistinct Persian inscription probably "Muhammad." Reverse: Bull with a Hindi inscription "Shri Muhammad Sami."—Date about 1192 A.D.	Copper.	0	1	0	8	These coins will be available for sale up to and not later than the 4th September 1886.
				each			
4	Found at Chaubassa, in the Singbhum District. Old Hindu punched coins.	Silver.	0	4	0	224	Do. 7th December 1886
22	Found in the Gujrat District (Punjab). Coins of Pathan Sikandar Lodi A. H. 894—923 = A.D. 1488—1517, with imperfect dates	Copper.	0	1	0	66	Do. 17th January 1887.
				each			
23	Ditto with illegible dates	Do.	0	0	6	102	
				each			
39 & 40	Found in the Hissar District. Akbar Gold Mohur with two beaded oblong and square areas—Mint Dar-ul-Khilafat, Agra, dates 983—984.	Gold.	22	0	0	15	Do. 5th April 1887.
				each			
41, 42, & 43.	Same as above.—Mint illegible, dates 982, 983, 984, and 985	Do.	22	0	0	37	
				each			
29 & 30	Akbar Gold Mohur, with two straight-lined, oblong, and round areas.—Mint Ahmadabad, dates 980 and 981.	Do.	22	0	0	7	
				each			
31, 32, 33, & 34.	Same as above, Mint Dar-ul-Khilafat, Agra, dates 977, 978, 979, and 980.	Do.	22	0	0	8	
				each			
26, 27, & 28.	Same as above, Mint illegible, dates 980, 981, and 983	Do.	22	0	0	7	
				ch			

A. W. BAIRD, Major, R.E.,  
Offg. Master of the Mint.

Statement of the Affairs of the Bank of Bengal for the week ending 20th April 1886.

LIABILITIES				ASSETS			
	R.	a.	p.		R.	a.	p.
Capital paid-up	2,00,00,000	0	0	Government Securities	59,72,951	4	0
Reserve Fund	41,56,694	15	0	Other authorized Investments	47,32,153	12	0
Public Deposits at Head Office	8,35,031	0	3	Loans on Government and other authorized Securities	1,95,44,074	11	5
Public Deposits at Branches	1,35,54,560	12	10	Accounts of Credit on Government and other authorized Securities	79,91,056	3	10
Other Deposits at Head Office and Branches	3,33,30,926	8	11	Bills discounted and purchased	2,30,00,030	5	0
Bank Post Bills, &c.	4,08,439	3	6	Balances with other banks	7,51,020	3	3
Sundries	17,02,907	2	5	Bullion	3,588	14	0
				Dead Stock	11,34,058	3	11
				Stamps	0,308	1	0
				Sundries	6,53,482	1	3
					5,68,00,219	13	5
				Cash and Currency Notes at Head Office	92,85,005	4	0
				Cash and Currency Notes at Branches	1,53,53,394	9	0
					2,46,38,399	13	6
RUPREES	8,14,99,519	10	11	RUPREES	8,14,99,519	10	11

BANK OF BENGAL,  
Calcutta, 22nd April 1886.

J. GORDON,  
Chief Acctt. & Dy. Secy.  
Rate for Demand Loans 6 per cent.  
Percentage 42'9.

By Order of the Directors,  
W. D. CRUICKSHANK,  
Offg. Secretary & Treasurer.



This preparation is an efficient substitute for quinine, and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, *Rs 4-8*; per eight-ounce tin, *Rs 8-8*; per pound tin, *Rs 16-8*. The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the under-noted rates—per four-ounce tin, *Rs 5-8*; per eight-ounce tin, *Rs 10-8*; per pound tin, *Rs 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

## گورنمنٹ سنکونا فبري فيوج

یہ دوا کوئیٹائین کا خوب قائم مقام ہے اور کلکتہ کے بوٹانکل گارڈن نے کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری واسطے سرکاری کام اور خیرات کے اور سوائے اونٹے جو کوئی ایک مشہد بیس پونڈ خرید لینے سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا سولہ روپیہ آٹھ آنہ

اور عوام الناس بوٹانکل گارڈن نے کمپنی باغ کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس کے تین کا پانچ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا دس روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا بیس روپیہ

یہ دوا کلکتہ کے بڑے بڑے ولایتی اور دیہی دوا خانوں میں بکتی ہے ماسوائے قیمت مذکورہ بالا کے محصول ڈاک چار اور آٹھ اونس کے تین کا آٹھ آنہ ; اور ایک پونڈ کے تین کا بارہ آنہ

## CRYSTALLINE CINCHONA FEBRIFUGE.

A new and improved preparation made at the Government Factory from Red Cinchona Bark. This is a more perfect substitute for Quinine than the ordinary uncrystallized Febrifuge. It can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds and upwards* at a time, from the Superintendent, Royal Botanic Garden, Seebpore, near Calcutta, for *cash only*, at the following rates : per four-ounce tin, R6-8 ; per eight-ounce tin, R12-8 ; per pound tin, R24. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates : per four-ounce tin, R8-8 ; per eight-ounce tin, R16-8 ; per pound tin, R32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates.

## کرسٹلین سنکونا دوائی بخار

لال سنکونا باری کی ایک نئی اور عمدہ دوا گورنمنٹ فاکٹری میں بنائی ہوئی ہے معمولی کے صاف کی ہوئی دوائی بخار سے کوہن کے لئے بہت خوب قائم مقام ہے اور سب پر منسلک المینہ کے بوٹانکل گارڈن نے کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری کام اور خیرات کے لئے اور وہ لوگ جو ایک مشہد بیس پونڈ لین نقد اس دوا سے خرید سکتے ہیں یعنی نرخ چار اونس کے تین کا چھ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا بارہ روپیہ آٹھ آنہ ; اور ایک پونڈ کے تین کا چوبیس روپیہ

اور عام لوگوں کو بوٹانکل گارڈن نے کمپنی باغ کے سپرنٹنڈنٹ صاحب سے نقد اس دوا پر مل سکتا ہے یعنی چار اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا سولہ روپیہ آٹھ آنہ اور ایک پونڈ کے تین کا بیس روپیہ آٹھ آنہ اور کلکتہ کے بڑے بڑے ولایتی اور دیہی دواخانوں میں بکتی ہے محصول ڈاک چار اونس کے تین کے لئے چار آنہ ; آٹھ اونس کے تین کے لئے آٹھ آنہ اور ایک پونڈ کے تین کے لئے وہ اور لکھوئے نرخ کے ہے

## METEOROLOGICAL PUBLICATIONS FOR SALE.

At the Meteorological Office, No. 5, Russell Street, also at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices specified below :—

- Report on the Meteorology of India in 1875**, 4to, 89 pages text, 207 pages tables, 3 charts. Rs.
- Report on the Meteorology of India in 1876**, 4to, 97 pages text, 310 pages tables, 3 charts. Rs.
- Report on the Meteorology of India in 1877**, 4to, 193 pages text, 374 pages tables, 3 charts. Rs.
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- The Indian Meteorologist's Vade Mecum, Part II** [The Meteorology of India]. Rs.
- Tables for the Reduction of Meteorological Observations in India.** Rs.

HENRY F. BLANFORD,  
Meteorological Reporter to the  
Government of India.

Catalogue of Charts issued at the Marine Survey Office, Bombay, by order of the Government of India, and sold at the Marine Survey Office, I. G. Dockyard, Bombay.

All Charts are corrected up to the date of Issue.

## RED SEA.

- Office No. of Chart.
- Kk. 271. **Red Sea**, in five sheets. Captain T. Elwon, R.N., 1871-72. R6-4 the set
- Ll. 286. **Anchorage in the Red Sea**. Published in 1873. R1-4.
- Ll. 1277. **Mersa Durur to Trinkitat**, showing the approaches to Sawakin. Commander A. Carpenter, R.N. 1884. R1-12.
- Mm. 294. **Gulf of Suez**. Captain G. S. Nares, R.N., 1871-72. R2-4.

## Office No. of Chart.

## INDIAN OCEAN.

- O. 11. **Indian Ocean** Curve of equal magnetic variation, 1880. By R. C. Carrington, F.R.A.S. 8a.
- O. 1258. **Indian Ocean, Suez to Penang**, including Zanzibar and Madagascar (Engraved). Physical and track chart. Compiled by R. C. Carrington, 1881. K1.
- O. 1257. **Arabian Sea, Western portion**, with plans of Babel Mandeb Strait and Zanzibar Harbour. Compiled from the latest Government Surveys, by R. C. Carrington, F.R.A.S., 1881. K2.
- O. 1257a. **Arabian Sea, Eastern portion**, with plans of Karachi, Bombay, Colombo, Galle and Madras. Compiled from the latest Government Surveys, by R. C. Carrington, F.R.A.S., 1881. K2.

## PERSIAN GULF.

- Oo. 310 **Bahrein Harbour approaches**. By M. Chapman, I.N. 1874. Two sheets. K1.

## INDIA—WEST COAST.

- N. 16. **Karachi Harbour**. By Navigating Lieutenant T. C. Pascoe, R.N., 1883. K1.
- N. 25 **Port of Salaya or Seraia**. By Commander A. D. Taylor, I.N., 1870. K1.
- N. 26. **Bet Harbour**. Navigating Lieutenant T. C. Pascoe, R.N., 1883. K1.
- N. 1217. **Cutch Mandvi**. By Commander A. D. Taylor, I.N., corrected to 1870. K1.
- N. 1270. **Okha Coast**. By Lieutenant Constable, I.N., 1877. 12a.
- N. 1271. **Kathiawar Coast**. Two sheets. Lieutenant Constable, I.N., 1883. K1-8.
- N. 1272. **Kathiawar Coast. Porebandar to Korynaur**. Lieutenant A. M. Gueve, I.N., 1874. Two sheets. K1-8.
- N. 27 **Verawal Roads**. By Lieutenants Constable and Stiffe, I.N., 1883, corrected to 1878. K1.
- N. 1274. **Shial Bet**. By Navigating Lieutenant T. C. Pascoe, R.N., 1884. K1.
- N. 1273. **Mahuwa**. By Navigating Lieutenant T. C. Pascoe, R.N., 1884. K1.
- K. 66. **Bombay Harbour**. By Officers of Marine Survey, 1880-82. K1.
- K. 67 **Port of Bombay**. By Navigating Lieutenants Petley and Pascoe, R.N., 1881-81. 12a.
- M. 39. **Sketch of the Entrance to Rajpuri River**. By Navigating Lieutenant W. P. Haynes, R.N., 1870. 8a.
- M. 1190 **Ratnagiri**, including Mirya and Kalbaday e Bays. By Navigating Lieutenant F. W. Jarrad, R.N., F.R.A.S., 1879. K1.
- M. 1231. **Kindari Island to Chaul**. By Navigating Lieutenant F. W. Jarrad, R.N., F.R.A.S., 1879. K1.
- M. 1232. **Chaul and Entrance to Kundalika River**. By Navigating Lieutenant F. W. Jarrad, R.N., F.R.A.S., 1870. K1.
- M. 1191 **Rajapur Bay and Viziadurg**, with adjacent Coast. By Navigating Lieutenant F. W. Jarrad, R.N., F.R.A.S., 1879. K1.
- M. 1205. **Malvan to Vingorla**. Commander L. S. Dawson, R.N., 1883. K1.
- M. 1233. **Jaygad and Entrance to Shastri River**. By Navigating Lieutenant F. W. Jarrad, R.N., F.R.A.S., 1870. K1.
- M. 1234. **Dabhol and Entrance to Washishti River**. By Navigating Lieutenant F. W. Jarrad, R.N., F.R.A.S., 1870. K1.
- M. 1252. **Bankot and Entrance to Savitri River**. By Navigating Lieutenant F. W. Petley, R.N., 1887. K1.
- M. 1203. **Agroada to St. George's Islands**, including Goa and Mormagao Roadsteads. By Navigating Lieutenant F. W. Petley, R.N., 1881. K1.
- M. 1264 **Mormagao Roadstead**. By Navigating Lieutenant F. W. Petley, R.N., 1883. K1.
- K. 63 **Sadashivgad Bay**, including the Port of Karwar and Betkul Cove. By Navigating Lieutenant F. W. Petley, R.N., 1880. K1.
- J. 80. **Cochin River, Bar and Roadstead**. Commander L. S. Dawson, R.N., 1883. K1.
- L. 1176 **Narakel Anchorage**. Compiled from the latest Government Surveys, 1878. 8a.
- L. 851. **Qulon Roads**. By Navigating Lieutenant T. C. Pascoe, R.N., 1883. K1.
- K. 61 **Lakadive Group**. Chiribunt Reef, Chulha and Kiltan Islands. By Lieutenants Selby and Taylor, I.N., 1842. 12a.
- L. 53 **Byramgore Reef or Chereapani, and Angria Bank**. By Lieutenants Selby and Taylor, I.N., 1848. 8a.
- J. 81. **Kolachel Roadstead**, with plan of Encarn Rocks. Surveyed by M. Chapman, I.N., 1875. K1-8.

## Office No. of Chart.

## EAST COAST OF INDIA—BAY OF BENGAL, CEYLON, &amp;c.

- N. 156. **Cape Comorin to Cocanada**, including the Island of Ceylon. Compiled from the latest Government Surveys, by R. C. Carrington, F.R.A.S., 1876. K1-12.
- H. 1218. **Tuticorin Roadstead and Harbour**. Surveyed by M. Chapman, I.N., 1870. K1.
- G. 93. **Approaches to Jafnapatam**. Compiled from the latest Government Surveys, 1878. K1.
- G. 95 **Paumben Pass**. Surveyed by M. Chapman, I.N., 1878. K1.
- G. 1184. **Approaches to Paumben Pass**. Surveyed by M. Chapman, I.N., 1878. K1.
- G. 1235 **Mullattivu or Moelettivoe**. By J. Donnan, 1870. 8a.
- G. 1256. **Batticaloa Roadstead**. By J. W. O'Dowd, Surveyor General's Department, Ceylon, 1881. 8a.
- G. 1175. **Colombo Harbour and its approaches**. Compiled from the latest Government Surveys, 1878. K1.
- G. 1171. **Approaches to Point de Galle Harbour, Ceylon**. By T. H. Twynham and Commander A. D. Taylor, 1877. K1.
- F. 103a. **Bay of Bengal, Western Sheet**. Compiled from the latest Government Surveys, by R. C. Carrington, F.R.A.S., 1870. K2.
- F. 103b. **Bay of Bengal, Eastern Sheet**. Compiled from the latest Government Surveys, by R. C. Carrington, F.R.A.S., 1870. K2.
- F. 1266. **Negapatam and Nagore**. By Lieutenant M. H. Smyth, R.N., 1884. K1.
- F. 105 **Madras Roadstead**. Surveyed by Navigating Lieutenant F. W. Jarrad, R.N., F.R.A.S., 1870. K1.
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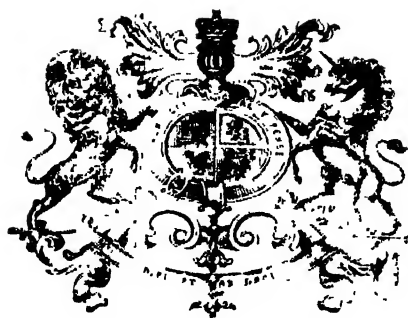
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# The Gazette of India.

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CALCUTTA, SATURDAY, MAY 1, 1886

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### BRITISH BURMA.

#### NOTICE.

DEPUTY COMMISSIONER'S COURT,  
DISTRICT THONEGWA.

*The 4th February 1886.*

CIVIL SIDE MISCELLANEOUS CASE  
NO 4 OF 1885.

IN THE MATTER OF THE ESTATE OF  
G. J. ROBERTS, DECEASED

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa

District, died intestate on the 5th January 1885, Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886

W. W. PEMBERTON.

*District Judge, Thonegwa.*





SUPPLEMENT TO  
**The Gazette of India.**

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No. 183

CALCUTTA, SATURDAY, MAY 1, 1886.

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GOVERNMENT OF INDIA.  
DEPARTMENT OF FINANCE AND COMMERCE.

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
PROVINCE.	DISTRICT.	Wheat.	Barley.	Rice, best sort.	Rice, common.	Lower or medium quality.	Upper or medium quality.	Bay of Bengal (Tinnevely).	Mysore (Kannur).	Kannur (Kannur).	Kannur (Kannur).	Kannur (Kannur).	Kannur (Kannur).	Kannur (Kannur).	REMARKS.
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	Kolar	11 0	11 14	10 5	11 13	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	
	Tumkur	11 0	11 14	10 5	11 13	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	
	Mysore	11 0	11 14	10 5	11 13	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	
	Shimoga	11 0	11 14	10 5	11 13	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	
MYSORE.	Kannur	11 0	11 14	10 5	11 13	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	
	Bangalore	11 0	11 14	10 5	11 13	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	
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	Mysore	11 0	11 14	10 5	11 13	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0	
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	Tonk	22 8	35 0	8 5	14 4	34 5	34 5	34 5	34 5	34 5	34 5	34 5	34 5	34 5	
	Bhallowar	21 15 1	27 10	8 14	11 13	28 5	28 5	28 5	28 5	28 5	28 5	28 5	28 5	28 5	
	Shahpura	22 10	23 4	10 0	16 0	33 0	33 0	33 0	33 0	33 0	33 0	33 0	33 0	33 0	

DEPARTMENT OF FINANCE AND COMMERCE,  
(Statistical Branch).

D. BARBOUR.





# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 19.}

SIMLA, SATURDAY, MAY 8, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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**PART I.**—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations.

**PART II.**—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers, Postal, Telegraph, and Commissariat Notices.

**PART III.**—Advertisements and Notices by private individuals and Corporations.

**PART IV.**—Acts of the Governor-General's Council assented to by the Governor-General.

*Nothing for publication*

**PART V.**—Bills introduced into the Council of the Governor-General for making Laws and Regulations, or published under Rule —

*Nothing for publication.*

SUPPLEMENT No. 19.

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### HOME DEPARTMENT.

#### NOTIFICATIONS.—ESTABLISHMENTS

*Simla, the 7th May, 1886.*

**No. 144.**—Mr. W. M. Tidy is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 10th May, 1886, or such other date on which he may sail from India.

#### MEDICAL.

*The 3rd May, 1886.*

**No. 168.**—With reference to Home Department Notification No. 84, dated the 19th February, 1884, Surgeon-Major R. C. Sanders, M.D., is appointed substantively *pro tempore* Ophthalmic Surgeon and Professor of Ophthalmic Surgery in the Medical College, Calcutta, with effect from the 6th April, 1886.

#### JUDICIAL.

*The 5th May, 1886.*

**No. 596.**—*Erratum.*—In Home Department Notification No. 469, dated the 31st March last, appointing Mr. T. W. Smyth to officiate as a Judge of the Punjab Chief Court, for "2nd proximo," read "1st proximo."

*The 7th May, 1886.*

**No. 620.**—The services of Lieutenant J. M. A. Retallick, Wing Officer and Adjutant, 45th Bengal Infantry, are placed temporarily at the disposal of the Government of the Punjab for employment as an officiating Cantonment Magistrate.

**No. 622.**—*Appointment.*—Mr. W. E. Ward, M.A., of the Bengal Civil Service, to be Judicial Commissioner of British Burma, *vice* Mr. Jardine. Mr. Ward to continue to officiate as Chief Commissioner of Assam until further orders.

#### ECCLESIASTICAL.

*The 7th May, 1886.*

**No. 116.**—The Reverend Edward Daubeny Elton, B.A., has been appointed a Junior Chaplain on the Bengal (Lahore) Ecclesiastical Establishment.

#### PATENTS.

*The 26th April, 1886.*

**No. 502.**—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the

Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying —

*No. 110 of 1884.*—Jonathan Smith, of the Island of Jersey, Merchant, for improvements in the treatment of vegetable fibre for the extraction of the extraneous matter therefrom.

*No. 94 of 1885.*—James Pace Cleghorn, at present of Akra, near Calcutta, Civil Engineer and an Engineer in the Public Works Department, Bengal, for improvements in the process of reeling silk from Pouter cocoons and for apparatus in connection therewith.

*No. 100 of 1885.*—Francis Gascongne Lynde, of Ahmedabad, in the Presidency of Bombay, Civil Engineer, for improvements in the means of seating rails to their chairs.

*No. 105 of 1885.*—James Crichton Kinnear, of Sunningwell, Leamington, Warwickshire, England, Engineer, and John Richardson, of the Leeds Robey and Company of Lincoln England, Engineers, for improvements in Turbine Mill-gears.

*No. 111 of 1885.*—William Blackburn Turner, resident of Calcutta, near Calcutta, in the Province of Bengal, for an improved steam, hand, or animal or power press, called the "Commercial Press."

*No. 110 of 1885.*—Gottlieb Daimler, of Cannstadt, Württemberg, in the German Empire, for improvement in motor engines, worked by combustible gases or petroleum vapour or spray.

*No. 134 of 1885.*—John Strahan, District Locomotive Superintendent, East Indian Railway, and Fredrick Watkins, Locomotive Foreman, East Indian Railway, both residing at Jonapore, in Bengal, for an improved holder and guide for bearings of journals of axles for all kinds of railway vehicles and tram cars.

*No. 133 of 1885.*—Edward Spencer Popen, of the City of Toronto, in the County of York, in the Province of Ontario, Canada, Manufacturer, for improvements in Semaphore and other Elevated Signal Lights.

*No. 145 of 1885.*—William Webster, Engineer, residing at Armley, Leeds, in the County of York, Kingdom of Great Britain and Ireland, for improvements in overedge sewing machines.

*No. 160 of 1885.*—William Bruce Duff, of London, England, Engineer and Contractor, for improvements in apparatus for extinguishing fire.

*No. 172 of 1885.*—Evaristo Coutido Engelberg, Mechanical Engineer, a resident of the City of Paranaíba, in the Province of São Paulo, Brazil, for an improved machine for hulling rice.

*No. 130 of 1885.*—Benjamin Longacre Ryder, Gentleman, of Chambersburg, in the County of Franklin and State of Pennsylvania in the United States of America, for an improvement in method and apparatus for decaying vegetable and animal matter.

*No. 182 of 1885.*—Jonathan Smith and Philip Winter Nicolle, of the Island of Jersey, Merchants, for improvements in the extraction of the extraneous matters from, and in bleaching vegetable fibres.

*No. 136 of 1885.*—Henry Shield, of the Firm of Fawcett, Preston and Company, of Liverpool, England, Engineers, and Jabez Howarth, of the same place, Mechanical Draughtsman, for improvements in baling presses.

*No. 194 of 1885.*—James Gresham, of the firm Gresham and Craven, of Craven Ironworks, Salford, in the County of Lancaster, Engineers, for improvements in injectors.

*No. 13 of 1886.*—Frederick Sanders, of St. Petersburg, in Russia, Merchant, for improvements in the system of removing sewage, &c., from cesspools, sinks, and the like.

*No. 15 of 1886.*—Henry Hamilton Remfry, of 5 Fancy Lane, Calcutta, Solicitor and Patent Agent, for improvements in Pen-holders and the like.

*No. 10 of 1886.*—Emil Kretzner, Kilm buck owner in Kunzendorf, Kingdom of Prussia, for improvements in mouth-pieces of clay-mould for the manufacture of furrow tiles.

*No. 17 of 1886.*—William Henry Johnson, of 26 Lever Street, Manchester, in the County of Lancaster, England, Iron Merchant, for improvements in walls, roofs, partitions, and other similar structures.

*No. 19 of 1886.*—Jules Wench, of Béziers Hérault, in the Republic of France, Engineer, for improvements in the treatment of auriferous and auriferous materials.

*No. 25 of 1886.*—Henry Hamilton Remfry, of 5 Fancy Lane, Calcutta, Solicitor and Patent Agent, for improvements in Pen-holders.

*No. 26 of 1886.*—John Darling, of 11 Bothwell Street, Glasgow, in the County of Lanark, North Britain, Engineer, for improvements in apparatus for coupling and uncoupling railway vehicles.

A. P. MACDONNELL,

*Off. Secretary to the Government of India.*

## REVENUE AND AGRICULTURAL DEPARTMENT.

### NOTIFICATIONS.—SURVEYS.

*Simla, the 5th May, 1886.*

**No. 307 - 83-4 S.**—Mr. F. R. Mallet, Superintendent, Geological Survey of India, is granted seven months' furlough on medical certificate under Section 52, Chapter V, of the Civil Leave Code, with effect from the 24th ultimo, or any subsequent date on which he may avail himself of it.

*The 7th May, 1886.*

**No. 405—42-13 S.**—Major C. Strahan, R.E., Deputy Superintendent of Surveys, 2nd grade, and Assistant Surveyor General, is deputed to Madras on special duty prior to his availing himself of the furlough granted in Military Department Notification No. 60, dated the 29th January, 1886.

## EXHIBITIONS.

*The 6th May, 1886.*

**No. 1357 Ex.**—The following papers relating to the opening of the Colonial and Indian Exhibition, London, on the 4th instant, by Her Majesty the Queen-Empress, which have been received by telegraph from His Royal Highness the Prince of Wales, Executive President of the Royal Commissioners, are published for general information:—

## COLONIAL AND INDIAN EXHIBITION.

*Address by His Royal Highness, the Executive President, to Her Majesty the Queen, on the occasion of the opening of the Exhibition.*

MAY IT PLEASE YOUR MAJESTY,—As Executive President of the Royal Commissioners appointed by Your Majesty's Royal Warrant of the 18th of November, 1884, for the promotion of an Exhibition of the British Colonial and Indian Empire, and subsequently incorporated by Your Majesty's Royal Charter of the 10th September, 1885, I humbly beg leave to lay before you a brief statement of our proceedings up to the present time. The general interest manifested in the display made by Your Majesty's Colonial and Indian Empire at the Paris Exhibition of 1878 led me, as President of the British Commission, to express a hope that an opportunity might soon occur by which Your Majesty's subjects in England would be enabled to witness the marvellous development which, under your benignant rule, their brethren and fellow-subjects had attained throughout so many portions of the globe. It was, therefore, with the highest gratification that I accepted Your Majesty's gracious invitation to assume the Executive Presidency of this Commission, the appointment of which by Your Majesty has been the means of making this hope a reality. The invitations which we were empowered by Your Majesty to issue to the Colonial Governments and to the Government of India were forwarded towards the close of the year 1884, and from the answers received it at once became apparent that this undertaking had obtained warm and hearty sympathy throughout Your Majesty's dominions. In Your Majesty's dominion of Canada, throughout your Australasian, African, West Indian, and Eastern Colonies, in your Mediterranean Possessions and elsewhere, grants were voted, Commissions formed, and Executive Commissioners appointed. That the work of preparation was undertaken with enthusiasm and attended with success, is evident from the complete and varied collections which at present fill the buildings through which Your Majesty has just passed. The response received from the Government of India was also of the most cordial character. His Excellency the Viceroy caused, through the Revenue and Agricultural Department, instructions to be issued to every district of Your Majesty's Indian Empire for the collection of objects illustrative of the arts, manufactures, and resources of that great realm. These collections, which now adorn a large section of the Exhibition, have been supplemented by generous contributions from their Highnesses the Princes of India, by collections the formation of which we ourselves have authorised, and by the contributions of private Native exhibitors. We are desirous of bringing under Your Majesty's notice our deep appreciation of the hearty cooperation of the Colonial Governments in this Exhibition, and of taking this exceptional opportunity of stating how greatly we are indebted to the Commissions appointed by these Governments and to the Executive Commissioners on whom the superintendence of the entire work of installation has devolved. We further desire to record the valuable assistance which we have received from Your Majesty's Viceroy, from the Supreme Government of India, and from the various officials who have so ably and thoroughly carried out their instructions. Our grateful thanks are also due to the Colonial Governments, to the Government of India, to the Corporation of the City of London, to many City Companies, and to the firms and individuals who have contributed to the guaranteed funds. The fact that the list of subscribers not only includes those whose interests are likely to be specially affected by the Exhibition, but also comprehends every class of the community, supplies a gratifying proof of the universal sympathy and interest which this undertaking has aroused. We venture to avail ourselves of this opportunity to convey to Your Majesty our dutiful and loyal acknowledgments of the interest which Your Majesty has been pleased to take in our labours, proved as it is by Your Majesty's presence here today; nor can I resist a reference to a similar ceremonial presided over by Your Majesty, but a few paces from this spot, thirty-five years ago. On that memorable occasion, the first of its kind, the Prince Consort, my beloved and revered father, filled the position which I, following in his footsteps at however great a distance, now have the honour and gratification of occupying. Your Majesty alone can fully realise with what deep interest my beloved father would, had he been spared, have watched, as their originator, the development of the Exhibitions both in this country and abroad, and with what especial pleasure he would have welcomed one having for its object the prosperity of Your Majesty's Empire, the interests of which he had so much at heart. In the great Exhibition of 1851 Your Majesty's Colonial and Indian Possessions were indeed represented, but their importance was then but little realised, and their present greatness was at that time unforeseen. During the years that have elapsed since 1851, few greater changes have been wrought than the marvellous development of the outlying portions of your Majesty's Empire. It is our heartfelt prayer that an undertaking intended to illustrate and to record this development may give a stimulus to the commercial interests and intercourse of all parts of Your Majesty's dominions: that it may be the means of augmenting that warm affection and brotherly sympathy which is reciprocated by all Your Majesty's subjects; and that it may still further deepen that steadfast loyalty which we, who dwell in the Mother-country, share with our kindred who have elsewhere so nobly done honour to her name.

*Reply of Her Majesty the Queen-Empress.*

I receive with the greatest satisfaction the Address which you have presented to me on the opening of this Exhibition. I have observed with a warm and increasing interest the progress of your proceedings in the execution of the duties entrusted to you by the Royal Commission, and it affords me sincere gratification to witness the successful result of your judicious and unremitting exertions in the magnificent Exhibition which has been gathered together here today. I am deeply moved by your reference to the circumstances in which the ceremony of 1851 took place, and I heartily concur in the belief you have expressed that the Prince Consort, my beloved husband, had he been spared, would have witnessed with intense interest the development of his ideas, and would, I may add, have seen with pleasure our Son taking the lead in the movement of which he was the originator. I cordially concur with you in the prayer, that this undertaking may be the means of imparting a stimulus to the commercial interests and intercourse of all parts of my dominions by encouraging the arts of peace and industry, and by strengthening the bond of union which now exists in every portion of my Empire.

ODE ON THE OPENING  
OF THE  
COLONIAL AND INDIAN EXHIBITION

BY

LORD TENNYSON, POET LAUREATE.

Welcome ! welcome ! with one voice  
In your welfare we rejoice,  
Sons and brothers that have sent  
From Isle and Cap and Continent  
Produce of your land and flood,  
Mount and mine, and primal wood,  
Works of subtle brain and hand,  
And splendour of the morning land,  
Gifts from every British zone.  
Britons hold your own !

May we find, as ages run,  
The mother featured in the son !  
And may yours for ever be  
That old strength and constancy,  
Which has made your fathers great  
In our ancient island State,  
And where'er her flag may fly,  
Glorying between sea and sky,  
Makes the might of Britain known !  
Britons hold your own !

Britain fought her sons of yore  
Britain failed ; and never more,  
Careless of our growing kin,  
Shall we sin our fathers' sin—  
Men, that in a narrower day,  
Unprophetic rulers they,  
Drove from out the mother's nest  
That young eagle of the West  
To forage for herself alone.  
Britons hold your own !  
Sharers of our glorious past,  
Brothers, must we part at last ?  
Shall not we, through good and ill,  
Cleave to one another still ?  
Britain's myriad voices call  
Sons, be welded each and all  
Into one Imperial whole,  
One with Britain heart and soul,  
One life, one flag, one fleet, one throne !  
Britons hold your own !

And God guard all !

*Telegram from Her Majesty the Queen-Empress, to His Excellency the Viceroy,  
dated the 5th May, 1886.*

Opening of Indian and Colonial Exhibition went off splendidly. Great enthusiasm. Delighted to see so many of my Indian subjects.

C. J. LYALL,  
Offg. Secretary to the Government of India.

## STAR OF INDIA.

## NOTIFICATION.

*Simla, the 5th May, 1886.*

**No. 18 S.I.**—The following extract which appeared in the *London Gazette*, dated the 16th February, 1886, is republished for general information:—

*India Office, 8th February, 1886.*

The Queen has been graciously pleased to nominate and appoint Jaland Danvers, Esq., Secretary to the Public Works Department of the India Office, to be a Knight Commander of the Most Exalted Order of the Star of India.

H. M. DURAND,

*Secretary to the Most Exalted  
Order of the Star of India.*

## INDIAN EMPIRE.

## NOTIFICATION.

*Simla, the 5th May, 1886.*

**No. 22 I.E.**—The following extracts, which appeared in the *London Gazette*, dated the 25th January and 12th March, 1886, are republished for general information:—

*India Office, 22nd January, 1886.*

The Queen has been graciously pleased to nominate and appoint General the Hon'ble Sir Arthur Edward Hardinge, K.C.B., late Commander-in-Chief of Her Majesty's Forces, Bombay, to be a Companion of the Order of the Indian Empire.

*India Office, 10th March, 1886.*

The Queen has been graciously pleased to nominate and appoint Major Viscount Downe, 2nd Life Guards, to be a Companion of the Order of the Indian Empire.

H. M. DURAND.

*Secretary to the Order of the Indian Empire.*

## FOREIGN DEPARTMENT.

## NOTIFICATIONS.—GENERAL.

*Simla, the 6th May, 1886.*

**No. 948 G.**—The services of Assistant Surgeons Benod Behari Das and Sodhi Fateh Singh are replaced at the disposal of the Home Department, with effect from the date on which they may be relieved of their duties in the Kashmir State.

**No. 951 G.**—Hospital Assistant A. Samuel Pillay, attached to the Civil Dispensary at Quetta, is granted three months' privilege leave, with effect from the date on which he may avail himself of it.

**No. 953 G.**—The following promotions are made in the Berar Commission, with effect from the 26th March, 1886, consequent on the depar-

ture on furlough of Mr. A. Elliott, Assistant Commissioner of the 1st class, sub. *pro tem.*—

Lieutenant-Colonel R. S. Thompson, officiating Assistant Commissioner of the 1st class, to be an Assistant Commissioner of the 1st class, sub. *pro tem.*

Mr. C. A. W. Davies, Assistant Commissioner of the 2nd class, sub. *pro tem.*, to officiate as an Assistant Commissioner of the 1st class.

Saiyad Shams-ud-Din Ali, Khan Bahadur, officiating Assistant Commissioner of the 2nd class, to be an Assistant Commissioner of the 2nd class, sub. *pro tem.*

**No. 958 G.**—The services of Lieutenant L. Herbert, Squadron Officer, 1st Regiment, Central India Horse, are replaced at the disposal of the Military Department, for employment on the personal staff of His Excellency the Governor of Bombay, with effect from the date of joining.

*The 7th May, 1886.*

**No. 967 G.**—His Excellency the Viceroy and Governor-General has been pleased to confer upon Khizar Khan, Riding Master in the Mayo College, Ajmere, late a Duffadar, 19th Bengal Lancers, the honorary rank of Jemadar.

## EXTERNAL.

*The 4th May, 1886.*

**No. 789 E.**—It is hereby notified that the Secretary of State for India has, by Resolution in Council, declared the provisions of the first section of an Act passed in the thirty-third year of Her Majesty's reign, Chapter 3, entitled "An Act to make better provision for making Laws and Regulations for certain parts of India and for certain other purposes relating thereto," to be from the 1st of March, 1886, applicable to Upper Burma, with the exception of the Shan States, being part of the territories under the government of the Governor-General of India in Council.

**No. 791 E.**—By command of the Queen-Empress, it is hereby notified that the territories of Upper Burma which were formerly governed by King Thebaw, and which are mentioned in the Proclamation of 1st January, 1886, are, and shall be deemed to have been, from the 26th day of February, 1886, part of the territories vested in Her Majesty by virtue of Statute 21 and 22 Vic., Cap. 106 (An Act for the better government of India).

## INTERNAL.

*The 7th May, 1886.*

**No. 1503 I.**—Whereas His Highness the Maharaja of Patiala, His Highness the Raja of Nabha, and His Highness the Raja of Kapurthala have ceded to the British Government full jurisdiction within the lands which lie within their respective States and are occupied by the North-Western Railway, till lately called the Sind, Punjab and Delhi Railway (including the lands occupied as stations, out-buildings, and for other purposes connected with the Railway within their territories): In exercise of this jurisdiction, and of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879,

and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to issue the following notification:—

- I.—(1) The provisions, so far as they may be applicable, of all laws for the time being in force in the Ludhiana district of the Punjab, are hereby extended to the portion of the aforesaid lands which lies in the Pail tahsil of the Patiala State.
- (2) The Deputy Commissioner of the Ludhiana district and the Commissioner of the Jalandhar division, for the time being, shall have within this portion of the aforesaid lands the same executive powers as they have respectively within the British territories subject to their administration.
- (3) All British Courts having jurisdiction within the Ludhiana district shall have within this portion of the aforesaid lands the jurisdiction which they have, respectively, within the said district.
- II.—(1) The provisions, so far as they may be applicable, of all laws for the time being in force in the Umballa district of the Punjab, are hereby extended to the portions of the aforesaid lands which lie in the Nabha State or in any subdivision of the Patiala State other than the Pail tahsil.
- (2) The Deputy Commissioner of the Umballa district and the Commissioner of the Delhi division, for the time being, shall have within these portions of the aforesaid lands the same executive powers as they have respectively within the British territories subject to their administration.
- (3) All British Courts having jurisdiction within the Umballa district shall have within these portions of the aforesaid lands the jurisdiction which they have, respectively, within the said district.
- III.—(1) The provisions, so far as they may be applicable, of all laws for the time being in force in the Jalandhar district of the Punjab, are hereby extended to the portion of the aforesaid lands which lies in the Kapurthala State.
- (2) The Deputy Commissioner of the Jalandhar district and the Commissioner of the Jalandhar division, for the time being, shall have within this portion of the aforesaid lands the same executive powers as they have, respectively, within the British territories subject to their administration.
- (3) All British Courts having jurisdiction within the Jalandhar district shall have within this portion of the aforesaid lands the jurisdiction which they have, respectively, within the said district.
- IV.—The Financial Commissioners of the Punjab and the Lieutenant-Governor of the Punjab and its Dependencies, for the time being, shall have within all the aforesaid lands the same executive powers as they have, respectively, within the British territories subject to their administration.
- V.—Within all the aforesaid lands the administration of the Police shall be vested in the Assistant Inspector-General of Railway Police, or such other officer or officers as the said Lieutenant-Governor may appoint, by name or in virtue of office, in that behalf; and the Assistant Inspector-General or other officer or officers as aforesaid shall

have within the several portions of the said lands, in subordination to the Deputy Commissioner having jurisdiction therein, and to the Inspector-General of Police of the Punjab, all the powers which the District Superintendent of Police has for the time being in the Ludhiana, Umballa, or Jalandhar district, as the case may be.

H. M. DURAND,  
*Secretary to the Government of India.*

## DEPARTMENT OF FINANCE AND COMMERCE.

### NOTIFICATIONS.

#### LEAVE AND APPOINTMENTS.

*Simla, the 6th May, 1886.*

No. 635.—Surgeon-Major H. E. Busteed having resigned his appointment as Assay Master, Calcutta Mint, with the intention of retiring from the service, his services are replaced at the disposal of the Government of Madras in the Military Department, with effect from the 1st June, 1886, or such other date as he may be relieved of the duties of his appointment.

#### SEPARATE REVENUE. STAMPS.

*The 5th May, 1886.*

No. 590.—In exercise of the powers conferred by Sections 9 and 56 of the Indian Stamp Act, 1879, and in supersession of Notification No. 4043, dated the 31st October, 1882, the Governor-General in Council directs that the following shall be added to Rule 10 (b) of the Rules promulgated by Notification in this Department, No. 1288, dated the 3rd March, 1882:—

"In Calcutta the Deputy Collector and the Superintendent of the Stamp Department of the Collector's Office, as well as the Collector, are empowered to initial any label or labels, and to attach their usual signatures to any instrument immediately under the labels."

#### SEPARATE REVENUE. STAMPS.

NON-JUDICIAL.  
EXEMPTIONS, &c.

*The 7th May, 1886.*

No. 661.—Whereas, under the terms of Notification in the Department of Finance and Commerce, No. 3646, dated the 13th November, 1880, the Commissioners for making improvements in the Port of Calcutta have paid Rs. 8,000 as composition for the stamp duty chargeable on a sum of Rs. 16,00,000 which has been raised by the said Commissioners by the issue of the undermentioned debentures bearing date the 15th February, 1886, namely—

	Rs.	Rs.
Nos. 1 to 60 at 5,000	...	3,00,000
Nos. 61 to 800 at 1,000	...	8,00,000
Nos. 801 to 1010 at 500	...	3,75,000
Nos. 1011 to 2360 at 100	...	1,25,000
Total	...	16,00,000

therefore, in exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor-General in Council has exempted the abovementioned debentures from the payment of any stamp duty with which they might otherwise be chargeable, whether on issue, renewal, or subdivision.

### SEPARATE REVENUE.

#### ASSESSED TAXES.

##### INCOME TAX.

*The 7th May, 1886.*

**No. 624.**—In exercise of the powers conferred by Section 38 of Act II of 1886, the Governor-General in Council is pleased to declare that the Provident Fund of the Bengal and North-West Railway Company shall be deemed to be a "Service Fund" within the meaning of Rule 13 of the Notification of the Government of India, Department of Finance and Commerce, No. 593, dated the 5th February, 1886.

**No. 674.**—In exercise of the powers conferred by Section 38 of Act II of 1886, the Governor-General in Council is pleased to rule that the name of any person who is receiving, at the date of the return prescribed by Section 10 of the Act, a salary, annuity, or pension which does not amount to Rs. 300 per annum, or has received during the year ending on that date a gratuity which does not amount to that sum, need not be shown in the return.

### SEPARATE REVENUE.

#### ASSESSED TAXES.

*The 3rd May, 1886.*

**No. 579.**—In exercise of the power conferred by Section 6 of Act II of 1886, the Governor-General in Council is pleased to exempt from liability to the tax payable under that Act the whole of the income of persons residing in the scheduled districts of the Presidency of Madras and not in the service of the Government.

### SEPARATE REVENUE.

#### STAMPS.

##### NON-JUDICIAL STAMPS.

##### REMISSION, &c.

*The 7th May, 1886.*

**No. 664.**—Whereas, under the terms of Notification in the Department of Finance and Commerce, No. 3646, dated 13th November, 1880, the Corporation of the Town of Calcutta has paid Rs. 12,500 as composition for the stamp duty chargeable on a sum of Rs. 25,00,000 which the said Corporation was authorised to borrow and which has been raised by the issue of the undermentioned debentures dated 1st September, 1885, namely—

*Loan of 1885-86. Dated 1st September, 1885.*

Numbers.		Amount.
		Rs.
100 450	(@) 1,000 each	4,50,000
451 to 870	(@) 500 "	2,10,000
871 to 1010	(@) 5,000 "	7,00,000
1011 to 1030	(@) 10,000 "	2,00,000
1031	.....	2,000
1032 & 1033	(@) 1,000 "	2,000
1034 & 1035	(@) 500 "	1,000
Carried over	...	15,05,000

Numbers.		Amount.
		Rs.
	Brought forward ..	15,05,000
1036 to 1043	(@) 1,000 each	8,000
1044	"	500
1045 & 1046	(@) 1,000 "	2,000
1047	"	5,000
1048	"	1,000
1049	"	500
1050	"	7,000
1051	"	6,500
1052	"	8,000
1053	"	9,000
1054	"	3,500
1055	"	5,000
1056	"	1,000
1057	"	2,500
1058	"	7,000
1059	"	3,500
1060	"	2,000
1061	"	1,000
1062	"	2,500
1063	"	5,500
1064	"	500
1065	"	8,000
1066	"	2,000
1067	"	10,000
1068	"	500
1069	"	3,000
1070	"	2,500
1071	"	7,000
1072	"	3,000
1073	"	500
1074	"	1,000
1075	"	5,000
1076 to 1108	(@) 1,000 each	33,000
1109 to 1118	(@) 500 "	5,000
1119 to 1148	(@) 1,000 "	30,000
1149 to 1152	(@) 5,000 "	20,000
1153 & 1154	(@) 1,000 "	2,000
1155	"	500
1156 & 1157	(@) 1,000 "	2,000
1158 to 1160	(@) 500 "	1,500
1161	"	5,000
1162 to 1164	(@) 1,000 "	3,000
1165	"	500
1166	"	3,000
1167 to 1170	(@) 1,000 "	4,000
1171 to 1174	(@) 500 "	2,000
1175 to 1184	(@) 1,000 "	10,000
1185 to 1189	(@) 500 "	2,500
1190 to 1197	(@) 5,000 "	40,000
1198 to 1205	(@) 1,000 "	8,000
1206 to 1214	(@) 500 "	4,000
1215 to 1222	(@) 1,000 "	8,000
1223 to 1231	(@) 500 "	4,500
1232 to 1266	(@) 1,000 "	35,000
1267	"	500
1268 to 1619	@ 1,000 "	3,52,000
1620 to 1802	@ 500 "	91,500
1803 to 1809	@ 1,000 "	7,000
1810	"	500
1811	"	1,000
1812	"	10,000
1813 to 1819	@ 1,000 "	7,000
1820	"	500
1821	"	5,000
1822 & 1823	@ 500 "	1,000
1824 & 1825	@ 5,000 "	10,000
1826 to 1830	(@) 1,000 "	5,000
1831 to 1838	(@) 500 "	4,000
1839 to 1844	(@) 1,000 "	6,000
1845	"	4,000
1846	"	2,000
1847 to 1856	(@) 500 "	5,000
1857 to 1860	(@) 1,000 "	13,000
1870 & 1871	(@) 500 "	1,000
1872	"	5,000
1873 to 1876	@ 1,000 "	4,000
1877	"	500
1878 to 1882	(@) 1,000 "	5,000
1883 to 1892	(@) 500 "	5,000
1893 to 1917	(@) 1,000 "	25,000
1918 to 1947	(@) 500 "	15,000
1948	"	1,000
1949	"	500
Total	...	25,00,000



therefore, in exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor-General in Council has exempted the abovementioned debentures from the payment of any stamp duty with which they might otherwise be chargeable, whether on issue, renewal, or subdivision.

D. M. BARBOUR,  
*Secretary to the Government of India.*

## MILITARY DEPARTMENT.

*Simla, the 7th May, 1886.*

### APPOINTMENTS.

#### BRIGADE.

**No. 280.**—In continuation of G. G. O. No. 188 of 1886, it is notified that the Governor-General in Council has been pleased to sanction the formation of a third brigade in Upper Burmah, and to appoint Colonel H. S. Anderson, Bombay S. C., to the command.

**No. 281.**—With reference to G. G. O. No. 280 of this date, Colonel H. S. Anderson, Bombay S. C., to have the temporary rank of Brigadier-General (2nd class), whilst commanding a Brigade of the Field Force in Upper Burmah.

#### **No. 282.**—DIVISIONAL STAFF—

Major-General W. A. Gib, C.B., Madras S. C., to command the Hyderabad Subsidiary Force, *vice* Lieutenant-General Sir H. N. D. Prendergast, K.C.B., V.C., who has vacated the appointment on promotion. Dated 20th March, 1886.

#### **No. 283.**—JUDGE ADVOCATE GENERAL'S DEPARTMENT—

Colonel C. R. Matthews, Bengal S. C., Deputy Judge Advocate, to officiate as Deputy Judge Advocate General, *vice* Lieutenant-Colonel M. Clementi, officiating as Judge Advocate General. Dated 27th March, 1886.

#### **No. 284.**—ORDNANCE DEPARTMENT—

Lieutenant J. D. H. Waller, R.A., Assistant Superintendent of Factories, to be Commissary of Ordnance, 4th class, with effect from the 29th March, 1886, *vice* Lieutenant A. L. M. Turner, seconded.

Major T. Mayhew, R.A., officiating Assistant Superintendent of Factories, is confirmed in that appointment, with effect from the 29th March, 1886, *vice* Lieutenant J. D. H. Waller.

#### **No. 285.**—VOLUNTEER CORPS—

*Behar Light Horse.*

Captain G. Adye, 1st Cavalry, Hyderabad Contingent, to officiate as Adjutant, during the absence on furlough of Captain O'Mealy. Dated 21st April, 1886.

### FURLOUGH AND LEAVE.

**No. 286.**—Major-General Sir H. T. Macpherson, K.C.B., K.C.S.I., V.C., Bengal S. C., is permitted to proceed to England on the completion of

his tour of service on the Divisional Staff of the Army. Dated 30th October, 1885.

**No. 287.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel G. D'A. Jackson, General List, Cavalry, Executive Engineer, 2nd grade, Military Works Department, (u. p. a.) for 182 days, under rule XI of the regulations of 1868.

Deputy Surgeon-General H. W. Bellew, C.S.I., Sanitary Commissioner, Punjab, (m. c.) for six months, under Article 814, Army Regulations, India, Volume I, Part I.

Honorary-Surgeon F. W. Hall, (m. c.) for 214 days, under the regulations of 1854.

**No. 288.**—Major-General S. H. E. Chamier, R.A., Inspector General of Ordnance, Madras Circle, is granted leave in India (p. a.) for ninety-one days.

### LONDON GAZETTE.

**No. 289.**—The following extracts are published for general information:—

*"London Gazette," dated the 26th March, 1886, page 1469.*

"WAR OFFICE ;

*Full Mall, 26th March, 1886.*

### MEMORANDA.

The undermentioned Lieutenant-Colonels to be Colonels:—

Arthur Robert Chapman, Bengal Staff Corps. Dated 4th January, 1886.

John Pyne Grant, Bombay Staff Corps. Dated 4th January, 1886.

Frederick Charles St. John, Madras Staff Corps. Dated 20th January, 1886.

*"London Gazette," dated the 30th March, 1886, pages 1536 and 1537.*

"WAR OFFICE ;

*Full Mall, 30th March, 1886.*

### MEMORANDA.

Brigadier-General G. S. White, C.B., V.C., to have the local rank of Major-General in Upper Burmah, whilst commanding the Force in that country. Dated 1st April, 1886.

Major and Brevet-Lieutenant-Colonel Sir J. W. Ridgeway, K.C.S.I., Her Majesty's Indian Local Forces, has been granted the local rank of Colonel in Afghanistan, whilst employed in charge of the Boundary Commission in that country. Dated 2nd March, 1885.

[This cancels that portion of G. G. O. No. 136 of 1885, which relates to Major and Brevet-Lieutenant-Colonel Joseph West Ridgeway, Bengal General List, Infantry.]

The undermentioned Conductors, Bengal Establishment, have been granted the honorary rank of Lieutenant. Dated 7th August, 1885.—

Alfred Broom Cross.

William Alexander Murison.

"London Gazette," dated the 2nd April, 1886,  
page 1595.

"INDIA OFFICE ;

and April, 1886.

The Queen has approved of the transfer of the undermentioned Officers from the Temporary Half-Pay List to the Retired List:—

Captain Alexander James Corse-Scott, of the Bengal Staff Corps. Dated 4th March, 1886.

Captain Robert Henry Forrest, of the Bengal Staff Corps. Dated 24th March, 1886.

#### PROMOTIONS.

No. 200.—The following promotions are made, subject to Her Majesty's approval:—

*To be Colonel in the Army.*

Lieutenant-Colonel Francis Beckford Middleton, Madras S. C.,—4th May, 1886.

BENGAL STAFF CORPS.

*To be Lieutenant-Colonels.*

Major Reginald Beavan,—4th May, 1886.

Major and Brevet-Lieutenant-Colonel Alliston Champion Toker,—4th May, 1886.

INDIAN ARMY.

*To be Lieutenant-Colonels.*

Major Henry Philip Kirke, General List, Infantry,—4th May, 1886.

Major Charles Walter Babington, General List, Infantry,—4th May, 1886.

No. 291.—COMMISSARIAT DEPARTMENT, TRANSPORT BRANCH—

Conductor James Staines to be Deputy-Assistant Commissary, with effect from the 26th February, 1886, subject to the provisions of Clause 48, India Army Circulars, 1884, for services during the late operations at Suakin.

[The part of G. G. O. No. 134 of 1886, which refers to this warrant officer, is cancelled.]

No. 292.—NATIVE ARMY—

*Bengal Sappers and Miners.*

Subadar Ali Baksh to be Subadar-Major, Jemadar Khan Muhammad Khan to be Suba-

dar, vice Subadar-Major Utter Singh, Sirdar Bahadur, invalided, with effect from the 24th February, 1886.

Havildar Shiunandan Misr to be Jemadar ;

Havildar Chauharja Bakhsh to be Jemadar ;

Havildar Mula Singh to be Jemadar ;

Havildar Dewa Singh to be Jemadar,—

with effect from the 16th December, 1885, to complete establishment.

Havildar Hira Singh to be Jemadar, vice Jemadar Khan Muhammad Khan, promoted, with effect from the 24th February, 1886.

No. 293.—ORDNANCE DEPARTMENT—

Sub-Conductor Henry Preist, on probation, is confirmed in his present grade from the 9th October, 1885.

#### MILITARY WORKS DEPARTMENT.

##### APPOINTMENTS.

No. 294.—Major T. Manderson, R.E., Superintending Engineer, Class II, sub. *pro tem.*, to officiate as Inspector General of Military Works, during the absence of Colonel G. E. L. S. Sanford, R.E., on privilege leave. Dated 24th April, 1886.

Major N. Arnott, R.E., Executive Engineer, 1st grade, to officiate as Superintending Engineer, vice Major Manderson, R.E., appointed to officiate as Inspector General of Military Works. Dated 24th April, 1886.

#### MARINE DEPARTMENT.

##### FURLOUGH AND LEAVE.

No. 22.—Mr. J. Clarke, 1st Grade Officer, Her Majesty's Indian Marine, has been granted an extension of furlough (m. c.) for six months by the Secretary of State for India.

O. R. NEWMARCH, Colonel,

Offg. Secretary to the Government of India.

#### MILITARY DEPARTMENT.

##### NOTIFICATION.

Simla, the 7th May, 1886.

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the undermentioned commissioned officer, on the date specified, was received in the Military Department between the 10th April and the 7th May, 1886:—

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
South Staffordshire Regiment (Probationer for the Bengal Staff Corps).	Lieutenant W. G. Forbes ...	21st April, 1886	Hlinedet, Burmah.	...	

##### Statement of Deposits on account of Estates between the 17th April and the 7th May, 1886.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
Travers Dodgson Madden	Lieutenant-Colonel.	12th Bengal Infantry.	12th June, 1885	No will found.	Rs. A. P. 829 15 0	...	

O. R. NEWMARCH, Colonel,

Offg. Secretary to the Government of India.

**PUBLIC WORKS DEPARTMENT.****NOTIFICATIONS.***Simla, the 1st May, 1886.*

**No. 116.**—Mr. L. Ward, Accountant, 1st grade, and Honorary Assistant Examiner of Accounts, British Burma, is permitted to resign his appointment in the Public Works Department.

*The 3rd May, 1886.*

**No. 117.**—*Erratum.*—Public Works Department Notification No. 96, dated 9th April, 1886, is cancelled.

**No. 118.**—Mr. F. N. Gutersloh is promoted from Class I, grade 3, to Class I, grade 2, of the Superior Revenue Establishment of State Railways, Locomotive Department, with effect from the 1st January, 1886.

*The 4th May, 1886.\**

**No. 119.**—Public Works Department Notification No. 114, dated 28th April, 1886, transferring Mr. A. Sprenger, Executive Engineer, 1st grade, from the Establishment under the Director General of Railways to that under the Chief Commissioner of British Burma, is cancelled.

**No. 120.**—The following reversions and promotions are made in the Superior Accounts Establishment :—

Names.	From	To	With effect from
Major E. A. Trevor, R.E.	Examiner, 2nd class, sub. <i>pro tem.</i>	Examiner, 2nd class, <i>Temporary rank.</i>	1st April, 1886.
Mr. Morrison	Examiner, 3rd class, sub. <i>pro tem.</i>	Examiner, 3rd class, <i>Temporary rank.</i>	
Mr. F. G. Heaven	Deputy Examiner, 1st grade, sub. <i>pro tem.</i>	Deputy Examiner, 2nd grade, Permanent.	8th April, 1886.
Mr. E. A. Lee	Deputy Examiner, 1st grade, sub. <i>pro tem.</i>	Deputy Examiner, 2nd grade, Permanent.	
Mr. D. C. Gordon	Examiner, 2nd class, Permanent	Examiner, 1st class, <i>Temporary.</i>	10th April, 1886.
Lieutenant-Colonel J. Grierson, Bo. S. C.	Examiner, 3rd class, Permanent	Examiner, 2nd class, <i>Temporary.</i>	

*The 5th May, 1886.*

**No. 121.**—Mr. E. N. Homan, Class III, Superior Revenue Establishment of State Railways, Stores Department, is appointed Stock Verifier for State Railways, with effect from the date of his arrival at Lahore. Mr. Homan's services are placed at the disposal of the Director General of Railways.

*The 6th May, 1886.*

**No. 122.**—Mr. S. Finney, Class II, Superior Revenue Establishment of State Railways, is transferred, temporarily, from the Establishment under the control of the Director General of Railways to that under the Government of Bengal.

**No. 123.**—Mr. A. Greenless, Assistant Engineer, 1st grade, State Railways, is transferred, temporarily, from the Establishment under the control of the Government of Bengal to that under the Director General of Railways.

**TELEGRAPH.***The 7th May, 1886.*

**No. 124.**—Mr. J. C. Kidd, Head Foreman, Telegraph Workshops, is promoted to the honorary rank of Assistant Superintendent, with effect from the 9th May, 1886.

W. S. TREVOR, *Colonel,*  
*Secretary to the Government of India.*

GOVERNMENT OF INDIA.  
REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE  
WEEK ENDING 5th MAY, 1886.

GENERAL REMARKS.—Slight rain has fallen throughout Southern India and most parts of Bengal and British Burma. In Assam the fall has been heavy. With the exception of a few showers, Northern and Central India have been rainless.

In the Madras Presidency, with the exception of the Ganjam district, agricultural prospects continue fair. In Mysore the standing crops promise well on the whole, though rain is wanted in some parts. In Coorg prospects are good.

In Bombay the *rabi* harvest is approaching completion, and preparations for the *kharif* are in progress in that Presidency and in Berar. In Hyderabad, Central India and, with the exception of Ajmere, Rajputana agricultural prospects continue generally good.

The *rabi* harvest is still in progress in the Central Provinces and has been nearly completed in the North-Western Provinces and Oudh. Ploughing for *kharif* cultivation has commenced in some districts in the Central Provinces. In the Punjab the *rabi* harvest is in progress and promises well.

The recent rain in Bengal has been very beneficial to the crops, and the *aus* rice and jute where sown are coming up well. Sugarcane, indigo, and *cheena* are thriving. The *boro* rice harvest is proceeding, with a good outturn. Seasonable weather prevails in Assam, where ploughing and sowing are still in progress.

Seasonable weather prevails in British Burma.

The public health is generally fair.

Prices are fluctuating in the Punjab, rising in Mysore, and falling in Coorg. Elsewhere they are for the most part stationary.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(May 5th)</b>		
Bellary . . . .	Average 19	Standing dry crops generally good, and wet crops in parts of one taluk generally good, but water insufficient to support them; harvest sugarcane, cotton, and white <i>maulim</i> , yield about average. Cattle-disease in three taluks.
Kurnool . . . .	Average 103	Standing second crop paddy good; harvest paddy, outturn average. Small-pox and cattle-disease in three taluks.
Ganjam . . . .	Average 107	Fever in one and small-pox and slight cattle-disease in five taluks; cholera prevailing. Average number employed on Colka canal 207.
Kistna . . . .	Nil	Fever in some taluks; cholera in all taluks but one; and cattle-disease in one village.
Chingleput (Madras) . . . .	Nil	Standing crops fair, except in parts of two taluks, where withering; harvest wet and dry grain, outturn below average. Small-pox in one and cattle-disease in three taluks.
Coimbatore . . . .	Average 123	Standing crops good; harvest paddy and <i>cholum</i> , outturn paddy generally above average and <i>cholum</i> average. Fever in one taluk and small-pox in two villages.
Tanjore . . . .	Average 102	Standing crops good, except in one taluk, where rain is much wanted, harvest wet and dry crops, outturn below average. Cholera in one taluk.
Madura . . . .	Average 191	Harvest paddy, yield above average. Small-pox prevailing in one taluk.
Malabar . . . .	Average 172	Harvest third crop paddy, outturn below average. Fever in one, slight small-pox in nine, and cholera in two taluks.
Travancore . . . .	135	Small-pox and fever in parts.
<b>Bombay—(May 5th)</b>		
Kurrachee . . . .	Nil	River at Kotri on 3rd, 9 feet 2 inches against 11 feet on same date last year. <i>Rabi</i> harvesting continues. Fever in four and cattle-disease in two taluks. Wheat, red-rice, and <i>bajri</i> in Kurrachee 26, 30 and 34, in Tatta 26, 40 and 49, in Shahbandar 20, 42 and 44, and in Kotri 20, 38 and 38 pounds per rupee, respectively.
Hyderabad . . . .	Slight rain	<i>Rabi</i> harvest is being trodden in the Nausharo subdivision; preparations for <i>kharif</i> cultivation in progress in other subdivisions of the district. River at Kotri on 3rd, 9 feet 2 inches against 11 feet on same date last year. Fever in five and small-pox and cattle-disease in four taluks. Wheat 25, <i>juari</i> 40, <i>bajri</i> 38, white rice 19 and red rice 30 pounds per rupee. Weather cloudy.
Ahmedabad . . . .	Nil	Reaping of <i>rabi</i> crops completed. Public health good. Wheat 38 and <i>bajri</i> 32 pounds per rupee.

• Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—<i>contd.</i></b>		
Baroda	<i>Nil</i>	Public health good; small-pox and measles prevail in Naoari town; cattle-disease in Konaj taluka of Naoari division. Sowing crop in good condition. <i>Bajri</i> 20, wheat 22, and rice 17 pounds per rupee.
Surat	<i>Nil</i>	Cotton-picking completed in all talukas, save Bardoli. Slight fever and cough in Bardoli taluka. <i>Juari</i> 38 and <i>magh</i> 46 pounds per rupee.
Nasik	Sight rain at Savar, Niphali, Chandor, and Yeola.	<i>Rabi</i> crop threshing almost completed; land being prepared for the next year's crop in Igatpuri taluka. Public health generally good. Wheat 34, <i>bajri</i> 33, and rice 17 pounds per rupee.
Colaba (Bombay)	<i>Nil</i>	Average abnormal temperature warm; vapour in air excessive from 23th to 2nd, afterwards normal; wind normal; distant lightning from 23th to 1st.
Poona	Rain in Kod, Purandhar, Bimbad, and Haveli talukas; in Poona no storm and rain, the rainfall was about 2.50.	<i>Rabi</i> harvest almost completed. Small-pox in Sirur and Purandhar talukas. <i>Bajri</i> 34 and <i>juari</i> 44, in Poona <i>bajri</i> 32 and <i>juari</i> 35 pounds per rupee.
Ahmednagar	Nagor, 22	Reaping almost completed. Public health good. <i>Bajri</i> average 45 and <i>juari</i> 60 pounds per rupee.
Sholapur	Sholapur, 50; Karmali, 34.	Land being prepared for <i>khair</i> sowing. <i>Juari</i> 57 pounds to 10 tolas, and <i>bajri</i> 44 pounds to 32 tolas per rupee.
Dharwar	Rain throughout the district; in May 2.0 in Mundga, more than 1.0 in Gadhga and Kod, nearly 1.0 in Kadga, Heda, and Nagor, and slight 1.0 to 1.5.	Ground being prepared for early crop; harvesting of late <i>juari</i> and cotton-picking nearly completed. Scarcity of drinking-water in Nandga, Gadga, Karaga, and Kod. Cattle-disease in Bankapur; public health good. Rice 20 to 30 and <i>juari</i> 45 to 60 pounds per rupee.
Kanara	Siddapur, 34; S. 23; Halkali, 40; Adapur, 73.	Sugarcane crop thriving; ploughing and manuring fields for monsoon crop. Cattle-disease in Bankat; fever and small-pox in four talukas. Common rice at Karwar 14, in district average 13, per rupee. Weather cloudy and hot on coast.
Rajkot	<i>Nil</i>	Weather hot. Small-pox in Nowanagar and Ladlika; fever and bowel complaints in some parts; public health generally good. Wheat 35, <i>bajri</i> 31, and <i>juari</i> 15 pounds per rupee.
<i>General Remarks</i> —Rain in parts of Shikarpur and all districts of the Deccan and Southern Mahratta Country. Scarcity of drinking-water in four talukas of Dharwar and one of Khandesh. Fever, small-pox, and cattle-disease in parts of nine districts; other conditions unchanged.		
<b>Bengal—(May 5th)</b>		
Chittagong	1.84	Weather very hot until 2nd instant, since when unsettled. Prospects of crops fair. Prices unchanged. Fever continues; public health good.
Dacca	<i>Nil</i>	Sowing of rice and jute going on; <i>boro</i> rice being harvested; prospects of crops good. Sporadic cholera in Manickgung.
24-Pergunnahs (Calcutta).	<i>Nil</i>	No crops on ground, except sugarcane which is doing well; lands being prepared for early and <i>aman</i> paddy. Price of common rice 14 to 16 seers per rupee. Public health generally good; sporadic cholera in thana Baraset.
Moorshedabad	Some rain	Weather sea-breeze. <i>Boro</i> rice and indigo doing fairly well, but more rain wanted to the end of ploughing for <i>aman</i> crop. Public health fair, but a few cholera cases still continue. Price of rice stationary.
Rungpore	3.62	Prospects of crops favourable. Public health fair.
Burdwan	0.2	A violent shower has been of some benefit; rain still much wanted for agricultural operations. Price of rice 16 to 21 seers per rupee.
Bhagalpur	0.14	More rain wanted for cultivation and for early sowings. Price of rice 17 seers to Chittack per rupee.
Purneah	0.62	Prospects of crops good. More rain wanted to complete sowings. Price of rice 20 seers per rupee.
Patna	<i>Nil</i>	Reaping of <i>rahur</i> almost finished; castor gathering still going on; <i>chenna</i> sowings proceeding, and sugarcane being planted; <i>agur</i> weeding nearly at an end. Public health good.
Darbhanga	0.70	Rain has greatly benefited paddy and <i>aman</i> sowings; mango crop will be almost a failure this year. Prices rising. Public health good.
Hazaribagh	0.21	Weather very hot. Harvesting of <i>malha</i> nearly completed, with good yield; mango promising fairly. A few cases of small-pox and cholera reported; public health otherwise good.
Cuttack	<i>Nil</i>	Weather hot, with high wind. Reaping of <i>dahua</i> continues; ploughing in progress. Rain wanted. Price of rice unchanged. Public health generally good; a few cases of cholera in the interior.
Midnapore	1.04	Weather stormy. <i>Boro</i> harvest completed; lands being cultivated. Public health good.
Pubna	1.02	Rain very useful. Sowings fast progressing. Cholera at head-quarters.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bengal--contd.</b>		
Khoolna	1.23	Weather hot. <i>Boro</i> rice harvest commencing; outturn good. More rain wanted for ploughing. Slight cholera and fever in Bagurhat. Public health fair.
Dinajepore	0.19	Weather unsettled and damp, with a few showers. Land being ploughed; sowing of <i>aus</i> and jute commenced. Cholera in Tanua Rajnampore.
Gya	A few drops of rain.	Crops in good condition. Public health good. Prices moderate, and very fair falling.
Cumnapuram	0.60	Harvesting of <i>rahi</i> completed; fields being prepared for <i>bhado</i> and <i>ashani</i> crops; opium weighmen progressing. Prices stationary. Public health fair.
<i>General Remarks.</i> —Rain, accompanied in some places by a storm, fell in most districts during the week; rain has done much good to crops on ground, and has facilitated ploughing and early sowings, but more rain still much wanted in several districts. <i>Aus</i> rice and jute where sown coming up well, and sugarcane <i>mukya</i> and <i>chana</i> thriving; <i>boro</i> rice harvest proceeding with good outturn. Price of rice generally stationary. Cholera prevalent in Nudda and Jessore, and in places in East Bengal; otherwise public health good.		
<b>N. W. Provinces and Oudh — (May 6th)</b>		
Benares (May 30th)	Nil	Weather unaltered. The sowing and weeding continues; fields irrigated, where practicable. Supplies ample. Prices stationery. Slight cholera and small-pox cases prevalent; no deaths reported.
Gorakhpore ( " " )	Nil	Harvesting going on; <i>amra</i> weighing in progress. Prices stationary. Health fair, some fever and dysentery.
Fyzabad ( " 4th)	Nil	Weather hot. Harvesting of <i>rahi</i> nearly finished; sugarcane being planted and irrigated. Health of men and cattle generally good.
Rae Bareilly ( " 3rd)	Nil	Weather at times cloudy, wind variable. Harvesting nearly finished. Supplies ample. Prices almost unchanged. General health good.
Lucknow ( " " )	Nil	Harvesting going on. <i>Rabi</i> crop nearly gathered; melons ripe, but not yet a sale on a large scale. <i>Chana</i> supplies ample. Markets well stocked. Prices steady. Health of people good; condition of cattle fair.
Partabgarh ( " 4th)	Nil	East and west winds; weather occasionally cloudy during the week. <i>Rabi</i> thrashing nearly finished; <i>gram</i> , sugarcane, and <i>maize</i> being irrigated. Small-pox reported from all the districts.
Allahabad ( " " )	Nil	Weather so cloudy; hot winds blowing. <i>Rabi</i> nearly all stored. Markets well stocked. Prices show a slight rise. Health good.
Cawnpore ( " 3rd)	Nil	Weather very hot and close. Harvest approaching completion. Prices steady. Condition of people and cattle generally good.
Farakhabad ( " 4th)	Nil	Ploughing continues. East wind for several days. Health of people fair.
Sitapur ( " " )	Nil	Windy variable. Harvesting going on. Prices stationary. Health good.
Bareilly ( " " )	Nil	Weather hot and hazy, with easterly winds. Sugarcane sowings and irrigation going on. Prices fairly steady. A good deal of fever in Bareilly City.
Banda ( " 3rd)	Nil	<i>Rabi</i> crops being threshed, outturn fair. Prices steady. Public health good; cattle in fair condition.
Kumaon ( " 4th)	Nil	Weather fair, with occasional rain. Prices falling. <i>Rabi</i> crops being reaped. <i>Remount</i> and typhus fever in some parts; cattle-disease decreasing.
Agra ( " 3rd)	Not in one pargana and slight hail-storm in two.	Harvesting nearly completed. Prices steady. Health good.
Jhansi ( " " )	Nil	Weather getting hot. New grain coming to market. Prices almost stationary. Condition of people and cattle good.
Balha ( " 4th)	Nil	Strong westerly wind. Harvest operations nearing completion. Supplies ample. Health good.
Meerut ( " " )	Slight rain and storms.	Wind variable; weather hot and close. <i>Rabi</i> harvest nearly completed. New wheat small and shrivelled, outturn very poor; barley, gram, and peas quite up to average. Prices steady.
<i>General Remarks.</i> Weather reasonable. Harvesting almost finished. Markets well stocked. Supplies sufficient. Prices generally steady. Health of people and condition of cattle good.		
<b>Punjab—(May 5th)</b>		
Delhi (May 4th)	1.01	Health good. Prices fluctuating.
Hissar	Nil	Health good. Prices fluctuating.
Umballa	1.39	Health good. Prices rising. Prospects of current harvest good.
Jullundur	1.80	Health good. Prices slightly rising. Prospects of current harvest good.
Amritsar	Nil	Health good. Prices stationary. Prospects of current harvest good.
Sialkot	Nil	Health good. Prices stationary.
Ferozepore	Nil	Health good. Prices rising. Prospects of current harvest average.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Punjab—contd.</b>		
Lahore . . . .	<i>Nil</i>	Health good. Prices slightly falling.
Rawalpindi . . . .	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest average.
Shahpur . . . .	<i>Nil</i>	Health good. Prices falling. Prospects of current harvest good.
Mooltan . . . .	<i>Nil</i>	Health good. Prices rising.
Dera Ismail Khan . . . .	<i>Nil</i>	Prices stationary.
Peshawar . . . .	<i>Nil</i>	Health good. Prices falling.
		<i>General Remarks.</i> Rain has fallen in the Umballa and Jullundur districts. Health good. Prices of foodgrains rising in Umballa, Jullundur, and Ferozepore and falling in the Lahore, Sahpur, and Peshawar districts, elsewhere stationary. Prospects of current harvest good; harvest in progress.
<b>Central Provinces—</b>		
(May 5th)		
Nagpur . . . .	<i>Nil</i>	Weather cloudy and close. <i>Rabi</i> threshing still continues. Fever and cattle-disease prevalent. Prices steady.
Jubbulpore . . . .	<i>Nil</i>	Weather cloudy and close. Threshing and winnowing continuing. Health good. Prices steady.
Saugor (May 4th) . . . .	<i>Nil</i>	Weather hot and windy. Prospects and health good. Prices fallen.
Seoni . . . .	<i>Nil</i>	Weather hot and cloudy. Threshing and winnowing continuing. Fields being prepared for <i>kharif</i> . Cattle-disease in part. Prices steady.
Hoshangabad . . . .	<i>Nil</i>	Weather hot and stormy. Winnowing of <i>rabi</i> continues. Small-pox and cattle-disease in places. Prices steady.
Khandwa . . . .	<i>Nil</i>	Weather warm and cloudy. <i>Kharif</i> preparations in progress. Health fair. Prices steady.
Raipur . . . .	<i>Nil</i>	Weather hot and stormy. Threshing nearly over. Cholera and cattle-disease continue; small-pox declining. Prices risen.
Sambalpur (May 1st) . . . .	<i>Nil</i>	Weather cloudy and hot. Prospects good. Cholera in part. Trade brisk. Prices fallen.
		<i>General Remarks.</i> —Weather hot and cloudy, with slight storm. <i>Rabi</i> harvest still continues; <i>kharif</i> ploughings commence. Cholera in Chhatisgarh; fever and small-pox in places. Prices steady.
<b>British Burma—</b>		
(May 5th)		
Akyab (May 1st) . . . .	<i>Nil</i>	Public health good; cattle healthy.
Rangoon . . . .	704	Total rainfall 162. Public health good; cattle healthy.
Amherst (Moulmein) . . . .	98	Total rainfall 68. Public health good; cattle healthy.
Pegu . . . .	12	Total rainfall 67. Public health and health of cattle good.
Henzada . . . .	<i>Nil</i>	Public health and health of cattle good.
Prome . . . .	18	Total rainfall 31. Cholera in town, elsewhere public health good; cattle healthy.
Toungoo . . . .	<i>Nil</i>	Public health and health of cattle good.
Thayetmayo . . . .	44	Total rainfall 57½. Public health and health of cattle good.
		<i>General Remarks.</i> Cholera in Prome and Thongwa districts elsewhere public health good; cattle-disease in Hanthawad and Amherst districts, elsewhere cattle healthy.
<b>Assam—(May 5th)</b>		
Gauhati (May 4th) . . . .	472	Weather seasonable. Cholera prevalent in several parts of district; cattle-disease still in some mouzahs. Sowing of a paddy almost finished; planting sugarcane in progress.
Sylhet . . . .	798	No change since last report.
Cachar . . . .	Weather last three days rainy, 4'33.	Ploughing for <i>aus</i> and <i>asa</i> crops continues. Common rice 2 seers per rupee. 1 death from cholera from Kangora a 2 from Sadr reported.
Dibrugarh . . . .	Weather rainy, 3'40	<i>Abu dhan</i> being sown, and ploughing for <i>sali</i> continues; prospects of crops good. Cholera still prevalent in North Lakhimpur.
<b>Mysore and Coorg—</b>		
(May 5th)		
Bangalore . . . .	Slight rain has fallen throughout the State, with the exception of the Kolar district; good showers reported in parts of the Mysore and Tumkur districts.	Standing crops in good condition, except in parts of the Bangalore, Kolar, and Tumkur districts, where they are withering for want of water. Supply of water and fodder diminishing in parts of the Muddan districts. Prospects of season fair. Early rain much needed in the Kadur district for the coffee plantations. Public health generally good; smallpox prevalent in parts of Bangalore, Mysore, and Tumkur districts; cattle-disease in part of the Kolar and Shimoga districts. Prices slightly risen in districts of Bangalore, Mysore, and Shimoga.
Mysore Mercara . . . .		Prices of foodgrains slightly fallen. Prospects of season a public health good.
	35	
<b>Berar and Hyderabad—</b>		
Amraoti (May 5th) . . . .	<i>Nil</i>	Weather warm and occasionally cloudy. <i>Kharif</i> preparations continue. Wheat 22 and <i>juari</i> 26 seers per rupee.
Akola . . . .	<i>Nil</i>	Weather hot and rather cloudy. <i>Kharif</i> preparations progressing.
Hyderabad . . . .	707	Total rainfall 24. <i>Rabi</i> crops slightly damaged by hail in Amraoti taluka, and mango crops in Shahabad taluka damaged by high winds. General health fair. Prices—wheat 15, common rice 11½, white <i>juar</i> 16, yellow <i>juar</i> 23½, and <i>tur</i> 15½ seers per current sicca rupee.



Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central India States— (May 5th)</b>		
Indore . . . . .	<i>Nil</i>	Weather hot and cloudy, with slight duststorms.
Morar (Gwalior) . . . . .	<i>Nil</i>	Weather stormy and cloudy.
Sutna . . . . .	<i>Nil</i>	Weather seasonable. Health and prospects good.
Neemuch . . . . .	<i>Nil</i>	Weather very warm; high winds prevalent. Scarcity of water. Prices slightly rising. Health good.
Goona . . . . .	<i>Nil</i>	Weather hot. Health good.
Agar . . . . .	Slight rain	Health and prospects fair.
Schore . . . . .	<i>Nil</i>	Weather hot and cloudy. Health and opium crops good. Small- pox in some districts.
Nowgong . . . . .	<i>Nil</i>	Weather hot and cloudy, but working up for a storm. Health good. Prices falling.
Bhopawar (Manpur) . . . . .	Slight showers	Weather hot. Health good.
<b>Rajputana—(May 5th)</b>		
Abu . . . . . (May 5th)	<i>Nil</i>	Weather seasonable.
Sirohi . . . . . ( " 2nd)	<i>Nil</i>	Tanks dry; wells fair. Health good. Weather fair and hot, with occasional high winds.
Marwar . . . . . (April 30th)	06	Tanks almost half full. Health good. <i>Rabi</i> being sown gathered.
Kherwara . . . . . (May 2nd)	<i>Nil</i>	Weather partially cloudy; winds hot. Prices steady.
Pertabgarh ( " 1st)	<i>Nil</i>	Tanks and wells drying. Health good. Prices steady. Gram dearer. Weather seasonable.
Meywar . . . . . ( " " )	50	Tanks and wells drying. Wheat and opium slightly damaged. Health good. Prices steady. Weather seasonable and cloudy.
Jhallawar . . . . . (April 30th)	<i>Nil</i>	Tanks and wells low. Health very good. Prices rising. Weather cloudy.
Kotah . . . . . (May 1st)	<i>Nil</i>	Weather very hot, cloudy, and stormy. Small-pox increasing.
Harowli . . . . . ( " " )	Slight rain	Health good. Weather hot and cloudy. Tanks and wells suffi- ciently supplied.
Ajmere . . . . . ( " 4th)	Slight rain	Weather hot, with high winds. Health good.
Jepore . . . . . ( " " )	<i>Nil</i>	Weather cloudy and hot. Tanks and wells diminishing. Crop outturn poor. Slight fever and small-pox; 1 cholera case fatal in Ajmere.
Kerowlee . . . . . ( " 1st)	<i>Nil</i>	Harvesting completed.
Dholepore . . . . . ( " " )	<i>Nil</i>	Tanks dry; wells decreasing. <i>Kharif</i> ploughing commenced. Health good. Prices steady.
Ulwur . . . . . ( " 4th)	<i>Nil</i>	Tanks and wells dry. Health good. Prices stationary.
Bikanir . . . . . ( " 1st)	Slight rain	Crops harvested, outturn average. Wells failing. Fever in parts, otherwise health good. Prices steady.
<b>Nepal—(April 25th)</b>		
Katmandu . . . . .	1.20	Prices stationary. Weather cloudy and warmer.

C. J. LYALL,

Officiating Secretary to the Government of India.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. 1 OF 1886-87.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	RECEIPTS FOR FIRST 10 DAYS OF APRIL 1886.		Total mean length open.	RECEIPTS FOR FIRST 10 DAYS OF APRIL 1886.		Total mean length open.	TOTAL RECEIPTS FROM 1ST TO 10TH APRIL 1886.		TOTAL RECEIPTS FROM 1ST TO 10TH APRIL 1886.		Total Increase or Decrease 1886-87.	Total Increase or Decrease 1886-87.
		Total.	Per mile open.		Total.	Per mile open.		Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>	<i>Rs.</i>	<i>Rs.</i>		<i>Rs.</i>	<i>Rs.</i>		<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>		
10th April 1886	Oudh and Rohilkhand	1,08	1,08,115	3.96	6.0	2,02,431	298	1,08,115	3.97	2,02,431	298	4,336	...
17th do.	Madras	801	2,30,814	2.86	7.0	1,01,804	220	2,30,814	3.34	1,04,804	158	...	35,950
17th do.	South Indian	634	1,11,410	1.70	6.4	1,12,005	203	1,41,110	1.17	1,13,005	142	...	8,775
17th do.	Great Indian Peninsula	1,504	15,09,500	1.003	1,504	13,35,193	888	15,09,500	0.98	13,35,193	6.4	...	1,74,000
10th do.	Bombay, Baroda and Central India	401	4,50,022	0.01	4.0	4,49,986	975	4,49,986	0.31	4,49,286	682	...	7,600
	TOTAL	1,088	25,39,500	0.21	4,090	3,01,6459	530	25,39,500	3.95	3,01,6459	3.91	...	2,02,100
	<i>State.</i>												
24th April 1886	East Indian	1,700	15,47,081	1.003	1,700	4,59,288	993	15,47,081	0.75	14,59,288	674	...	87,700
17th April	Eastern Bengal	235	1,28,500	2.09	...	1,21,812	521	1,28,500	4.88	1,21,812	304	...	56,750
17th do.	Nalhati	27	3,337	1.09	...	3,343	124	3,337	7.70	3,343	87	100	...
17th do.	Northern Bengal	240	58,340	2.40	240	58,340	234	58,340	1.44	58,340	104	2,070	...
17th do.	Kaunia-Dharla	37	5,732	1.41	...	2,924	79	5,732	0.90	2,924	50	...	2,308
17th do.	Tinahat	...	91,053	2.71	...	53,937	210	61,033	1.71	53,937	153	...	8,010
24th do.	Patna-Gya	87	10,003	3.34	87	2,528	390	10,003	215	2,228	273	...	3,005
17th do.	Cawnpore-Achmeta	240	904	1.00	...	2,580	111	26,138	0.7	28,280	78	...	1,848
24th do.	Dildarnagar-Ghazipur	12	1,347	1.10	...	1,114	120	1,347	82	1,444	84	...	98
10th do.	Rajputana-Malwa	1,411	4,84,333	34	1,411	5,11,000	392	4,84,333	218	5,11,000	354	2,070	...
17th do.	Wardha Coal	45	18,401	411	47	28,919	570	18,401	260	25,919	403	7,430	...
17th do.	Nagpur and Chhattisgarh	140	78,810	5.29	140	73,557	104	78,810	3.17	73,557	346	...	5,255
17th do.	British Burma	254	60,806	335	372	9,338	284	60,806	228	92,858	109	2,052	...
24th do.	Sindia	75	13,117	180	75	10,107	130	13,117	114	10,407	97	...	3,000
17th do.	North-Western	1,803	10,08,034	503	1,803	8,10,100	432	10,08,034	375	8,10,100	319	...	2,535
17th do.	Amritsar-Pathankot	60	11,111	100	60	11,111	100	11,111	105	10,050	113	...	50
17th do.	Bareilly-Pilibhit	30	2,700	78	30	5,502	71	2,700	40	2,502	50	...	220
17th do.	Naravanganj-Dacca-Mymensingh	10	3,472	347	10	5,710	60	3,472	221	5,710	40	2,714	...
31d do.	Jorhat	...	(b)	...	...	(b)	...	(c) 279	12	(d) 371	12	9	...
24th do.	Cawnpore-Kalpi	...	...	...	47	3,385	81	...	...	3,385	57	3,385	...
	TOTAL	4,030	1,44,120	430	5,015	18,13,135	78	1,44,120	73	18,13,135	249	...	2,80,570
GRAND TOTAL (GUARANTEED AND STATE)		10,530	62,07,791	580	10,830	56,17,205	510	62,07,791	373	56,17,576	362	...	5,00,460
GROSS ESTIMATED EXPENSES		...	...	...	...	...	...	20,70,850	179	28,04,064	185	...	...
NET RECEIPTS		...	...	...	...	...	...	41,28,181	196	27,85,512	177	...	4,75,500
<i>Associated Companies.</i>													
17th April 1886	Bengal Central	126	23,646	183	130	15,333	122	23,646	120	15,333	85	...	8,310
17th do.	Rohilkhand and Kumaon	67	6,467	97	67	10,070	164	6,467	62	10,070	115	4,503	...
10th do.	Assam	78	8,109	115	78	10,188	131	8,109	75	10,188	91	1,229	...
17th do.	Southern Mahratta	214	20,951	98	316	40,977	129	20,951	63	40,977	90	10,720	...
17th do.	Bengal and North-Western	203	41,933	138	303	50,471	167	41,933	88	50,471	117	8,538	...
24th do.	Tatalsessur	22	11,145	507	22	9,958	473	11,145	373	9,958	317	...	1,110
	TOTAL	810	1,12,104	140	910	1,17,597	151	1,12,104	89	1,17,597	106	24,493	...
<i>Native States.</i>													
10th April 1886	Rhavnagar-Gondal	193	38,000	200	193	31,023	165	38,000	128	31,023	116	...	6,980
10th do.	Jodhpore	94	4,819	75	94	3,747	90	4,819	48	3,747	63	923	...
31d do.	Nizam's	...	(b)	...	...	(b)	...	(c) 11,113	97	(d) 7,019	63	...	3,400
10th do.	Mysore	140	11,855	85	140	10,117	72	11,855	54	10,117	50	...	1,600
17th do.	Rajpura-Patiala	16	1,808	113	16	1,908	110	1,808	...	1,908	83	100	...
	TOTAL	413	57,556	139	413	49,700	120	57,556	81	49,700	75	...	11,115

N.B.—As regards the figures in column "Total receipts from 1st April to date," audited figures have been availed of as far as possible.  
(b) Return not received.

(c) Total receipts from 1st to 4th April 1886.  
(d) Total receipts from 1st to 31st April 1886.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR-GENERAL  
OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND  
REGULATIONS UNDER THE PROVISIONS OF THE ACT OF  
PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Viceregal Lodge, Simla, on Thursday, the 6th May, 1886.

## PRESENT:

His Excellency the Viceroy and Governor General of India, K.P., G.C.B.,  
G.C.M.G., G.M.S.I., G.M.I.E., P.C., *presiding*.

His Excellency the Commander-in-Chief, Bart., G.C.B., C.I.E., V.C., R.A.

The Hon'ble C. P. Ilbert, C.S.I., C.I.E.

The Hon'ble T. C. Hope, C.S.I., C.I.E.

The Hon'ble Sir A. Colvin, K.C.M.G., C.I.E.

The Hon'ble W. W. Hunter, C.S.I., C.I.E., LL.D.

Colonel the Hon'ble W. G. Davies, C.S.I.

## INDIAN BANKRUPTCY BILL.

The Hon'ble MR. ILBERT moved for leave to introduce a Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India. He said:—

“Papers relating to this measure have now been before the public for the greater part of a year, and I do not propose to occupy the time of the Council by recapitulating in detail matters which have been explained in documents that have been published and circulated for general information.

“In the Statement of Objects and Reasons accompanying the draft Indian Bankruptcy Bill which the Government of India published last summer, it was remarked that the general amendment of the law of insolvency and bankruptcy in India had of late years been frequently pressed upon the attention of the Government of India.

“It was pointed out that there are at present two main bodies of insolvency law in force in British India—first, the English Statute of 1848, which, roughly speaking, constitutes the insolvency law for the three Presidency-towns and for the towns of Rangoon, Maulmain, Akyab and Bassein; and secondly, Chapter XX of the Civil Procedure Code, which constitutes the nearest approximation to an insolvency law for the Mufassal generally. It was added that besides these two main bodies of law there was a special insolvency law for the Punjab, and there were several special Acts passed for the relief of indebted landowners in different parts of the country.

“The Statement then referred to the steps which had been taken by Sir A. Hobhouse and others for amending Chapter XX of the Civil Procedure Code, to the general Insolvency Bill which was introduced in 1876 by Sir James Stephen, to the short amending Bill introduced by Mr. Pitt-Kennedy in 1881, and to the circumstances under which both these Bills had been dropped.

“After alluding to the special difficulties which had been experienced in working the existing insolvency law at Bombay and to the repeated requests for an amendment of the law which had reached the Government of India from that city, the Statement went on to say, in a paragraph which I will read in full,—

‘9. The insolvency law of the Presidency-towns is admittedly cumbrous, defective and out of date, and in some points of detail is, as has been shown, urgently in need of amendment. The proposals for its revision which have hitherto been submitted to the legislature have been objected to, not so much on the ground that they were undesirable, as on the ground that they were insufficient, and that, while it was desirable to re-cast the whole

law and bring it into conformity with English law, it was expedient to postpone legislation for this purpose while proposals involving important amendments of the English law itself were under consideration. This objection has recently been removed by the passing of the English Bankruptcy Act of 1883. That Act may not be perfect; but at least it embodies the accumulated experience of the 35 years which have elapsed since the passing of the Indian Insolvency Act; and in commercial law perfection of detail is less important than uniformity of principle. It is eminently desirable that the circumstances under which a debtor may be declared insolvent and under which he may obtain his discharge should be, as far as possible, the same in London and Calcutta.'

"The conclusion to which the Government of India came on these premises was that the opportunity should now be taken of repealing the Indian Insolvency Act of 1848 and substituting for it a new Act which should, so far as possible, conform in general principles, in language and in arrangement to the latest English Act, but should be freely adapted in details to Indian circumstances. And the draft Bill which was circulated for opinion last summer was framed in accordance with this view.

"Two difficult questions at once suggested themselves in connection with this draft, and are discussed in the Statement of Objects and Reasons which accompanied it.

"The first question was whether the new law should be applied to the whole of British India or only to specified towns. With reference to this question my opinion was, and is, that although there is much to be said in favour of having one and only one insolvency law for the whole of India, yet the balance of advantage is in favour of leaving the Mufassal generally under the Civil Procedure Code, and of confining the operation of the new Act to those towns which are at present under the operation of the Insolvency Act, power being reserved to bring other towns within the same category. The Bill which I am asking leave to introduce will therefore have this restricted operation, but I propose to insert in it provisions which will enable the Courts to deal with up-country debtors in certain cases.

"The second question was in connection with the powers of the Governor-General in Council. The present Indian Insolvency Act is an Act of the Imperial Parliament; and as such has operation beyond the limits of British India. For instance, a vesting order made under it vests in the assignee by its direct operation all the real and personal estate and effects of the insolvent in whatever part of the British dominions they may be situate or accrue. The Indian legislature cannot give its own Acts any such extensive operation, and this limitation of our powers has up to this time proved a serious stumbling-block in the way of Indian bankruptcy legislation. I think it is clear that we cannot pass a satisfactory Bankruptcy Act for India, or any part of India, without some assistance from Parliament, and the mode in which I suggested last year that that assistance should be given was by an enabling Act to be passed by Parliament at some time before our Indian measure was carried through its final stage. I sketched out and annexed to the Statement of Objects and Reasons two alternative drafts of an Act of Parliament, which were submitted to the Secretary of State for consideration by the English authorities.

"This is how the matter stood last July. It remains for me to explain what has taken place since then. I will begin with the action of the authorities in England.

"The Secretary of State has expressed his general approval of the draft Indian Bill which this Government put in circulation last year; but, with reference to our suggestions for parliamentary legislation, he has forwarded to us for our information certain correspondence which has taken place between the India Office and the Board of Trade as the department in charge of English bankruptcy administration. The Board of Trade see no objection to one of the draft Acts of Parliament which we sent home, but raise a further question as to the desirability of obtaining a general enactment which should enable the Courts of the United Kingdom or any of the British colonies or possessions to give effect to the provisions of the bankruptcy laws of any other part of the British empire, as is now the case under certain sections of the English Bankruptcy Act (sections 117-119) with regard to the different portions of the United Kingdom. The Board also

suggest the advisability of obtaining power to extend section 14 of the English Bankruptcy Act, with a view to enabling a Court in any part of the British empire to suspend bankruptcy or insolvency proceedings before it, if in its opinion those proceedings could be more satisfactorily conducted in another Court.

"On these points the Board of Trade have been consulting the Colonial Office, and promise a further communication when the replies from the Colonial authorities have been received.

"Now I quite agree with the Board of Trade about the expediency of giving inter-colonial and imperial effect to the bankruptcy laws of the different parts of the British empire; and if the suggestions made by this Government eventually result in legislation which will not only enable the Calcutta creditor to have his decrees enforced and the property over which he has claims to be easily realized at Singapore, Hongkong and Melbourne but will confer similar advantages on creditors in the Straits Settlements, Australia and elsewhere, we shall have fairly earned the gratitude of our colonial friends. But legislation which is to give satisfaction to all the scattered colonies and dependencies of the British empire will take time, and it is hardly fair to ask India to wait until all other parts of the empire are agreed about what they want.

"I think therefore that our best course will be to pass without further delay as good an Act for India as we can, and then to ask the Secretary of State and Parliament to pass such supplementary legislation as will suffice for Indian requirements, without prejudice to any more general enactment extending to the whole empire which it may be found expedient or practicable to pass hereafter. I have no doubt that Parliament would appreciate the reasonable character of such a request. We should, I believe, have a better chance of getting a confirming than an enabling Statute, and I think I see my way to avoiding some of the difficulties which had occurred to me last year as likely to arise out of confirmatory legislation.

"Passing now from what has been done in England to what has been done in India,—the draft Bill, with the accompanying papers, was published in the Gazette and circulated among Local Governments for opinion in the course of last June. I had hoped that the replies might be received in time to admit of my introducing the measure in the course of the last Calcutta session, but the last and most important of them did not reach me until March, and consequently I have been compelled to defer the present motion until after the return of the Council to Simla. It would be impossible to prepare a satisfactory measure on the subject of the Bill without the active co-operation of those who are conversant with the practical working of the insolvency law in the Presidency-towns, and I have to express my sincere thanks to those gentlemen who have been good enough to study the draft Bill, and to offer suggestions and criticisms on its provisions. I have found specially useful the report of Messrs. Wilson, Pigot and Trevelyan, who constituted the committee of Calcutta Judges appointed by the High Court to consider the draft, the note by Mr. Macgregor, who is the Official Assignee at Calcutta, the report of the Bombay Chamber of Commerce, and the note by Messrs. Farran and Turner, the Acting Prothonotary and the Official Assignee at Bombay.

"The Bombay Chamber of Commerce tell us that before discussing the detailed provisions of the draft they had to consider two broad questions—first, whether in the existing state of things a new Insolvency Act was called for; and secondly, whether in that event the general principles of the proposed Bill were thoroughly adapted to the requirements of the trading community and to the conditions attending insolvency in India. To the first question, we are informed, the reply was unanimously in the affirmative. 'The necessity,' says the report, 'of a radical reform in the bankruptcy law for India has long been keenly felt by the mercantile public, and has on numerous occasions been the subject of anxious consideration. In the address with which the Chamber had the honour to welcome the arrival in India of His Excellency the Viceroy the matter was prominently mentioned as one of pressing importance; and had it not become known that the Bill now under report was in preparation, it was the intention of the Chamber to

memorialise Government begging that action might be taken at the earliest possible opportunity.'

"The second question, they say, did not admit of so ready an answer. The difference between the causes and circumstances of English and Indian insolvencies, they remark, is so great that at first sight the mere fact of the Bill being drawn on the same lines as an English Act carries with it a presumption of possible unfitness. But a closer examination of its provisions, they go on to say, shows that in its leading principle of official control over bankrupt estates it is in a great measure a return to what has long been recognized as one of the best features of the present Indian insolvency law, and it is on this ground that I understand the Chamber to return an affirmative answer to the second as well as to the first of the questions which they had raised. In the revised version of the Bill it will be found that this feature of official control, to which the Bombay Chamber so justly attach importance, is a good deal more emphasized than in the draft which was circulated last year.

"It is fair to say that one of the Bombay authorities,—Mr. Hart, Chief Judge of the Bombay Court of Small Causes,—taking his stand on the differences between England and India, draws another conclusion from that arrived at by the Chamber of Commerce, and questions altogether the desirability of applying the principles of the English Bankruptcy Act to India. If the measure which I am asking leave to introduce were to apply to India generally, there would be very great force in his criticisms; but it must be borne in mind that the present measure is only intended to extend to the Presidency-towns and to a few other places where the conditions of insolvency resemble much more closely those existing in England than they do in the Mofussal.

"Among the differences between English and Indian conditions to which the Bombay Chamber direct prominent attention is the fact that imprisonment for debt has been abolished in England but not in India. Now on imprisonment for debt I have my own opinion. I believe that the system of imprisonment for debt as such (I am not speaking of cases where indebtedness involves an element of fraud) is bad for the creditor, bad for the debtor and bad for the country at large. I know that this opinion is shared by some of my colleagues, in particular by my friend Mr. Hope, who has on more than one occasion delivered his soul on this subject with much effect, and it is strongly supported by some papers which have been sent to us from Burma with reference to the present Bill. Moreover, some interesting reports on the law of foreign countries which Sir H. Maine was kind enough to have collected for me, and which were published in the *Gazette of India* last year, show that this is the view to which the legislatures of all civilized countries are tending, and at which most of them have arrived. But when Indian authorities were consulted on this subject some four or five years ago there was very great divergence of opinion about it, and a large number of persons, whose opinion, from their position, their experience and their knowledge of the country, is entitled to the greatest weight, were strongly opposed to the abolition of imprisonment for debt. In fact, it appeared that Indian opinion generally, both official and unofficial, was not yet ripe for any such change, and that, under existing circumstances, it would be useless for me or for any one else to propose any such alteration of the law affecting India generally. Whether we should not be justified in proposing legislation confined in its scope to a particular province where the balance of authoritative opinion is in favour of change, is another question into which I will not enter now.

"But, so far as the present Bill is concerned, I yield to the opinion of the Bombay Chamber, which I fear would be endorsed by Chambers of Commerce elsewhere, that it would be unadvisable as yet to deprive creditors of the power of imprisoning for debt. Accordingly the present Bill has been prepared on the assumption that imprisonment for debt is to be retained. There is no doubt some little difficulty in adapting the provisions of the English measure to a country where imprisonment for debt still remains, but the difficulty is not insuperable, and I think that it may be surmounted by means of a few adjustments and adaptations, in addition to those which appeared in last year's draft.

"Before I leave the Bombay papers I will refer to one other point which is of considerable importance in a province like Bombay, where British territory and Native States are much intermixed and interlaced. The Bombay Chamber remark that, so far as Bombay is concerned, one of the greatest disadvantages which creditors have to contend with is the facilities which fraudulent debtors have for escaping from the jurisdiction of the Court by absconding into Native territory. Among a certain class of native traders, they say, —and that by no means the lowest, —this is a very common means of evading punishment, and, owing to the ease with which it can be accomplished, it tends greatly to encourage fraudulent bankruptcy. Once made possible, they urge, for the writ of the Bankruptcy Court to take effect in Native States, and reckless trading will have received a death-blow which no other form of legislative enactment could administer. The Chamber frankly admit the difficulties attending their proposal; but I am not sure that they have fully realized that the suggested remedy is one which it is beyond the competency of the Indian legislature to apply. We can, by legislation in this Council, provide for the arrest of debtors about to abscond from British into Native territory, and I propose to do so by the present Bill. We cannot, by legislation in this Council, make the writs of our Bankruptcy Courts run in Native territory. If further facilities than those which now exist are to be given for executing British writs in Native territories, they must be given by means of executive arrangements carried out through the agency of the Foreign Department. The question whether such facilities could be given was a good deal discussed in the years 1867 and 1868, and was eventually decided in the negative, in accordance with the strongly expressed opinion of the Bombay Government of that day. If the present Bombay Government can see their way to meeting the objections which 18 years ago were considered fatal to the adoption of proposals similar to those now put forward, I feel sure that the Government of India will gladly co-operate in taking such action as may be practicable for preventing Native States from being converted into Alsacias for fraudulent debtors.

"I will now turn to the Calcutta criticisms. The Committee of Calcutta Judges and the Official Assignee, Mr. Macgregor, have gone through the draft Bill clause by clause, and have made some most useful suggestions, the majority of which I propose to adopt. The point to which they attach most weight is one to which I have already adverted, namely, the importance of maintaining strict official control over Indian insolvencies, and the impossibility in almost every case of administering an insolvent estate in this country through the agency of the creditors and a trustee appointed by them. To this view I fully assent. The reason why I thought that the English Bankruptcy Act of 1883 could be more easily adapted to the circumstances of this country than its predecessor was because it involves a return to the principle of official supervision. The Act bears on the face of it signs of its being a compromise between two views—the view embodied in the Act of 1869 that the administration of debtors' estates should be left as much as possible to the creditors themselves, and the view that official supervision is indispensable to prevent waste and scandal. The administration is given to a person who is called the trustee, and who is supposed to be appointed by and to act in consultation with the creditors; but he is not given nearly as free a hand as under the old Act, and every inducement is offered to employ official rather than voluntary agency, especially in the case of small estates. The draft Indian Bill which was published last year reversed the presumption underlying the English Act, and proceeded on the view that the employment of the Official Receiver (or, if we retain the existing Indian term, the Official Assignee) would be the rule, and the employment of a creditor's trustee the exception. And, after hearing the very forcible objections which have now been urged to the administration of insolvent estates in India through trustees and committees of inspection, I think it would be safe and proper to go a good deal further in the direction of official control than I had originally proposed. It appears from the Calcutta papers that, although power is given to the Court by a section of the Indian Insolvency Act to order the election of assignees by the creditors, this power has rarely, if ever, been exercised, and, as far as the Calcutta Judges can ascertain, in only one case in recent years have



creditors applied to the Court for an order under this section. In view of this evidence as to the decided preference of creditors themselves for official administration, I propose in the revised draft to incline the balance a good deal further in the official direction by omitting the machinery of committees of inspection, and by reducing to much smaller compass the parts of the Bill relating to formal meetings of creditors, and to the duties and liabilities of trustees appointed by the creditors, the assumption being that those provisions will be only of exceptional application.

"I also propose, as I have said before, to meet another Calcutta criticism by giving the Court power in certain cases of exercising jurisdiction over up-country debtors.

"I reserve for the introduction of the Bill any more detailed explanation of its provisions, and will merely add that I fully assent to what Mr. Macgregor says with regard to the propriety of safeguarding the interests of existing establishments. The only reason why clauses on this subject were not inserted in last year's draft was because I thought they would be best settled after consultation with the persons immediately affected by them.

"This then is the general character of the Bill which I propose to introduce. Having regard to the small number of insolvencies which come before the Courts of the Presidency-towns, and to the extremely petty character of the transactions out of which those insolvencies ordinarily arise, the scope of the measure will be very limited, and I have no desire that it should be extended. Personally I am disposed to agree with the opinion of the Officiating Recorder of Rangoon that if imprisonment for debt were abolished there would be very little insolvency business in India, or that at all events it would be confined to *bonâ fide* trading bankruptcies.

"But until the time is ripe for a more heroic remedy I can offer no better solution of the problem of providing an insolvency law for the centres of Indian commerce than that which is embodied in the measure which I hope shortly to lay before the Council."

The Motion was put and agreed to.

The Council adjourned to Thursday, the 13th May, 1886.

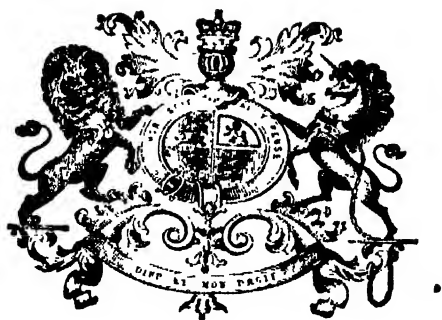
S. HARVEY JAMES,

*Offg. Secy. to the Govt. of India,*

*Legislative Department.*

SIMLA;

*The 7th May, 1886.*



# The Gazette of India

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

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SIMLA, THURSDAY, MAY 6, 1886.

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REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.

EXHIBITIONS.

*Simla, the 6th May, 1886.*

No. 1357 Ex.

The following papers relating to the opening of the Colonial and Indian Exhibition, London, on the 4th instant, by Her Majesty the Queen-Empress, which have been received by telegraph from His Royal Highness the Prince of Wales, Executive President of the Royal Commissioners, are published for general information:—

## COLONIAL AND INDIAN EXHIBITION.

*Address by His Royal Highness, the Executive President, to Her Majesty the Queen, on the occasion of the opening of the Exhibition.*

MAY IT PLEASE YOUR MAJESTY,—As Executive President of the Royal Commissioners appointed by Your Majesty's Royal Warrant of the 18th of November, 1884, for the promotion of an Exhibition of the British Colonial and Indian Empire, and subsequently incorporated by Your Majesty's Royal Charter of the 10th September, 1885, I humbly beg leave to lay before you a brief statement of our proceedings up to the present time. The general interest manifested in the display made by Your Majesty's Colonial and Indian Empire at the Paris Exhibition of 1878 led me, as President of the British Commission, to express a hope that an opportunity might soon occur by which Your Majesty's subjects in England would be enabled to witness the marvellous development which, under your beneficent rule, their brethren and fellow-subjects had attained throughout so many portions of the globe. It was, therefore, with the highest gratification that I accepted Your Majesty's gracious invitation to assume the Executive Presidency of this Commission, the appointment of which by Your Majesty has been the means of making this hope a reality. The invitations which we were empowered by Your Majesty to issue to the Colonial Governments and to the Government of India were forwarded towards the close of the year 1884, and from the answers received it at once became apparent that this undertaking had obtained warm and hearty sympathy throughout Your Majesty's dominions. In Your Majesty's dominion of Canada, throughout your Australasian, African, West Indian, and Eastern Colonies, in your Mediterranean Possessions and elsewhere, grants were voted, Commissions formed, and Executive Commissioners appointed. That the work of preparation was undertaken with enthusiasm and attended with success, is evident from the complete and varied collections

which at present fill the buildings through which Your Majesty has just passed. The response received from the Government of India was also of the most cordial character. His Excellency the Viceroy caused, through the Revenue and Agricultural Department, instructions to be issued to every district of Your Majesty's Indian Empire for the collection of objects illustrative of the arts, manufactures, and resources of that great realm. These collections, which now adorn a large section of the Exhibition, have been supplemented by generous contributions from their Highnesses the Princes of India, by collections the formation of which we ourselves have authorised, and by the contributions of private Native exhibitors. We are desirous of bringing under Your Majesty's notice our deep appreciation of the hearty cooperation of the Colonial Governments in this Exhibition, and of taking this exceptional opportunity of stating how greatly we are indebted to the Commissions appointed by these Governments and to the Executive Commissioners on whom the superintendence of the entire work of installation has devolved. We further desire to record the valuable assistance which we have received from Your Majesty's Viceroy, from the Supreme Government of India, and from the various officials who have so ably and thoroughly carried out their instructions. Our grateful thanks are also due to the Colonial Governments, to the Government of India, to the Corporation of the City of London, to many City Companies, and to the firms and individuals who have contributed to the guarantee funds. The fact that the list of subscribers not only includes those whose interests are likely to be specially affected by the Exhibition, but also comprehends every class of the community, supplies a gratifying proof of the universal sympathy and interest which this undertaking has aroused. We venture to avail ourselves of this opportunity to convey to Your Majesty our dutiful and loyal acknowledgments of the interest which Your Majesty has been pleased to take in our labours, proved as it is by Your Majesty's presence here today; nor can I resist a reference to a similar ceremonial presided over by Your Majesty, but a few paces from this spot, thirty-five years ago. On that memorable occasion, the first of its kind, the Prince Consort, my beloved and revered father, filled the position which I, following in his footsteps at however great a distance, now have the honour and gratification of occupying. Your Majesty alone can fully realise with what deep interest my beloved father would, had he been spared, have watched, as their originator, the development of the Exhibitions both in this country and abroad, and with what especial pleasure he would have welcomed one having for its object the prosperity of Your Majesty's Empire, the interests of which he had so much at heart. In the great Exhibition of 1851 Your Majesty's Colonial and Indian Possessions were indeed represented, but their importance was then but little realised, and their present greatness was at that time unforeseen. During the years that have elapsed since 1851, few greater changes have been wrought than the marvellous development of the outlying portions of your Majesty's Empire. It is our heartfelt prayer that an undertaking intended to illustrate and to record this development may give a stimulus to the commercial interests and intercourse of all parts of Your Majesty's dominions; that it may be the means of augmenting that warm affection and brotherly sympathy which is reciprocated by all Your Majesty's subjects; and that it may still further deepen that steadfast loyalty which we, who dwell in the Mother-country, share with our kindred who have elsewhere so nobly done honour to her name.

*Reply of Her Majesty the Queen-Empress.*

I receive with the greatest satisfaction the Address which you have presented to me on the opening of this Exhibition. I have observed with a warm and increasing interest the progress of your proceedings in the execution of the duties entrusted to you by the Royal Commission, and it affords me sincere gratification to witness the successful result of your judicious and unremitting exertions in the magnificent Exhibition which has been gathered together here today. I am deeply moved by your reference to the circumstances in which the ceremony of 1851 took place, and I heartily concur in the belief you have expressed that the Prince Consort, my beloved husband, had he been spared, would have witnessed with intense interest the development of his ideas, and would, I may add, have seen with pleasure our Son taking the lead in the movement of which he was the originator. I cordially concur with you in the prayer, that this undertaking may be the means of imparting a stimulus to the commercial interests and intercourse of all parts of my dominions by encouraging the arts of peace and industry, and by strengthening the bond of union which now exists in every portion of my Empire.

ODE ON THE OPENING  
OF THE  
COLONIAL AND INDIAN EXHIBITION

BY

LORD TENNYSON, POET LAUREATE.

Welcome ! welcome ! with one voice  
In your welfare we rejoice,  
Sons and brothers that have sent  
From Isle and Cape and Continent  
Produce of your field and flood,  
Mount and mine, and primal wood,  
Works of subtle brain and hand,  
And splendours of the morning land,  
Gifts from every British zone.  
Britons hold your own !

May we find, as ages run,  
The mother featured in the son !  
And may yours for ever be  
That old strength and constancy,  
Which has made your fathers great  
In our ancient Island State,  
And where'er her flag may fly,  
Glorying between sea and sky,  
Makes the might of Britain known !  
Britons hold your own !

Britain fought her sons of yore :  
Britain failed ; and never more,  
Careless of our growing kin,  
Shall we sin our fathers' sin—  
Men, that in a narrower day,  
Unprophetic rulers they,  
Drove from out the mother's nest  
That young eagle of the West  
To forage for herself alone.  
Britons hold your own !

Sharers of our glorious past,  
Brothers, must we part at last ?  
Shall not we, through good and ill,  
Cleave to one another still ?  
Britain's myriad voices call :  
Sons, be welded each and all  
Into one Imperial whole,  
One with Britain heart and soul,  
One life, one flag, one fleet, one throne !  
Britons hold your own !

And God guard all !

*Telegram from Her Majesty the Queen-Empress, to His Excellency the Viceroy,  
dated the 5th May, 1886.*

Opening of Indian and Colonial Exhibition went off splendidly. Great enthusiasm. Delighted to see so many of my Indian subjects.

By order of the Governor-General of India in Council,

C. J. LYALL,

*Offg. Secretary to the Government of India.*





# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 8, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 15th March 1886.*

From the 10th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

	R	s.	p.
Subscription for <i>Gazette</i> and Supplement per annum	15	0	0
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Subscription for Supplement only	0	0	0
Postage	3	0	0
For a single copy of the <i>Gazette</i>	0	8	0
For a single copy of the Supplement	0	4	0
Postage on single copies varies according to weight.			

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the *Gazette*. The annual subscription for the two Parts is Rs 5 per annum, payable in advance. When sent by post, Rs 2-8 per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid in advance.

Applications for the supply of the *Gazette* on public service should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's *Gazette*.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

*Publisher, Gazette of India.*

### HIGH COURT—Original Side.

#### NOTIFICATION.

*Calcutta, the 30th April 1886.*

The Honorable the Chief Justice of the High Court of Judicature at Fort William in Bengal has appointed Joseph B. Braman, of No. 120 Broadway, New York, Solicitor, a Commissioner, within all parts of New York, for the purpose of taking under the law in force in British India the acknowledgment of married women of deeds to be executed by them in respect of property in British India.

By Order,

R. BELCHAMBERS.

## No. 320.—Account of Revenue and Expenditure of the Government of India for the first

N.B.—Amounts are converted into

	REVENUE.	Estimates, 1885-86.	April 1884 to December 1884.	April 1885 to December 1885.	COMPARISON OF TWO YEARS	
					Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue*	22,864,600	12,081,918	12,181,178	99,260	...
II	Opium	9,025,500	6,483,511	6,586,889	103,378	...
III	Salt	6,100,000	4,730,924	4,594,396	...	136,528
IV	Stamps	3,633,400	2,647,126	2,673,793	26,667	...
V	Excise	4,070,000	2,952,054	3,049,190	97,136	...
VI	Provincial Rates	2,856,800	1,739,275	1,805,319	66,044	...
VII	Customs	1,175,000	624,774	735,975	111,201	...
VIII	Assessed Taxes	514,900	472,325	473,778	1,453	...
IX	Forest	1,060,100	515,255	549,419	34,164	...
X	Registration	281,800	212,310	230,081	17,765	...
XI	Tributes from Native States	601,300	274,620	278,737	4,117	...
XII	Post Office	1,101,700	776,173	834,531	58,358	...
XIII	Telegraph	510,100	326,022	406,590	80,568	...
XIV	Mint	125,000	82,012	165,266	83,254	...
XV	Law and Justice	595,300	380,836	395,407	14,631	...
XVI	Police	311,600	220,352	227,122	770	...
XVII	Marine	176,400	100,735	139,334	38,599	...
XVIII	Education	201,800	139,408	135,550	...	858
XIX	Medical	52,600	34,806	32,710	...	2,090
XX	Scientific and other Minor Departments.	80,100	53,320	45,305	...	9,815
XXI	Interest	659,400	405,771	439,175	...	26,596
XXII	Receipts in aid of Superannuation, &c.	257,700	105,966	138,197	32,231	...
XXIII	Stationery and Printing	54,100	20,165	35,078	5,613	...
XXIV	Miscellaneous	267,700	182,713	204,202	21,489	...
	<i>Productive Public Works.</i>	57,002,900	35,936,977	36,357,488	720,811	...
XXV	State Railways (Gross Earnings)	3,841,700	2,395,534	2,063,109	564,635	...
	East Indian Railway (Gross Earnings)	4,550,000	3,097,827	3,424,943	327,110	...
	Eastern Bengal Railway (Gross Earnings).	550,000	495,053	335,782	40,729	...
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,360,000	3,012,790	3,306,380	313,590	...
XXVII	Irrigation and Navigation (Direct Receipts).	874,700	680,154	463,553	...	210,601
	<i>Unproductive Public Works.</i>					
XXIX	State Railways	148,400	176,083	169,452	...	6,631
XXX	Subsidized Railways	...	...	...	...	...
	Southern Mahratta Railway.	100,000	20,336	67,329	46,993	...
XXXI	Irrigation and Navigation	135,400	95,064	96,249	1,185	...
XXXII	Military Works	40,800	27,164	26,517	...	947
XXXIII	Civil Buildings, Roads, and Services	474,600	343,827	328,872	...	14,955
XXXIV	Army	814,000	520,322	554,835	34,513	...
XXXV	Military Preparations in N. W. Frontier.	...	...	23,971	23,971	...
"	Military Operations in Burmah	...	...	67	67	...
	England, including Army, Public Works, &c.	71,892,500	46,304,131	48,138,607	1,834,476	...
		197,900	184,669	225,013	40,344	...
	GRAND TOTAL.	72,090,400	46,488,800	48,363,260	1,874,820	...

\* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.



nine months of the year 1885-86, as compared with the corresponding period of 1884-85.

sterling at Rs 10 to the pound sterling.

	EXPENDITURE.	Estimates, 1885-86.	April 1884 to December 1884.	April 1885 to December 1885.	COMPARISON OF TWO YEARS.	
					Increase.	Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt*	3,800,000	2,824,100	2,858,883	34,783	...
2	Do. on other Obligations	411,000	200,398	110,541	...	80,857
3	Refunds and Drawbacks	221,400	141,130	168,586	27,456	...
4	Assignments and Compensations	1,248,500	504,077	607,947	12,970	...
5	Land Revenue	3,113,800	2,262,601	2,313,344	52,053	...
6	Opium (including cost of production)	2,473,700	2,007,613	2,801,982	104,060	...
7	Salt (do. do.)	402,300	336,166	329,564	...	6,002
8	Stamps	81,800	64,473	62,217	...	2,256
9	Excise	123,500	73,440	88,918	15,472	...
10	Provincial Rates	113,500	70,755	34,458	...	45,297
11	Customs	133,200	103,040	97,988	...	5,952
12	Assessed Taxes	13,400	10,416	9,711	...	705
13	Forests	775,300	416,174	432,387	16,213	...
14	Registration	181,100	132,287	138,507	6,220	...
15	Post Office	1,161,300	829,820	860,426	30,597	...
16	Telegraph	607,900	379,929	368,265	...	11,664
17	Mint	77,500	53,581	69,024	15,443	...
18	General Administration	1,335,700	985,176	1,022,340	37,164	...
19	Law and Justice	3,437,500	2,437,054	2,453,790	16,736	...
20	Police	2,855,700	2,037,664	2,068,902	31,238	...
21	Marine (including River Navigation)	305,800	242,080	250,980	8,000	...
22	Education	1,201,900	861,062	802,115	1,053	...
23	Ecclesiastical	160,700	122,591	122,461	...	130
24	Medical	760,100	531,397	531,221	...	170
25	Political	620,800	471,758	880,956	417,208	...
26	Scientific and other Minor Departments	477,900	377,745	384,013	7,103	...
27	Territorial and Political Pensions	654,000	483,370	473,574	...	9,796
28	Civil Furlough and Absentee Allowances	5,200	10,111	3,853	...	6,258
29	Superannuation Allowances and Pensions	763,100	616,580	615,211	...	1,378
30	Stationery and Printing	371,000	271,017	287,502	16,485	...
31	Miscellaneous	263,700	180,668	202,567	12,800	...
32	Famine Relief	33,000	3,802	34,242	30,350	...
33	Protective Works—Railways	500,000	654,793	...	...	654,793
34	Do. do. Irrigation	287,300	136,832	121,552	...	15,280
35	Reduction of Debt	670,700	...	...	...	...
49	Exchange on transactions with London	3,573,600	1,809,010	1,651,644	...	247,375
		33,774,400	23,533,023	23,339,680	...	193,343
	<i>Productive Public Works.</i>					
36	State Railways (Working Expenses)	2,270,500	1,455,464	1,734,260	278,796	...
	East Indian Railway (Working Expenses)	1,820,500	1,391,893	1,345,182	...	40,711
	Eastern Bengal Railway (ditto)	232,500	97,522	212,102	114,580	...
37	Guaranteed Railways (Surplus Profits, Land and Supervision)	516,000	475,780	475,010	...	776
38	Irrigation and Navigation (Working Expenses)	593,100	394,715	390,484	4,769	...
39	Charges in respect of Capital—Guaranteed Railways Interest	4,400	10,016	24,886	14,870	...
	<i>Unproductive Public Works.</i>					
40	State Railways (Capital Account)	308,000	98,371	158,360	50,989	...
41	Do. (Working & Maintenance)	110,000	120,043	98,100	...	28,444
42	Subsidized Railways	30,800	30,331	18,218	...	12,113
	Southern Mahratta Railway	80,300	138,057	58,039	...	80,018
43	Frontier Railways	160,000	1,03,67	...	...	176,897
44	Irrigation and Navigation	706,100	433,735	446,001	12,266	...
45	Military Works	1,088,300	595,862	561,935	...	33,927
46	Civil Buildings, Roads, and Services	400,000	2,420,266	2,231,751	...	188,515
47	Army	12,101,500	8,816,602	9,174,141	357,539	...
48	Military Preparations in N.-W. Frontier	...	...	1,860,821	1,860,821	...
	Military Operations in Burmah	...	...	20,760	20,760	...
		57,951,900	40,198,183	42,169,835	1,971,052	...
	England, including Army, Public Works, Guaranteed Interest, &c.	14,354,600	10,636,675	10,766,982	130,307	...
	<i>Productive Public Works—Capital Expenditure.</i>	72,306,500	50,834,858	52,036,817	2,101,959	...
50	In India—					
	State Railways	1,000,000	848,152	1,455,200	607,048	...
	East Indian Railway	340,000	241,585	236,673	...	7,912
	Eastern Bengal Railway	132,100	42,478	70,271	36,793	...
51	Irrigation and Navigation	813,700	402,395	383,981	...	18,414
	In England—					
	State Railways	862,100	548,878	(a) 1,221,087	673,100	...
	East Indian Railway	...	301,740	284,208	...	17,532
	Eastern Bengal Railway	350,000	972,680	453,370	...	519,310
	Irrigation and Navigation	6,000	3,750	5,524	1,768	...
		4,105,400	3,364,604	4,120,214	755,550	...
	GRAND TOTAL	76,711,000	54,100,522	57,057,031	2,857,509	...

\* Includes Interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

C. R. C. KUERNANDER,  
Deputy Comptroller General.

E. F. T. ATKINSON,  
Offg. Comptroller General.

(a) Including Rs 671,193 on account of Frontier Railways.

Statement of Government Promissory Notes enforced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 30th April 1886.

PARTICULARS.	4 PER CENT LOANS										4 1/2 PER CENT LOANS		TRANSFER LOAN OF 1870, SEVEN SHILLINGS PER CENT FORBORN.	PER CENT LOAN OF 1855-57	GRAND TOTAL.	
	Interest					Principal					Of 1870	Of 1878				Total.
	Of 1870-73	Of 1873-75	Of 1875-77	Of 1877-79	Of 1879-81	Of 1880	Of 1881	Of 1882	Of 1883	Of 1884						
Balance of 15th April 1886	54,100	1,073,53	27,751	2,555	9,321,00	2,79,09,400	2,51,20,210	8,59,43,653	44,19,700	77,25,800	9,79,37,700	19,91,83,400	1,33,800	32,200	19,53,56,953	
<b>Add—</b>																
Amount enforced at Madras between 15th and 30th April 1886	...	...	...	11,000	6,000	500	1,000	18,500	...	...	12,500	12,500	...	...	31,000	
Amount enforced at Bombay between 10th and 30th April 1886	...	500	...	8,000	3,000	22,500	1,000	1,16,500	...	8,000	1,29,500	1,37,500	...	...	2,54,000	
Amount enforced at Calcutta between 16th and 30th April 1886	54,100	1,073,53	27,751	2,555	9,321,00	2,79,09,400	2,51,20,210	8,59,43,653	44,19,700	77,25,800	9,79,37,700	19,91,83,400	1,33,800	32,200	19,53,56,953	
<b>Deduct—</b>																
Amount written off in the London Registers	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Balance on 30th April 1886	54,100	1,073,53	27,751	2,555	9,321,00	2,79,09,400	2,51,20,210	8,59,43,653	44,19,700	77,25,800	9,79,37,700	19,91,83,400	1,33,800	32,200	19,53,56,953	

Note.—From 25th June 1870 to 1st Feb 1886, the amount of interest paid in London has been re-transferred from London to India.

18 <sup>th</sup> Mar 1885 to 18 <sup>th</sup> Mar	"	"	15	"	"	9	10
1 <sup>st</sup> Apr " to 31 <sup>st</sup> "	"	"	10	"	"	9	10
1 <sup>st</sup> May " to 31 <sup>st</sup> May	"	"	7	"	"	3	11
1 <sup>st</sup> Jun " to 30 <sup>th</sup> "	"	"	7	"	"	5	10
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ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA  
UNIVERSITY.

**The Undermentioned Candidates have passed the B. A. Examination.**

*This list is arranged in Alphabetical Order.*

No.	Name	Address	Age	Religion	Education	Occupation
1	Abdul Aziz	Dacca College.	..	..	Teacher.	..
"	Hak	Teacher.	..	..	..	..
"	Wajid	Dacca College.	..	..	..	..
2	Adhikari, Debchharan	Free Church Institution.	70	..	..	..
"	Hennath	City College	..	..	..	..
3	Baksi, Taraprasanna	Metropolitan Institution.	..	..	..	..
4	Bandyopadhyay, Abinashchandra	Free Church Institution	..	..	..	..
"	Akhilchandra	Presidency College	..	..	..	..
"	Anupchandran	L. M. S. College, Bhowanipour.	..	..	..	..
10	Asutosh	Ditto	..	..	..	..
"	Balaram	Metropolitan Institution	..	..	..	..
"	Banwarilal	Free Church Institution.	80	..	..	..
"	Barakanta	Teacher	..	..	..	..
"	Biswakishna	Metropolitan Institution.	..	..	..	..
"	Emodlal	Free Church Institution	..	..	..	..
"	Channin No. 2	General Assembly's Institution	..	..	..	..
"	Dwajbhandra	Free Church Institution.	..	..	..	..
"	Girishchandra	Metropolitan Institution	..	..	..	..
"	Jogindranath	Free Church Institution	..	..	..	..
20	Jogindranath	Metropolitan Institution.	..	..	..	..
"	Kaaprasanna	Ditto	..	..	..	..
"	Kesarnath	L. M. S. College, Bhowanipour.	90	..	..	..
"	Jahnmohan	Metropolitan Institution	..	..	..	..
"	Natendranath	Free Church Institution	..	..	..	..
"	Nriyagopal	Metropolitan Institution	..	..	..	..
"	Pranathanath	Free Church Institution.	..	..	..	..
"	Rajendranath	L. M. College, Benares	..	..	..	..
"	Rakhadas	Teacher	..	..	..	..
"	Rasbihari	General Assembly's Institution	..	..	..	..
30	Barati, Benarna Chab	Hughli College.	..	..	..	..
"	Baroti, Ambikacharan	Purna College.	..	..	..	..
"	Baruya, Debicharan	General Assembly's Institution.	100	..	..	..
"	Basak, Rajendranath	Dacca College.	..	..	..	..
"	Basu, Abhaypatra	Canning College	..	..	..	..
"	Akhilchandra	General Assembly's Institution	..	..	..	..
"	Akshaykumar	Dacca College.	..	..	..	..
"	Bhupatmath	Rayer Shaw College.	..	..	..	..
"	Pipimbora	Metropolitan Institution.	..	..	..	..
"	Biswanath	L. M. S. College Bhowanipour	..	..	..	..
40	Chandrikumar	Free Church Institution	110	..	..	..
"	Hiranidra	General Assembly's Institution.	..	..	..	..
"	Jnanendranath	Free Church Institution	..	..	..	..
"	Rajendranath	Teacher	..	..	..	..
"	Rameshchandra	Free Church Institution	..	..	..	..
"	Sureschandra	Poynton College	..	..	..	..
"	Bhagabati Sahay	Metropolitan Institution	..	..	..	..
"	Bhagwati Choren	Free Church	..	..	..	..
"	Bhanja Upendranath	Presidency College	..	..	..	..
"	Bhattacharyya, Anandamohan	Teacher	..	..	..	..
50	Anandamohan	Presidency College.	..	..	..	..
"	Baccharam	Metropolitan Institution	..	..	..	..
"	Durgadas	Teacher	120	..	..	..
"	Kedarnath	Metropolitan Institution.	..	..	..	..
"	Nibaranchandra	Presidency College	..	..	..	..
"	Sukantha	Metropolitan Institution.	..	..	..	..
"	Biswas, Gurudas	Dacca College.	..	..	..	..
"	Sasibhushan	Purna College	..	..	..	..
"	Bomwesch, G. S.	Poynton College.	..	..	..	..
"	Borah, Satyanath	Metropolitan Institution	..	..	..	..
60	Chakrabarti, Debendranath No. 1	Free Church Institution.	..	..	..	..
"	Debendranath No. 2	Ditto	..	..	..	..
"	Ramendra	General Assembly's Institution.	130	..	..	..
"	Rasikchandra	Teacher.	..	..	..	..
"	Reyatimohan	Presidency College.	..	..	..	..
"	Syamsaran	General Assembly's Institution.	..	..	..	..
"	Udaynaryan	Teacher.	..	..	..	..

Datta, Suryyalal	...	Free Church Institution.	Marik, Bhabataran	...	General Assembly's Institution.
De, Basadaprasad	...	Ditto.	Mewa, Ram	...	Canning College.
.. Hemchandra	...	General Assembly's Institution.	Mirza, Wahid Ali Beg	...	Ditto.
.. Jnanendranath	...	Dorseton College.	Mitra, Aghornath	...	Metropolitan Institution.
.. Manmathanath	...	General Assembly's Institution.	.. Akshaykumar	...	Ditto.
.. Parbaticharan	...	Dacca College.	.. Dharaniswar	...	St. Xavier's College.
140 Deb, Mahendrachandra	...	City College.	.. Haridas	...	Presidency College.
Devaki, Nandan Lal Sahi	...	Benares College.	220 .. Indubhushan	...	General Assembly's Institution.
Dhar Manmohan	...	Free Church Institution.	.. Jogindranath	...	Presidency College.
Durga, Dayal	...	Canning College.	.. Kaliprasanna	...	Dacca College.
Fox, J. K.	...	Presidency College.	.. Nagendranath	...	Presidency College.
Gangopadhyay, Basantakumar	...	Dacca College.	.. Nagendranath	...	Free Church Institution.
.. Benimadhab	...	Metropolitan Institution.	.. Nibaranchandra	...	Metropolitan Institution
.. Bishnupada	...	Teacher.	.. Nirmalchandra	...	General Assembly's Institution.
.. Nabinchandra	...	Metropolitan Institution.	.. Prabodhchandra	...	Ditto.
Ghatak, Kaliprasanna	...	Rajshahye College.	.. Ramendralal	...	Presidency College.
150 Ghosh, Amulyachandra	...	Metropolitan Institution.	Muhammad, Ishfak	...	Free Church Institution.
.. Asutosh	...	Ditto.	.. Israel	...	Presidency College.
.. Hemchandra	...	General Assembly's Institution.	.. Israel Khan	...	Ditto.
.. Jyotiprasad	...	Presidency College.	Mukhopadhyay, Bipinbihari	...	St. Xavier's College
.. Khagendranath	...	Free Church Institution.	.. Bipinchandra	...	Free Church Institution.
.. Kunjabihari	...	Metropolitan Institution.	.. Birajchandra	...	Ditto.
.. Mahimachandra	...	General Assembly's Institution.	.. Charuchandra	...	Ditto.
.. Nagendranath	...	Ditto.	.. Gangacharan	...	Hughli College.
.. Narayandas	...	L. M. S. College,	.. Ganhari	...	Free Church Institution
.. Nareschandra	...	Bhowanipur.	.. Girindrachandra	...	Metropolitan Institution
160 .. Prachaitanya	...	Free Church Institution	.. Girindranath	...	Presidency College.
.. Rajaninath	...	Teacher.	.. Hangseswar	...	Metropolitan Institution
.. Rajendranath	...	Hughli College	.. Haripada	...	Hughli College.
.. Saratchandra	...	Free Church Institution	.. Haripada	...	Presidency College.
.. Satischandra	...	City College	.. Jogindrachandra, No. 2,	...	Metropolitan Institution
.. Siddheswar	...	Presidency College.	.. Kalidas	...	Hughli College
.. Sitalprasad	...	Hughli College	.. Kalikananda	...	Presidency College.
.. Surendrachandra	...	Presidency College	.. Kaliprasanna	...	General Assembly's Institution.
.. Surendranath	...	Ditto.	.. Kedareswar	...	Metropolitan Institution
Ghoshal, Hemendranath	...	Metropolitan Institution.	.. Kshitibhushan	...	Krishnagar College.
170 Godfrey, L. E.	...	Ditto.	.. Lal Mohan	...	City College.
Gopal Ganesh Ranade	...	Dorseton College	.. Mahendranath	...	Ditto.
Goswami, Kunjabihari	...	Canning College.	.. Rajendranath	...	Hughli College
.. Sasibhushan	...	Free Church Institution	.. Ramchandra	...	Metropolitan Institution.
Guha, Jogendranath	...	Rajshahye College.	.. Saratchandra	...	Presidency College
.. Kedarnath	...	General Assembly's Institution.	.. Sasibhushan	...	City College
.. Maheschandra	...	Metropolitan Institution.	.. Sureschandra	...	Free Church Institution
.. Mohimchandra	...	Rajshahye College.	.. Sunendra	...	Teacher
Gupta, Anilchandra	...	Muir Central College	.. Taraprasanna	...	Metropolitan Institution
.. Asutosh	...	Teacher.	Munshi, Dakshinacharan	...	Rajshahye College.
180 .. Baradacharan	...	Free Church Institution	Murphy, E. A. B. E.	...	Mussorie School.
.. Charuchandra	...	Presidency College.	260 Mustafi, Mamatha	...	Metropolitan Institution
.. Gurulal	...	Metropolitan Institution	Nag, Jyotindramohan	...	Ditto.
.. Rasiklal	...	Teacher.	Nandi, Rajaninath	...	General Assembly's Institution.
.. Sibnath	...	Metropolitan Institution.	.. Niyogi, Manmohan	...	Ditto.
Hajra, Phakirdas	...	Ditto.	.. Nowmidh Lal	...	Patna College.
.. Ditto.	...	Ditto.	.. Owen, M.	...	St. Xavier's College.
Haldar, S.	...	St. Xavier's College.	.. Pal, Lakshminarayan	...	City College.
Har Saran	...	Agra College.	.. Saradaprasanna	...	Metropolitan Institution.
Hemayat Uddin	...	Dacca College	.. Palit, Kalicharan	...	General Assembly's Institution.
Htoon Chan	...	St. Xavier's College	.. Parnachandra	...	Ravenshaw College.
190 Kalka Singh	...	Canning College	.. Raghupershad	...	Canning College.
Kar, Binodmukanta	...	Dacca College.	.. Rai, Prithwi Nath	...	Muir Central College.
Kastagiri, Jogindralal	...	Dacca College.	.. Ramprasad	...	Canning College.
Keshav Vinayak Joshi	...	Metropolitan Institution	.. Ray, Chandrasekhar	...	General Assembly's Institution.
Krishnaji Hari Doley	...	Canning College.	.. Gopalchandra	...	Free Church Institution.
Kundu, Annadaachandra	...	Ditto.	.. Kulachandra	...	Metropolitan Institution
Lala, Harbandhan Lal	...	Free Church Institution.	.. Lalitmohan	...	General Assembly's Institution.
.. K. Jindhi Prasada	...	Benares College	.. Nripendrachandra	...	Metropolitan Institution
.. Sivanandan Prasada	...	Ditto.	.. Priyanath	...	City College.
Linton, C. H.	...	Ditto.	.. Purnachandra	...	General Assembly's Institution.
200 Mahendrakisor	...	Teacher.	.. Sitanath	...	Free Church Institution.
Mahmud	...	Patna College.	.. Surendranath	...	Ditto.
Maitra, Girindrachandra	...	Presidency College.	.. Raychaudhuri Paresnath	...	Ditto.
.. Mukundamohan	...	Free Church Institution.	Sailajaprasad	...	Patna College.
Majumdar, Charuchandra	...	Presidency College	Sanyal Banuchandra	...	Metropolitan Institution
.. Indrabhushan	...	Hughli College.	Sarbadhikari Suresprasad	...	Metropolitan Institution
.. Indubhushan	...	Metropolitan Institution.	Sarkar Baradakanta	...	General Assembly's Institution.
.. Mahananda	...	Presidency College	.. Bh. Bhabataran	...	Free Church Institution
.. Prasannakumar	...	General Assembly's Institution.	.. Chintamani	...	Metropolitan Institution.
.. Rasbihari	...	Metropolitan Institution.			
210 .. Umeschandra	...	Free Church Institution			
.. Ditto.	...	Ditto.			
Mallik, Kalidas	...	Presidency College.			
Mandal, Ramkrishna	...	City College			

Sarkar Kalipada	...	General Assembly's Institution.		Sinha, Kedarnath	...	General Assembly's Institution.	
" Purnachandra	...	Metropolitan Institution.	310	" Madhusudan	...	Free Church Institution.	
Sen, Asutosh	...	Free Church Institution.		" Ramlal	...	Patna College.	
" Bhupendranath	...	General Assembly's Institution.		" Satishchandra	...	Free Church Institution.	
" Bipinchandra	...	Metropolitan Institution.		" Shamsheerbahadur	...	L. M. College Benares.	
" Dakshinayanjan	...	Ditto.		" Surendranath	...	Presidency College.	
" Dinabandhu	...	St. Xavier's College.		Som, Baikunthnath	...	City College.	
" Dinanath	...	Hughli College.		" Gopalchandra	...	Hughli College.	
" Jyotinarachandra	...	Doverton College.		Sundar, Das Suri	...	Teacher.	
" Mathuranath	...	Metropolitan Institution.		Sur, Bihari Lal	...	Ditto.	
" Phanibhushan	...	General Assembly's Institution.	320	" Sasibhushan	...	Free Church Institution.	
" Saratchandra No. 2	...	Metropolitan Institution.		Surya Prasad	...	Patna College.	
" Saratchandra	...	Benares College.		Syed Mahomed Ali	...	M. A. O. College, Aligarh.	
" Basikumar	...	General Assembly's Institution.		Syed Nazir Hassan	...	Free Church Institution.	
" Surendrachandra	...	Doverton College.		Talukdar Harendrachandra	...	General Assembly's Institution.	
" Taraprasad	...	Dacca College.		Thakur Dayal	...	Patna College.	
Sengupta Ambikaprasad	...	General Assembly's Institution.		Thakur Kesabadasa	...	Muir Central College.	
Sil, Maniklal	...	Free Church Institution		" Narendranath	...	General Assembly's Institution.	
" Ramkrishna	...	Ditto.	330	Ukil, Syamacharan	...	Free Church Institution.	
Sinha, Bankubhari	...	St. Xavier's College.	331	Ven's, H. C.	...	Benares College.	
				Wilayat Husain	...	M. A. O. College, Aligarh.	
				Yawar Hosain Khan	...	Patna College.	
				Zahurul Husen	...	Teacher.	

The undermentioned candidates have taken Honours in the B. A. Examination :—

*These Lists are arranged in Order of Merit.*

(C) indicates 1st division in	Chemistry and Physics.	(c) indicates 2nd division in	Chemistry and Physics.
(E) ...	English.	(e) ...	English.
(L) ...	Latin.	(l) ...	Latin.
(M) ...	Mathematics.	(m) ...	Mathematics.
(P) ...	Persian.	(p) ...	Persian.
(Ph) ...	Mental and Moral Science.	(ph) ...	Mental and Moral Science.
(S) ...	Sanskrit.	(s) ...	Sanskrit.

#### ENGLISH.

##### FIRST DIVISION.

1 Bhattacharya, Janakinath. (S) (ph) ...	City College.	13 Bandyopadhyay, Chandrabhushan ...	Metropolitan Institution.
2 Mukhopadhyay, Durgadas. (Ph) ...	Free Church Institution.	11 { Majumdar, Surendranath	St. Xavier's College,
3 Wheeler, E. M. (L) ...	Presidency College.	Sen, Jagadishchandra ...	Dacca College
4 Das, Jogindranath ...	Ditto.	16 Ramachandra ...	Muir Central College.
5 { Das, Nibaranachandra. (Ph)	City College.	17 Dover, W. C. ...	St. Xavier's College.
Fernando, M. J. ...	Free Church Institution.	18 { Chattopadhyay, Kshiro-	Presidency College.
7 Ahmad ...	Presidency College.	dehandra. (ph) ...	Dacca College.
8 Guha, Taraprasanna ...	Ditto.	20 { Ghosh, Atulkrishna ...	Muir Central College
9 Datta, Manmathanath ...	Metropolitan Institution.	Sarkar, Rajankanta ...	Free Church Institution.
10 Kastagiri, Saradacharan ...	Ditto.	22 { Abdur Rahim ...	Presidency College.
11 { Abdus Samad ...	Free Church Institution.	Ghosh, Saratchandra ...	Dacca College.
Chattopadhyay, Nalinranjan ...	Presidency College.	24 De, Manmathanath ...	Patna College.

##### SECOND DIVISION.

25 Azmat Ali Firoz ...	Muir Central College.	43 { Ghosh, Ambikacharan ...	Dacca College.
26 De, Ramnath. (Ph) ...	Presidency College.	" Syamacharan ...	Patna College.
27 { Das, Bipinbhai (s) ...	Ditto.	Gokulprasad (s) ...	Muir Central College
Mukhopadhyay, Saratchandra ...	Benares College.	Zahurul Haq ...	Dacca College.
29 Ghosh, Surendranath ...	Dacca College.	47 Gupta, Bhubannmohan ...	Metropolitan Institution
30 Chakrabarti, Phatik-chandra ...	Krishnagar College.	48 Bardolai, Gopinath ...	General Assembly's Institution.
31 Dasgupta, Mathuranath ...	Patna College.	49 Dikshita, Ambikaprasad ...	Canning College.
32 Ray, Kalicharan ...	Free Church Institution.	50 Gupta, Sukhamay ...	Free Church Institution.
33 Bhaduri, Nabakrishna ...	Metropolitan Institution.	51 Bandyopadhyay, Purna-chandra ...	General Assembly's Institution.
34 Sen, Debendranath ...	Teacher.	52 Chattopadhyay, Haraprasad ...	Free Church Institution.
35 Muhammad Husain Azmi ...	Muir Central College.	53 Gupta, Kaminimohan ...	Ditto.
36 Shibbon Lal ...	Agra College.	54 Mitra, Hemchandra ...	Patna College
37 Abdul Karim ...	Presidency College.	55 Ray, Saratchandra ...	Presidency College.
38 Yugala Kishora ...	L. M. College, Benares.	56 Kanbayya Lal Dave. (s) ...	Muir Central College.
39 Abdus Samad. (p) ...	Patna College.	57 Gangopadhyay, Bhupal-chandra. (s) ...	Presidency College.
40 Basu, Haridas ...	Metropolitan Institution.	58 Sarmacharya, Raman-krishna ...	Dacca College
41 Dasgupta, Prasanna-kumar. (s) ...	Dacca College.		
42 Gouri Sankar. (e) ...	Muir Central College		

## MENTAL AND MORAL SCIENCE.

## FIRST DIVISION.

1 Majumdar, Syamaprasanna	Presidency College.	7 Bandyopadhyay, Apurba-	
2 Raychaudhuri, Purna-		kumar	St. Xavier's College.
chandra	...	8 Mitra, Basambad	City College.
3 Ghosh, Atalbihari	...	Chattoadhyay, Charu-	
4 Basu, Satyananda	...	chandra	Free Church Institution.
5 De, Ramanath (e)	...	Das, Nibaranachandra (k)	City College.
6 Mukhopadhyay, Durga	...	11 Bandyopadhyay, Jagada-	
das. (E)	Free Church Institution.	nanda	Metropolitan Institution.
		12 Kunjbehari Seth	Canning College.

## SECOND DIVISION.

13 Trimbuakanant Sothey. (s)	Agra College.	18 Dipchand	...	Agra College.
14 Bhattacharyya, Janaki-		19 Das, Kamulal	...	Bonares College.
nath. (E) (S)	City College.	20 Jugatbehari Makar	...	Agra College.
15 Nand Kishore Lal	Presidency College	21 Haldar, Hiralal	...	General Assembly's Insti-
16 Mukhopadhyay, Kalisan-				tution.
kar	...	22 Sen, Upendranath	...	Canning College.
17 Chattopadhyay, Kshirod-	...	23 Rajaram	...	Ditto.
chandra (E)	Ditto.			

## SANSKRIT.

## FIRST DIVISION.

1 Bhattacharyya, Janaki-		2 Chakrabarti, Sitalehan-	
nath. (E) (ph)	City College	dra	City College.

## SECOND DIVISION.

3 Basu, Nityakrishna	Metropolitan Institution.	11 Gangopadhyay, Bhupal-	
4 Sen, Kamini	Bethune Female School.	chandra. (e)	Presidency College
5 { Trimbuakanant Sothey. (ph)	Agra College.	12 Das, Umakanta	City College.
Vinayak Rao Yadeo		13 De, Purnachandra	Metropolitan Institution.
Bhope	Muir Central College	14 Dasgupta, Prasannaku-	
7 Bandyopadhyay, Sasa-		mar. (e)	Dacca College.
chur	Presidency College	15 Bandyopadhyay, Prabha-	
8 Das, Bipinbihari. (e)	Ditto	charan	Metropolitan Institution
9 Kanhaiya Lal Dave. (e)	Muir Central College	16 Gokulprasad. (e)	Muir Central College.
10 Mukhopadhyay, Giris-		17 Bhattacharyya, Syama-	
chandra	Hughh College	charan	Metropolitan Institution.
		18 Gangopadhyay, Pratap-	
		chandra	Dacca College.

## PERSIAN.

## FIRST DIVISION.

1 Zahhadur Rahim	...	Dacca College	3 Hafiz Ibadullah	...	Agra College.
2 Mubauk Husain	...	Muir Central College.			

## SECOND DIVISION.

4 Abdus Samad. (e)	Patna College.	5 Muhammad Habibullah	Patna College.
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## LATIN.

## FIRST DIVISION

1 Wheeler, E. M. (1)	...	...	...	Presidency College
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## SECOND DIVISION

2 Billing, W	...	...	Teacher.
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## HISTORY

## FIRST DIVISION

1 Mukhopadhyay, Satyachandra	...	City College.
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## SECOND DIVISION.

2 Sen, Ishaminiranjan...	City College	4 Bandyopadhyay, Ramkrishna	City College.
3 .. Kedarnath	Metropolitan Institution		

## MATHEMATICS

## FIRST DIVISION.

1 Basu, Abinashchandra	Presidency College.	3 Mitra, Srischandra. (e)	Presidency College.
2 Bandyopadhyay, Kshetra-	Metropolitan Institution.		
mohan			

4	Haldar, Piyarilal. (c) ...	Presidency College.	12	Kundu, Radhagobinda ...	Hughli College.
	{ Basak, Rajkisor ...	Ditto.	13	Datta, Radhakanta ...	Patna College.
	{ Das, Gobindachandra,		14	Bhattacharyya, Sarada-	
5	{ No. 1. (c) ...	Dacca College.		mohan ...	Dacca College.
	{ Mukhopadhyay, Abinash-		15	Ray, Kalikumar ...	Patna College.
	{ chandra ...	Presidency College.	16	Kshatriya, Debdayal ...	L. M. College, Benares.
8	Chaudhuri, Jnanendra-		17	Ghosh, Surendrakumar ..	Hughli College.
	nath. (c) ...	Ditto.	18	Datta, Satyakraishna ...	Presidency College.
9	Dhar, Mohanimohan ...	Metropolitan Institution.	19	Narayan Moreswar Sane.	Muir Central College.
10	{ Bhattacharyya, Kalipada	Presidency College.			
	{ Chaturvedi, Badrinath ...	Muir Central College.			

First Division.

1 Trivedi, Ramendrasundar Presidency College. 2 Das, Gobindachandran.  
No. 1. (m) ... Dacca College.

3	{ Haldar, Piyaṛāḷ. (m) .	Presidency College.	8	Saha, Gangadas	...	Presidency College.
	{ Mitra, Srischandra. (M)	Ditto.	9	Kastagiri, Dhinendralal	.	Ditto.
5	{ Sinha, Sureschandra	Ditto.	10	Gouri Sankar. (c)	...	Muir Central College.
6	{ Chaudhuri, Jnanendra-					
	{ nath. (m)	Ditto.				
	{ Sarkar, Annadaprasad	Ditto.				

W. GRIFFITHS.

*Registrar.*

LIABILITIES.				ASSETS.			
	Rs.	a.	p.		Rs.	a.	p.
Capital paid-up	2,00,00,000	0	0	Government Securities	60,54,775	2	0
Reserve Fund	41,50,084	15	0	Other authorized Investments	46,00,140	0	0
Public Deposits at Head Office	84,02,557	0	5	Loans on Government and other authorized Securities	1,03,21,300	5	1
Public Deposits at Branches	1,33,33,058	14	3	Accounts of Credit on Government and other authorized Securities	82,30,150	12	9
Other Deposits at Head Office and Branches	4,97,46,508	5	0	Bills discounted and purchased	2,51,73,331	1	4
Bank Post Bills, &c.	3,22,861	7	3	Balances with other Banks	7,03,557	0	7
Sundries	17,08,193	14	8	Bullion	2,019	10	0
				Dead Stock	14,37,031	3	7
				Stamp	50,0	3	0
				Sundries	6,57,183	14	0
					5,77,40,131	4	0
				Cash and Currency Notes at Head Office	70,00,000	0	5
				Cash and Currency Notes at Branches	1,36,53,720	9	8
					2,07,43,720	10	1
<b>RUPEES</b>	<b>7,77,50,121</b>	<b>14</b>	<b>7</b>	<b>RUPEES</b>	<b>7,77,50,921</b>	<b>14</b>	<b>7</b>

By Order of the Directors,  
W. D. CRUP KSHANK,  
*Off. Secretary & Treasurer.*



## SURVEY OF INDIA DEPARTMENT.

*Maps of the Survey of India Department, published at the Survey of India Offices, Calcutta and Dehra Dun, for the quarter ending 31st March 1886.*

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Description.	Scale.	Size and number of sheets.	PRICE OF MAP UNMOUNTED PER SHEET OR COPY.		Date of Publication.
			Uncolored.	Colored.	
			R a.	R a.	
<b>GENERAL MAPS.</b>					
Map of India illustrating distribution of the principal religions. Compiled from Census of 1881 by Major C. Strahan, R.E.	1" = 80 M.	34" × 35"	...	5 0	January 1886.
Skeleton Map of India	1" = 32 M.	40" × 27" each section, in 6 sections.	6 0	8 0	January 1886.
Map of Bengal, Behar, Orissa and Chota Nagpore	1" = 32 M.	40" × 27" each section, in 6 sections.	1 8	2 0	February 1886.
Contour Map of India	1" = 32 M.	40" × 27" each section, in 6 sections.	5 0	...	February 1886.
Map of Berar or the Hyderabad Assigned Districts	1" = 8 M.	40" × 27"	2 8	3 0	November 1885.
General Map of Port Blair Settlement, containing sheets Nos. 12, 13, 14, and 15. South Andaman	2" = 1 M.	40" × 25"	1 0	1 4	February 1886
Map of the Central India Agency	1" = 16 M.	40" × 27" each section, in 2 sections.	3 0	3 8	January 1886.
Map of the countries on either side of the North-West Frontier of India	1" = 32 M.	40" × 27" each section, in 2 sections.	Not	priced.	October 1885.
<b>DISTRICT MAPS.</b>					
Map of District Phulbeh, comprising Pargana Patanpur of Zillah Shahjahanpur, and Parganas Jahanabad, Phulbeh and Bisalpur of Zillah Bareilly	1" = 2 M.	40" × 22" each section, in 2 sections.	2 0	2 8	January 1886.
<b>PLANS OF CANTONMENTS AND CITIES.</b>					
Map of the City of Mysore and Environs	12" = 1 M.	Each sheet, 40" × 25" in 6 sections.	5 0	7 8	March 1886.
<b>ATLAS SHEETS.</b>					
Sheet No. 13 S.E. Parts of Districts Sorath, Barda, Kattywar, Baroda Native States (Kattywar, Bombay Presidency)	1" = 4 M.	26" × 17"	0 12	0 12	September 1885.
Sheet No. 47 S.W. Parts of Districts Ferozshah, Jalindhar, Hashiarpur, Kangra and Umballa, District Simla and protected States of Kailur and Sukat (Punjab)	1" = 4 M.	26" × 17"	0 12	0 12	March 1886.
Sheet No. 48 S.E. Parts of Districts Dehra Dun, British Garwal, Saharanpur, Mozuffernagar and Benor (N.W.P.), and Karnal and Umballa (Punjab)	1" = 4 M.	27" × 20"	0 12	0 12	June 1885.
<b>NORTH-EAST FRONTIER SURVEY.</b>					
Sheet No. 7. Part of South Sylhet	2" = 1 M.	40" × 25"	...	...	January 1886.
Sheet No. 10. Part of South Sylhet	2" = 1 M.	40" × 25"	...	...	January 1886.
Sheet No. 11. Part of South Sylhet	2" = 1 M.	40" × 25"	...	...	January 1886.

## MAPS OF THE SURVEY OF INDIA DEPARTMENT—continued.

Description.	Scale.	Size and number of sheets.	PRICE OF MAP UNMOUNTED PER SHEET OR COPY.				Date of Publication.
			Uncolored.		Colored.		
STANDARD SHEETS.							
ANDAMAN SURVEY.							
Sheet No. 8 South and Middle Andamans	1"= 2 M.	40" x 25"	1	0	1	4	January 1886.
Sheets Nos. 12 & 10 South Andaman	4"= 1 M.	40" x 25"	1	0	1	4	January 1886.
Sheet No. 13, South Andaman	4"= 1 M.	40" x 25"	1	0	1	4	January 1886.
Sheet No. 14, South Andaman	4"= 1 M.	40" x 25"	1	0	1	4	January 1886.
Sheet No. 15, South Andaman	4"= 1 M.	40" x 25"	1	0	1	4	January 1886.
BENGAL SURVEY.							
Sheet No. 112. District Mozufferpore	1"= 1 M.	40" x 27"	1	8	1	12	January 1886.
Sheet No. 113. District Mozufferpore	1"= 1 M.	40" x 27"	1	8	1	12	January 1886.
Sheet No. 143. Districts Mozufferpore and Durbunga	1"= 1 M.	40" x 27"	1	8	1	12	January 1886.
Sheet No. 144. Districts Mozufferpore and Durbunga	1"= 1 M.	40" x 27"	1	8	1	12	January 1886.
Sheet No. 173. District Durbunga	1"= 1 M.	40" x 27"	1	8	1	12	February 1886.
Sheet No. 200. District Durbunga	1"= 1 M.	40" x 27"	1	8	1	12	February 1886.
BURMAH SURVEY.							
Sheet No. 95 N. E. Preliminary Edition. District Tharawaddy	2"= 1 M.	40" x 25"	1	0	1	4	March 1886.
Sheet No. 95 N. W. Preliminary Edition. District Tharawaddy	2"= 1 M.	40" x 25"	1	0	1	4	March 1886.
Sheet No. 95 S. E. Preliminary Edition. District Tharawaddy	2"= 1 M.	40" x 25"	1	0	1	4	March 1886.
Sheet No. 95 S. W. Preliminary Edition. District Tharawaddy	2"= 1 M.	40" x 25"	1	0	1	4	March 1886.
Sheet No. 96 N. E. Preliminary Edition. District Hanthawaddy	2"= 1 M.	40" x 25"	1	0	1	4	February 1886.
Sheet No. 96 S. E. Preliminary Edition. District Hanthawaddy	2"= 1 M.	40" x 25"	1	0	1	4	February 1886.
Sheet No. 97 N. E. Preliminary Edition. District Hanthawaddy	2"= 1 M.	40" x 25"	1	0	1	4	December 1885.
Sheet No. 98 S. E. Preliminary Edition. District Hanthawaddy	2"= 1 M.	40" x 25"	1	0	1	4	November 1885.
Sheet No. 112 N. W. Preliminary Edition. District Hanthawaddy	2"= 1 M.	40" x 25"	1	0	1	4	February 1886.
Sheet No. 112 S. W. Preliminary Edition. District Hanthawaddy	2"= 1 M.	40" x 25"	1	0	1	4	February 1886.
Sheet No. 114 N. E. Preliminary Edition. District Pegu	2"= 1 M.	40" x 25"	1	0	1	4	December 1885.
Sheet No. 114 N. W. Preliminary Edition. Districts Hanthawaddy and Pegu	2"= 1 M.	40" x 25"	1	0	1	4	December 1885.
Sheet No. 114 S. E. Preliminary Edition. Districts Hanthawaddy and Pegu	2"= 1 M.	40" x 25"	1	0	1	4	December 1885.
Sheet No. 114 S. W. Preliminary Edition. Districts Hanthawaddy and Pegu	2"= 1 M.	40" x 25"	1	0	1	4	December 1885.
Sheet No. 127 N. E. Preliminary Edition. District Pegu	2"= 1 M.	40" x 25"	1	0	1	4	March 1886.
Sheet No. 127 N. W. Preliminary Edition. District Pegu	4"= 1 M.	40" x 25"	1	0	1	4	March 1886.
Sheet No. 127 S. W. Preliminary Edition. District Pegu	2"= 1 M.	40" x 25"	1	0	1	4	March 1886.
Sheet No. 128 N. E. Preliminary Edition. District Pegu	2"= 1 M.	40" x 25"	1	0	1	4	December 1885.
Sheet No. 128 S. E. Preliminary Edition. District Pegu	2"= 1 M.	40" x 25"	1	0	1	4	December 1885.
Sheet No. 128 N. W. Preliminary Edition. District Pegu	2"= 1 M.	40" x 25"	1	0	1	4	December 1885.
Sheet No. 128 S. W. Preliminary Edition. District Pegu	2"= 1 M.	40" x 25"	1	0	1	4	December 1885.
BOMBAY.							
KONKAN SURVEY							
Sheet No. 70 N. W.—1. District Thana	4"= 1 M.	40" x 25"	2	0	2	4	January 1886.
Sheet No. 70 N. W.—2. District Thana	4"= 1 M.	40" x 25"	2	0	2	4	January 1886.
Sheet No. 70 N. W.—3. District Thana	4"= 1 M.	40" x 25"	2	0	2	4	January 1886.
Sheet No. 70 N. W.—4. District Thana	4"= 1 M.	40" x 25"	2	0	2	4	January 1886.
Sheet No. 79. District Thana	1"= 1 M.	40" x 25"	1	8	1	12	December 1885.
Sheet No. 80 S. W.—1. District Thana	4"= 1 M.	40" x 25"	2	0	2	4	October 1885.
Sheet No. 80 S. W.—2. District Thana	4"= 1 M.	40" x 25"	2	0	2	4	December 1885.
Sheet No. 80 S. W.—3. District Thana	4"= 1 M.	40" x 25"	2	0	2	4	December 1885.
Sheet No. 80 S. W.—4. District Thana	4"= 1 M.	40" x 25"	2	0	2	4	December 1885.
Sheet No. 81 N. E.—1. District Thana	4"= 1 M.	40" x 25"	2	0	2	4	January 1886.
Sheet No. 81 N. E.—2. District Thana	4"= 1 M.	40" x 25"	2	0	2	4	January 1886.
Sheet No. 81 N. E.—3. District Thana	4"= 1 M.	40" x 25"	2	0	2	4	January 1886.
Sheet No. 81 N. E.—4. District Thana	4"= 1 M.	40" x 25"	2	0	2	4	January 1886.
Sheet No. 81 S. W.—2. District Thana	4"= 1 M.	40" x 25"	2	0	2	4	January 1886.
Sheet No. 81 S. W.—4. District Thana	4"= 1 M.	40" x 25"	2	0	2	4	January 1886.
Sheet No. 82 S. E.—1. District Thana	4"= 1 M.	40" x 25"	2	0	2	4	December 1885.
Sheet No. 82 S. E.—2. District Thana	4"= 1 M.	40" x 25"	2	0	2	4	January 1885.
Sheet No. 82 S. E.—3. District Thana	4"= 1 M.	40" x 25"	2	0	2	4	December 1885.
Sheet No. 82 S. E.—4. District Thana	4"= 1 M.	40" x 25"	2	0	2	4	January 1886.

## MAPS OF THE SURVEY OF INDIA DEPARTMENT—continued.

Description.	Scale.	Size and number of sheets.	PRICE OF MAP UNMOUNTED PER SHEET OR COPY.		Date of Publication.
			Uncolored.	Colored.	
			R a.	R a.	
<b>STANDARD SHEETS—contd.</b>					
<b>GUJRAT SURVEY.</b>					
Sheet No. 40. Parts of the Khandesh and Nasik Collectorate, of the Dang States, of the Khandesh Agency, of the Garkwar's Territory, and the Bansda States . . .	1" = 1 M.	40" × 27"	1 12	2 0	February 1885.
Sheet No. 41 N.W.—2. Parts of the Godhra Taluka of the Panch Mahals Collectorate and of the Rewah Kantha States . . .	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 41 S.E.—1. Part of the Godhra Taluka of the Panch Mahals Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 41 S.E.—2. Part of the Godhra Taluka of the Panch Mahals Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 41 S.E.—3. Part of the Godhra Taluka of the Panch Mahals Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 41 N.W.—1. Part of the Godhra and Kalol Talukas of the Panch Mahals Collectorate . . .	4" = 1 M.	44" × 25"	1 12	2 0	March 1886.
Sheet No. 42 N.W.—2. Part of the Godhra and Kalol Talukas of the Panch Mahals Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 42 N.W.—4. Part of the Kalol Taluka of the Panch Mahals Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 42 S.W.—1. Part of Kalol and Halol Talukas of the Panch Mahals Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 42 S.W.—2. Part of the Kalol Taluka of the Panch Mahals Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 42 S.W.—3. Part of the Halol Taluka of the Panch Mahals Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 42 S.W.—4. Part of the Halol Taluka of the Panch Mahals Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 43 N.W.—1. Part of the Halol Taluka of the Panch Mahals Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 43 N.W.—2. Part of the Halol Taluka of the Panch Mahals Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 43 N.W.—3. Part of the Halol Taluka of the Panch Mahals Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 43 N.W.—4. Part of the Halol Taluka of the Panch Mahals Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 43 S.W.—1. Part of the Halol Taluka of the Panch Mahals Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 43 S.W.—2. Part of the Halol Taluka of the Panch Mahals Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 43 S.W.—3. Part of the Halol Taluka of the Panch Mahals Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 43 S.W.—4. Part of the Halol Taluka of the Panch Mahals Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 50. Supplement to Section No. 1. Part of the Kalvan Taluka of the Nasik Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 50. Supplement to Section No. 3. Part of the Kalvan Taluka of the Nasik Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 50. Section 5 (Dang Forests). Parts of the Dang, Amala, and Dang Vasurua States, and of the Don Jaghir of the Khandesh Agency . . .	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 50. Section No. 7 (Dang Forests). Parts of the Dang, Amala, and Dang Vasurua States . . .	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 50. Section No. 9 (Dang Forests). Parts of the Dang Vasurua States, and of the Kalvan Taluka of the Nasik Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 50. Section No. 10 (Dang Forests). Parts of the Dang, Amala and Dang Vasurua States, of the Kalvan Taluka, of the Nasik Collectorate . . .	4" = 1 M.	40" × 25"	1 12	2 0	February 1886.
<b>CUTCH.</b>					
<b>CUTCH TOPOGRAPHICAL SURVEY,—</b>					
Sheet No. 26 . . . . .	1" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Sheet No. 27 . . . . .	1" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 28 . . . . .	1" = 1 M.	40" × 25"	1 12	2 0	February 1886.
Sheet No. 29 . . . . .	1" = 1 M.	40" × 25"	1 12	2 0	March 1886.
Reduction of Sheets Nos. 17, 18, 24, and 25 . . .	1" = 2 M.	40" × 25"	1 12	2 0	February 1886.

## MAPS OF THE SURVEY OF INDIA DEPARTMENT—concluded.

Description.	Scale.	Size and number of sheets.	PRICE OF MAP UNMOUNTED PER SHEET OR COPY.		Date of Publication.		
			Uncolored.	Colored.			
			R	a.			
MYSORE.							
MYSORE TOPOGRAPHICAL SURVEY,—							
Sheet No. 3. Part of District Shimoga	1"= 1 M.	40"×25"	1	0	January 1886.		
Sheet No. 22. Parts of District Kadur	1"= 1 M.	40"×25"	1	0	February 1886.		
Sheet No. 24. Parts of Districts Kadur and Shimoga	1"= 1 M.	40"×25"	1	0	February 1886.		
Sheet No. 51. Parts of Districts Kadur and Mysore	1"= 1 M.	40"×25"	1	0	January 1886.		
Sheet No. 52. Part of District Mysore	1"= 1 M.	40"×25"	1	0	January 1886.		
Sheet No. 53. Part of District Mysore	1"= 1 M.	40"×25"	1	0	January 1886.		
Sheet No. 59. Part of Districts Mysore and Bangalore	1"= 1 M.	40"×25"	1	0	January 1886.		
Sheet No. 64. Part of District Bangalore	1"= 1 M.	40"×25"	1	0	January 1886.		
PUNJAB,—							
Kohat Topographical Survey, Sheet No. 7. Part of Bangash and Tari Khattak	1"= 1 M.	40"×25"	1	0	March 1886.		
TECHNICAL CHARTS.							
Preliminary Chart of the East Coast, Secondary Series, from Pooree Southwards, with pamphlet giving a description of the Stations	1"= 2 M.	42"×28" each in two sheets.	..	2	0	September 1885.	
Supplementary Chart of the Secondary Coast Series showing positions of Beacons erected on the coast, with pamphlet giving a description of the Stations	1"= 2 M.	42"×28" each in two sheets.	...	1	0	March 1885.	
Revised Preliminary Chart of Secondary Triangulation executed by the Burmah Party Series, Thayet Mayo via Prome, Myanounng and Bassein towards Cape Negrais	1"= 4 M.	42"×28"	Not priced.		July 1885.		
INDEX MAPS.							
Index to Assam Cadastral Survey of District Kamrup	...	17"×13"	0	4	0	4	November 1885.
Index to the Garo, Khasi, and Naga Hills and N. E. Frontier Survey	...	14"×9"	0	4	0	4	February 1886.
Index to the Sheets of the Andaman Topographical Survey	...	17"×13"	0	4	0	4	February 1886.
Index to the British Burma Survey	...	14"×9"	0	4	0	4	February 1886.
Index to the British Burma Cadastral Survey of Districts Hantawaddy, Pegu, Sheve-Gyin and Tangoo	...	14"×8"	0	4	0	4	February 1886.
Index to the British Burma Cadastral Survey of Districts Bassein and Hanzada	...	14"×8"	0	4	0	4	February 1886.
Index to the British Burma Cadastral Survey of District Akyab	...	17"×13"	0	4	0	4	February 1886.
Index to the Central Provinces Cadastral Survey of District Shambulpur	...	17"×13"	0	4	0	4	November 1885.
Index to the Cutch Topographical Survey	...	14"×8"	0	4	0	4	February 1886.
Index to the Gujrat Survey	...	14"×9"	0	4	0	4	March 1886.
Index to the N. W. Provinces Cadastral Survey of District Gorakpur	...	17"×13"	0	4	0	4	November 1885.
Index to the Cadastral Survey of Patti	...	17"×13"	0	4	0	4	February 1886.
Index to the Cadastral Survey of Dehra Dun	...	17"×13"	0	4	0	4	November 1885.
Index to the Survey Operations in the Punjab	...	17"×13"	0	4	0	4	February 1886.
RAJPUTANA.							
Index to the Survey Operations in the District Ajmere	...	17"×13"	0	4	0	4	February 1886.
Index to the Survey Operations in the District Meharwara	...	17"×13"	0	4	0	4	February 1886.

CHARLES STRAHAN, Major, R.E.,

Assistant Surveyor-General,

In charge Map Record and Issue Office.

## COMPTROLLER GENERAL'S OFFICE.

## NOTIFICATION.

*Calcutta, the 6th May 1886.*

New Government Treasuries have been opened at the following places in Upper Burma :—

Minbu.  
Shwebo.

Ningyan.  
Myingyan.

C. R. C. KIERNANDER,

*Depy. Comptroller General.*

## SURVEY OF INDIA.

## NOTIFICATION.

*Simla, the 4th May 1886.*

**No. 554.**—Major J. Hill, R.E., Deputy Superintendent, 3rd Grade, Survey of India, is granted privilege leave for three months, under sections 71 to 74, chapter V of the Civil Leave Code, with effect from the 25th instant, for such subsequent date as he may avail himself of the same.

H. R. THUILLIER, *Lieut.-Colonel, R.F.*

*Offg. Surveyor General of India.*

## AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

## NOTIFICATIONS.

*Indore Residency, the 28th April 1886.*

**No. 1697.**—In pursuance of Foreign Department Notification No. 621 G. of the 25th March 1886, Major N. C. Martelli received from Major D. W. K. Barr the charge of the Office of Political Agent in Baghelkhand and Superintendent of the Rewah State, on the forenoon of the 21st April 1886

*The 1st May, 1886.*

**No. 1756.**—The undermentioned Hospital Assistant, who has passed his Septennial Professional Examination, is promoted to the higher class, with effect from the date specified against him :—

Name.	DATE OF COMPLETION		Date of passing Professional Examination.	Date of promotion.
	14 years	7 years		
WITH ENGLISH QUALIFICATION. Har Nath, attached to the Baghelkhand Political Agency.	Apr. 1, 1886	Apr. 1, 1879	Apr. 10, 1886	Apr. 1, 1886

By Order,

F. L. PETRE,

*1st Asst. Agent to the Govr. Genl.  
for Central India*

## AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

## NOTIFICATIONS.

*Abu, the 28th April 1886.*

**No. 950 G.**—Dost Mahomed Khan has been appointed a 3rd Class Hospital Assistant and placed on the Reserve List of Hospital Assistants for Native States, with effect from the 1st April 1886.

**No. 951 G.**—Second Class Hospital Assistant Kirpa Ram, attached to the Machilpur Raj Dispensary in Kerowlee, is granted two months' privilege leave, with effect from the 1st April 1886, and 3rd Class Hospital Assistant Dost Mahomed Khan of the Reserve List of Hospital Assistants for Native States, is appointed to officiate for him during his absence.

**No. 952 G.**—Second Class Hospital Assistant Abdool Wahab attached to the Northern India Salt Revenue Hospital at Bhatki, was granted three months' privilege leave, with effect from the afternoon of the 27th March 1886, and 2nd Class Hospital Assistant Mahesh Pershad, of the Government Reserve List, was appointed to act for him during his absence.

*The 1st May 1886.*

**No. 1020 G.**—With reference to Foreign Department Notification Nos. 789 G. and 877 G., dated the 15th and 27th April 1886, Messrs. T. J. C. Flowden, C.S., and A. Wingate, C.I.E., C.S., respectively, made over and received charge of the Meywar Residency on the forenoon of the 15th idem.

*The 4th May 1886.*

**No. 1032 G.**—With reference to this Office Notification No. 701 G., dated the 5th of April 1886, Messrs. R. E. Acklom and J. R. Tregear, respectively, delivered over and received charge of the Office of Superintendent, Rajputana-Malwa Railway Police, on the afternoon of the 27th idem.

By Order,

HUGH DALY,

*for 1st Asst. to the Agent to the Govr. Genl.,  
Rajputana.*

## RESIDENT IN MYSORE.

## NOTIFICATION.

*Bangalore, the 28th April 1886.*

**No. 1175-405.**—The Officiating Resident in Mysore is pleased to rule that every candidate for an appointment in an Establishment under his control shall produce a certificate showing that he has been successfully vaccinated or otherwise adequately protected against small-pox.

2. The following officers are authorized to grant the certificates required under rule 1 :—

(1) The Residency Surgeon.

(2) The Hospital Assistants doing duty under the orders of the Residency Surgeon.

3. A fee of one rupee may be demanded for each certificate, provided that no fee shall be payable by any candidate for inferior service.

By Order,

E. A. FRASER, *Major,*

*Assistant to the Resident.*

## CHIEF COMMISSIONER OF AJMERE-MERWARA.

## NOTIFICATION.

*Mount Abu, the 4th May 1886.*

**No. 1090S.**—Whereas land is required in the Ajmere District for a public purpose, namely, for Bathing Ghats, Dhobies' Cisterns and Cattle Troughs, this declaration is made in accordance with the provisions of Section 6 of Act X of 1870:—

District.	Pargana.	Village.	AMOUNT REQUIRED FOR OCCUPATION.		TOTAL	Purpose for which required.	REMARKS.
			Permanently Bighas.	Temporarily Bighas.			
			A. R. P.	A. R. P.	A. R. P.		
Ajmere	Ajmere	Ajmere	3 3 38	..	3 3 38	For constructing Bathing Ghats, Dhobies' Cisterns and Cattle Troughs required at Ajmere.	The plan can be seen at the Office of the Assistant Commissioner, Ajmere.

By Order,

HUGH DALY,

for Offg. Secy. to Chief Commr.,  
Ajmere-Merwara.

## DIRECTOR GENERAL OF RAILWAYS.

## NOTIFICATIONS.—ESTABLISHMENT.

*Simla, the 27th April 1886.*

**No. 39.**—Mr. J. A. A. Wallace, Assistant Engineer, 2nd Grade, is granted leave on medical certificate for nine months with the usual subsidiary leave, with effect from 3rd April 1886.

*The 28th April 1886.*

**No. 40.**—Mr. J. E. P. Lincke, Executive Engineer, 2nd Grade, is granted leave on medical

certificate for six months with the usual subsidiary leave, with effect from 10th April 1886, or such subsequent date as he may avail himself of the same.

*The 30th April 1886.*

**No. 41.**—Mr. R. C. Williams, Class IV of the Superior Revenue Establishment of State Railways, Traffic Department, has been granted by Her Majesty's Secretary of State for India, leave on medical certificate for six months, in extension of the furlough granted him previously.

F. S. STANTON, Colonel, R.E.,  
Director General of Railways.

## EASTERN BENGAL STATE RAILWAY.

*Calcutta, the 5th May 1886.*

*Form in which investments in the Register of the Examiner of Accounts, Eastern Bengal State Railway, are held.*

LOAN.		Stock Notes held by the Comptroller General.	Government Promissory Notes held by the Comptroller General in safe custody.	TOTAL.
4 Per cent. of 1865	..	51,600	14,500	66,100
4½ Per cent. of 1870	..	1,000	...	1,000
TOTAL		52,600	14,500	67,100

*List of Invested Funds in the Register of the Examiner of Accounts, Eastern Bengal State Railway, on the 31st March 1886.*

NAME OF FUND, PERSON OR ESTATE.	AMOUNT OF INVESTMENT.		TOTAL.	Class of Fund.
	4 per cent. of 1865 and other years.	4½ per cent. of 1870.		
Baboo Ram Taran Bhattacharjee, Cashier	10,000	...	10,000	Security deposit.
" Kaderessur Banerjee, Assistant Cashier	6,000	...	6,000	Ditto.
" Kajkristo Chatterjee, ditto	4,000	...	4,000	Ditto.
" Mohendro Lall Bhattacharjee, Assistant Cashier	3,000	...	3,000	Ditto.
" Proson Chunder Banerjee, Pay Clerk	2,500	...	2,500	Ditto.
" Tariney Gopal Palit, ditto	3,000	...	3,000	Ditto.
" Chunder Coomur Bose, ditto	3,000	...	3,000	Ditto.
" Tarapada Banerjee, ditto	3,000	...	3,000	Ditto.
" Annoda Prosad Ghose, ditto	3,000	...	3,000	Ditto.
" Kalika Ranjan Mookerjee, Cash Sircar	1,000	...	1,000	Ditto.
" Durga Nundon Banerjee, ditto	1,000	...	1,000	Ditto.
" Woopendro Nath Mookerjee, Pay Clerk	3,000	...	3,000	Ditto.
" Woomes Chunder Singh, Goods Clerk	3,000	...	3,000	Ditto.
" Jogin Chunder Bose, ditto	1,500	...	1,500	Ditto.
" Khetter Mohun Ghose, (Freight Collector)	2,000	...	2,000	Ditto.
" Soshi Bhusan Chuckerbutty, Goods Clerk	2,000	...	2,000	Ditto.
" Hurdeb Dass, (Labor Contractor)	3,000	...	3,000	Ditto.
" Bilashiram ditto	2,500	...	2,500	Ditto.
" Hurry Mohun Dey, ditto	2,000	...	2,000	Ditto.
" Bengal Coal Company (Coal Contractor)	5,000	...	5,000	Ditto.
Messrs T. C. Mookerjee, Eng. Coal Contractors	2,000	...	2,000	Ditto.
Baboo Rajendro Nath Banerjee (Contractor)	...	1,000	1,000	Ditto.
	66,000	1,000	67,000	

F. P. QUINLAN,  
Examiner.

### TREASURE TROVE.

#### NOTICE.

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all whom it may concern, that on or about the 23rd August 1884, certain treasure consisting as under—

- 36 Panhali rupees.
- 215 Arcot rupees.
- 1 Silver hand ornament (Kada).
- 1 Silver hand ornament (Kada).
- Hirdayacha sanam of silver
- 1 Hirdayach mani of silver.
- 1 Kargote of silver.
- 1 Panhali half rupee.

of the aggregate value of Rs 302-14-6, was found in a wall belonging to Rajaram Joshi and brothers at Trimali in Taluka Khutao of the District of Satara.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Mamlatdar of Khatao, at Vaduj, on the 31st July 1886, when the Mamlatdar will proceed to hold an enquiry in accordance with the provisions of the Act.

G. F. M. GRANT,  
Acting Collector.

CAMP MALCOLMPET,  
The 28th April 1886.

### TREASURE TROVE.

#### NOTICE

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all

whom it may concern, that on 23rd November 1885, certain treasure consisting of 20 gold "varga" (an ornament) of the value of Rs 91-15, and two silver necklaces of the value Rs 6-15, aggregating in all Rs 98-14, was found in a wall belonging to Parai Kharadin of Gopuj, in Taluka Khatao, in the District of Satara.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Mamledar of Khatao on the 30th July 1886, at Vaduj, when the Mamledar will proceed to hold an enquiry in accordance with the provisions of the Act.

G. F. M. GRANT,  
Acting Collector.

CAMP MAHABLESWAR,  
The 28th April 1886.

### TREASURE TROVE.

#### NOTICE.

It is hereby notified under Section V of the Indian Treasure Trove Act (VI of 1878) that on the 13th day of December 1885, treasure consisting of the undermentioned articles valued at Rs 220, was found by one of the convicts belonging to the Extramural Convict Gang, while excavating the earth at the New Bazar site of Mahal Bagayat, in the town of Bijapur, District Bijapur, Bombay Presidency:—

<i>Description of Property.</i>	<i>Value.</i>		
	<i>R</i>	<i>a.</i>	<i>p.</i>
8 Gold mohurs weighing 8 tolas and valued at . . . . .	168	0	0
52 silver rupees, weighing about 52 tolas and valued at . . . . .	52	0	0
<b>TOTAL</b> . . . . .	<b>220</b>	<b>0</b>	<b>0</b>



All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Mamlatdar of the Bijapur Taluka of the Bijapur District, at his office, on the 31st day of August 1886, in order to the matter being enquired into and determined in accordance with the provisions of the Act.

E. J. EBDEN,  
Acting Collector.  
  
BIJAPUR,  
The 28th April 1886.

TREASURE TROVE.

NOTICE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act, VI of 1878, that on or about the 27th day of June 1885, treasure consisting of the undermentioned articles, valued at ₹175, was found hidden within the limits of Tadalgi Pagoda, belonging to Ranava Devasthan, in the village of Tadalgi, in the Bagewadi Taluka, Bijapur District, Bombay Presidency:—

Description of Property.	Number.
1. Silver coins bearing inscription in native character for Hijari 1090 . . . . .	105
2. Silver coins bearing inscription in native character for Hijari 1819 . . . . .	90
3. Silver coins bearing inscription in native character for year not known . . . . .	1
4. Silver coins bearing inscriptions in native character for 1819 . . . . .	1
5. Silver coins bearing inscription in native character for the year 30 . . . . .	3

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Mamlatdar of Bagewadi Taluka of the Bijapur District, at his office, on the 23rd day of August 1886, in order to the matter being inquired into and determined in accordance with the provisions of the Act.

E. J. EBDEN,  
Acting Collector.  
  
BIJAPUR COLLECTOR'S OFFICE;  
The 27th April 1886.

TREASURE TROVE.

NOTICE.

It is hereby notified, under Section 5 of the Indian Treasure Trove (Act VI of 1878), that about the month of September 1885, the treasure described below, and valued at ₹84-3, was found underground in Malekai village, Mardala

Magane, in Uppinangadi Taluk of this District:—

<i>Description of the Property.</i>	<i>Value.</i>
	<i>R   a.   p.</i>
19 Gold pagodas, each worth ₹2	38   0   0
125 Gold coins, each worth 4 annas	31   4   0
1 Piece of gold ingot, weighing 7½ hana tukas	2   6   0
1 Pair of gold chain, called menasina kare	1   4   0
1 Pair of gold ear ornament, called bugudi	2   12   0
9 Sheets of gold	3   12   0
1 Piece of gold ingot, weighing 10 Hana tukas	3   7   0
1 Piece of gold ingot, weighing 4½ hana tukas	1   6   0
<b>TOTAL</b>	<b>84   3   0</b>

All persons claiming the said treasure, or part thereof, are hereby required to appear personally or by agent, before the Collector of South Canara, at his Office, on the 25th day of October 1886, in order to the matter being inquired into and determined according to the provisions of the said Act.

J. STURROCK,  
Collector.  
  
SOUTH CANARA COLLECTOR'S OFFICE,  
MANGALORE.  
The 27th April 1886.

Statement of Silver Balance in the Calcutta Mint for the week ending 5th May 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 28th April 1886 . . . . .	10,93,258	
Value of Government silver in the Mint on the same date . . . . .	7,21,239	18,14,497
ADD—		
Silver received by the Mint during the week on account of the Currency Department	..	..
Ditto ditto Government	..	..
Deduct—		18,14,497
New coin paid to Reserve Treasury during the week . . . . .	2,37,000	
Petty items issued for miscellaneous purposes . . . . .	357	
		2,37,357
Balance on the evening of the 5th May 1886 . . . . .	..	15,77,140
The Balance comprises—		
Silver held on account of the Currency Department . . . . .	8,92,654	
Ditto ditto Government . . . . .	6,84,486	
There is in addition awaiting assay—		15,77,140
Ballion belonging to Private Individuals . . . . .	501	
Ditto ditto Currency Department . . . . .	55,85,350	
		55,85,851

A. W. BAIRD, Major, R.E.,  
Offg. Master of the Mint.  
  
CALCUTTA MINT.  
The 6th May 1886.

## CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

## Allahabad Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regd. No.	No. of Note.	Value.	Name of Claimant.
		₹	
5	D 20—50144	100	Nihala Mal, Jullundur

ALLAHABAD,

The 5th May 1886

H. J. BRERETON,  
Asst. Accountant Genl.,  
In charge of Paper Currency Office.

## Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED

Regd. No.	No. of Note	Value	Name of Claimant
		₹	
4	F 1—83806	1,000	
	" —83807	1,000	
	" —83808	1,000	
	" —83809	1,000	
	" —83823	1,000	
	" —83467	1,000	
	" —83816	1,000	
	" —83817	1,000	
	" —83818	1,000	
	" —83819	1,000	
	" —83820	1,000	
	" —83821	1,000	
E 2—	02036	500	
	" —02037	500	
	" —02038	500	
F 20—	50868	100	
F 26—	38783	100	
	" —31176	100	
	" —31177	100	
	" —31178	100	
	" —31179	100	
	" —31180	100	
	" —31181	100	Pundit Ishu Pershad, Agent
	" —31182	100	of Raja Harbans Singh, La-
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2. The new half-anna and one-anna envelopes are larger in size than those now in use, and the quality of paper is also superior in the case of the new envelopes.

3. The existing half-anna and one-anna embossed envelopes will still be offered for sale at the value denoted upon them.

4. The registration envelopes of both sizes are now introduced into India, for the first time: they are recommended for use in connection with registered letters as providing security against damage in transit and against tampering. It should be borne in mind that the embossed stamp on the registration envelopes represents the registration fee only, and that when using these envelopes postage stamps to the required amount should be affixed in the usual way in payment of ordinary postage.

5. An adhesive stamp of the value of  $4\frac{1}{2}$  annas will also be available for sale to the public by the 1st May or shortly afterwards. This stamp is intended for use on letters addressed to the United Kingdom and to countries served through the United Kingdom.

L. G. WAIT,

*Asst. Director General of the Post Office of India.*

*Unclaimed letters held in the Calcutta General Post Office on 6th May 1886*

Part A C Gairty, A.	Hollingsberry, R. H.	Smith, M. S. Broker
<i>Letters marked "Care of Post Office"</i>		
Annan, A.	Grant, Mrs. M.	Power, J. O.
Bates, J. N.	Graham, Sir. L.	Preston, R. C. Campbell
Biggs, Men. L.	Grinn, Otto	Pyke, Mrs. C. L.
Bose, P. N.	Guzner, H. I.	Reed, B. E.
Bowers, S.	Gustave, F. G.	Reed, Mrs. A.
B. R.	Hawley, H. H.	Ree, W. G. I.
Brenno, Baron de	Hugler, Capt.	Richardson, H. W.
Capel, Lt. Col.	Hutton, Lt. Col.	Richworth, B. I.
C. B. H.	Jaman, J. M.	R. M. I., Mrs.
Chelton, H.	Jellison, J. J. D.	Saltin, Mrs. M.
Clarke, E. G.	Kelly, Mrs. G.	Schmidt, Otto
Colton, Mr.	K. T. M.	Sharpe, Capt. A.
Crawford, J.	K. G. Cole, J.	Sauve, H. J.
De sa, H. I.	Le. Jay	Simpson, Percy
Dinnick, Basil.	Le. Jay, A.	Simmonds, Geo.
D'Mello, Jose	Le. F. I.	Smart, Mrs. R. B.
Dodd, C. B. N.	M.	Smith, J. M.
Dowling, D. C. A.	McDonald, Mrs.	Speer, A. F.
Drury, Surgeon F. J.	McLaughlin, John.	Stamlaus, Walter.
Dukes, Mrs.	Mumford, J. I.	Stone, Mrs. T.
Dundas, Mrs.	Murphy, A.	Storck, A.
Dwarris, J. H.	Murphy, Mr.	Straw, Mrs. R.
Earl, T. S.	Naum, Paul	Swingle, Mrs. C.
Easton, Percy H.	Nelson, Mrs. N.	Tamara, J.
Ellis, Mrs. Jns.	Norrie, Mr. I.	Teech, C. L. C.
Entwistle, R.	O'Brien, J.	Wallace, G. A.
Fey, Lt. Col.	Evans, G. F.	Walker, P. C.
Gilbert, Mrs. M.	F. G. R., Mrs. A. H.	Ward, Lt. B. R.
Godfrey, J. B.	Perry, A.	Weir, W. H.
Goodall, Miss	Peterson, Dr. Geo.	Wessendahl, Henri
Gow, J. F.	Philips, W. G. St. V.	

*Registered Letters.*

Vrenner, Baron Joachim.	Godfrey, J. B.	Ro. A.
DeGuthrie, L.	Guthrie, H. I.	Stenzilus, David.
Freedman, S.	Muscovitz, Herman	

*Unclaimed Letters held in the Barrackpore Post Office on the 3rd May 1886*

Charters, Mas.	Fowell, W.	Thomas, Major C. F.
Chater, L.	Hobson, F. N.	Thomas, Mrs. M. J.
Chatterjee, Hari Das.	Landie, T.	Todd, Miss
Coles, J. R.	Pearson, Rev. A. C.	Walker, P. G.
DeMount, F.	Riddall, W.	Warolev, Mrs.

E. HUTTON,

*Presidency Postmaster, Calcutta.*

*The 8th May 1886.*

**SEA AND FOREIGN MAILS.**

Mails for	Date of closing at Calcutta.	Route by which despatched
1886		
Egypt, Europe, America, Cape Colonies through United Kingdom	11th May	Per P. & O. Steamer Bombay.
Ditto Book Post and Pattern Packets	10th "	Ditto
Zanzibar, Mozambique, East Coast of Africa generally, Delagoa Bay, Natal and Cape Colonies by B. I. Steamers from Aden to Zanzibar and thence by the Castle Mail Packets	15th "	Ditto
Ceylon, Straits Settlements, Netherlands India, Labuan, Bangkok (Siam), Philippine Islands, China and Japan	11th "	Ditto.
Australia, New Zealand and Tasmania	10th "	Ditto
Madras and Colombo	12th "	Per P. & O. Steamer Bombay.
Madras, Pondicherry, Ceylon, Batavia, Singapore and China	17th "	French Steamer
Straits and Hong-Kong	17th "	Per Steamer
Rangoon and Moulmein	12th "	Per Steamer
Akyal, Kyauk Phyo, and Rangoon	12th "	Per Steamer
Port Blair & Rangoon	12th "	Per Steamer

N.B.—The letter box will close at 7 p.m. precisely, after which hour Foreign letters only prepaid and bearing an extra postage-stamp of four annas on each cover, will be received up to 7.30 p.m.

E. HUTTON,

*Presidency Post Master.*

**GOVERNMENT CINCHONA FEBRIFUGE.**

This preparation is an efficient substitute for quinine, and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, *Rs. 4-8*, per eight-ounce tin, *Rs. 8-8*, per pound tin, *Rs. 16-8*. The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the under-noted rates—per four-ounce tin, *Rs. 5-8*, per eight-ounce tin, *Rs. 10-8*, per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

**گورنمنٹ سینکھونا فبریفیج**

یہ دوا کوئیٹائین کا خوب قائم مقام ہے اور ظکثہ کے برائے نکل گاؤقن یعنی لہجہ باغ کے سپرنٹنڈنٹ صاحب سے ہوا ایک ملازم سوکاري واسطے سوکاري نام اور خیمات کے اور سوائے اونے کو کوئی ایک مشد بیس پونڈ جدید لینے سے بقیہ نقد حسب نرخ دیل خرید کر سکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ اٹھ : آٹھ اونس کے تین کا آٹھ روپیہ آٹھ اٹھ : ایک پونڈ کے تین کا سولہ روپیہ آٹھ اٹھ

اور عوام الناس کوئیٹائین کاؤقن یعنی لہجہ باغ کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ دیل خرید کر سکتے ہیں یعنی نرخ چار اونس کے تین کا پانچ روپیہ آٹھ اٹھ : آٹھ اونس کے تین کا دس روپیہ آٹھ اٹھ : ایک پونڈ کے تین کا بیس روپیہ

یہ دوا کلکتہ کے بڑے بڑے دوائی داران اور دھڑوں  
بکیتی میں ماسوائے قیمت مذکورہ بالا کے معقول ڈاک چار  
اور آٹھ اونس کے ٹین کا آٹھ اُنہ ؛ اور ایک پونڈ کے  
ٹین کا بارہ اُنہ

### CRYSTALLYNE CINCHONA FEBRIFUGE.

A new and improved preparation made at the Government Factory from Red Cinchona Bark. This is a more perfect substitute for Quinine than the ordinary uncrystallized Febrifuge. It can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds and upwards* at a time, from the Superintendent, Royal Botanic Garden, Seelbore, near Calcutta, for *cash only*, at the following rates: per four-ounce tin, Rs 6-8; per eight-ounce tin, Rs 12-8; per pound tin, Rs 24. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, Rs 8-8; per eight-ounce tin, Rs 16-8; per pound tin, Rs 32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates.

### کرسٹلین سنکونا دوائی بخار

لال سنکونا بزرگ کی ایک نئی اور عمدہ دوا گورنمنٹ  
فیکٹری میں تیار ہوئی ہے معمولی بے صاف کی ہوئی دوائی  
بخار سے کوہن کے لئے نہ بہت خوب و نام مقام ہی اور  
سب بزر منصل کلکتہ کے ہوائنل گارڈن یعنی کمپنی باغ کے  
سپرٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری کام اور حدوت  
کے لئے اور وہ لوگ جو ایک مشیت پس پوند لین بعد اس  
بہار سے خرید سنتے ہیں دے مار آؤس کے لئے کا چھ روپہ  
آٹھ اُنہ ؛ آٹھ اونس کے ٹین کا بارہ روپہ آٹھ اُنہ ؛ اور ایک پونڈ  
کے ٹین کا چوبیس روپہ۔

اور عام لوگوں کو ہوائنل گارڈن یعنی کمپنی باغ کے  
سپرٹنڈنٹ صاحب سے بعد اس بہار پر مل سکتا ہے بعد  
چار آؤس ٹین کا آٹھ روپہ آٹھ اُنہ ؛ آٹھ اونس کی ٹین کا  
سولہ روپہ آٹھ اُنہ اور ایک پونڈ ٹین کا چوبیس روپہ بہ دو  
کلکتہ کے بڑے بڑے دوائی داران اور دھڑوں میں بھی  
بکیتی میں معقول ڈاک چار اور آٹھ اونس کی ٹین کے لئے چار اُنہ ؛ آٹھ  
اونس کی ٹین کے لئے آٹھ اُنہ اور ایک پونڈ کی ٹین کے لئے  
بارہ اُنہ علاوہ اوپر لکھے ہوئے نرخ کے ہے

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HENRY F. BLANFORD,

Meteorological Reporter to the  
Government of India.

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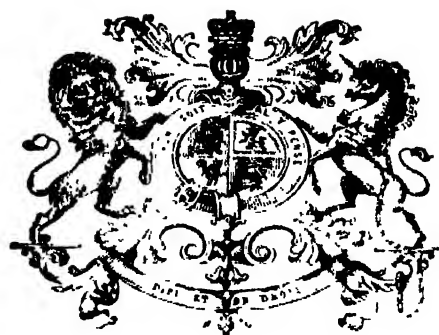
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# The Gazette of India.

PUBLISHED BY AUTHORITY.

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CALCUTTA, SATURDAY, MAY 8, 1886.

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 Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### BRITISH BURMA.

#### NOTICE

DEPUTY COMMISSIONER'S COURT,  
DISTRICT THONEGWA.

*The 4th February 1886.*

CIVIL SIDE MISCELLANEOUS CASE  
NO. 4 OF 1885.

IN THE MATTER OF THE ESTATE OF  
G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation, Maubin, Thonegwa District, died intestate on the 5th January 1885, Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court

will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,  
*District Judge, Thonegwa.*

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### PROMISSORY NOTES.

#### Lost

The Government Promissory Note No. 222369 of the 4 per cent. of 1st May 1865, for Rs500, originally standing in the name of Nundo Lal Seal, and last endorsed to my wife, Sreemutty Krishna Mohini Roy Chowdhry, by whom it was never endorsed to any other person. Payment of the above note and the interest due thereupon from the 1st November 1885 have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietress.

DEBENDRA KUMAR ROY CHOWDHRY,

*The 6th May 1886.*

*Barripoor.*





SUPPLEMENT TO  
**The Gazette of India.**

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No. 19. }

CALCUTTA, SATURDAY, MAY 8, 1886.

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**GOVERNMENT OF INDIA.**

## DEPARTMENT OF FINANCE AND COMMERCE.

**PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1<sup>st</sup> HALF OF APRIL 1886.**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
PROVINCES.	DISTRICTS.	QUANTITIES PER RUPEE IN SEERS OF 80 TOLAS.															REMARKS.
		Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or Cholam (Sorghum vulgare).	Bajra or Cumbu (Pennisetum typhoides).	Marua or Ragi (canu).	Kangni or Kakun, Italian millet (Setaria italica).	Gram, Chenna, Chola, Kadalay or Sunaga (Cicer arietinum).	Maize (Zea Mays).	Ajhar or Thur (Cadian Paa (Cajanus indicus).	Firewood.	Salt.			
MADRAS.	Ganjam	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.		
	Vizagapatam	11 13	...	13 0	13 13	...	...	23 6	...	...	...	...	215 13	13 13	13 13		
	Godavery	15 0	...	9 0	10 3	21 10	23 13	27 3	...	...	...	...	97 3	14 0	14 0		
	Kistna	12 3	...	11 14	15 0	23 0	21 1	27 3	...	...	...	...	170 2	12 8	12 8		
	Nellore	7 13	...	12 14	13 3	17 2	...	26 6	...	...	...	...	145 13	14 8	14 8		
	Cuddapah	10 13	...	12 13	14 0	19 3	...	23 6	...	...	...	...	93 5	14 13	14 13		
	Anantapur	13 14	...	10 5	12 0	22 2	26 13	26 3	...	...	...	...	194 6	14 13	14 13		
	Bellary	12 8	...	10 11	11 5	26 5	18 5	24 11	...	...	...	...	...	13 11	13 11		
	Kurnool	15 6	...	11 3	12 6	28 13	24 6	31 0	...	...	...	...	...	13 11	13 11		
	Madras	14 0	...	11 6	12 2	26 11	25 0	...	...	...	...	...	...	97 3	13 11	13 11	
	Chingiteput	10 14	...	12 5	13 14	...	19 13	26 8	...	...	...	...	...	138 13	14 0	14 0	
	North Arcot	...	...	12 0	15 2	...	21 2	24 11	...	...	...	...	...	86 3	14 10	14 10	
	South Arcot	10 3	...	13 2	13 8	...	...	31 10	...	...	...	...	...	97 3	15 8	15 8	
	Tanjore	9 6	...	14 13	15 11	23 8	24 3	24 3	...	...	...	...	140 0	14 13	14 13		
	Trichinopoly	10 5	...	15 8	15 14	...	...	32 8	...	...	...	...	170 2	15 5	15 5		
	Madura	11 3	...	14 11	15 3	...	...	30 2	...	...	...	...	165 3	15 10	15 10		
	Tinnevely	10 14	...	15 8	15 14	...	...	29 6	...	...	...	...	121 8	17 0	17 0		
	Combattore	9 3	...	14 5	14 13	...	...	23 8	...	...	...	...	70 0	15 14	15 14		
	Nilgiris	13 2	...	12 10	13 10	...	20 14	25 6	...	...	...	...	121 8	17 6	17 6		
	Salem	9 14	...	10 6	11 3	11 3	16 14	16 13	18 11	...	...	...	121 8	14 10	14 10		
South Canara	10 1	...	11 3	12 2	14 2	20 14	19 11	25 10	...	...	...	170 2	15 11	15 11			
Malabar	8 8	...	13 10	14 11	14 11	...	...	19 5	...	...	...	145 13	17 6	17 6			
		10 6	...	12 8	13 0	...	...	17 8	...	...	...	121 8	14 6	14 6			
Bombay		10 9	19 2	7 6	10 15	18 14	16 8	17 13	18 0	14 13	19 8	62 6	14 6	14 6			
Daskrohi		17 8	24 0	8 8	11 0	22 8	17 0	...	...	21 0	22 0	80 0	16 8	16 8			
Kaira		14 8	13 12	8 0	10 0	20 0	...	21 8	18 8	18 8	...	80 0	16 0	16 0			
Surat		15 0	20 0	8 0	10 0	20 0	18 0	...	...	18 0	...	80 0	16 0	16 0			
Broach		17 0	...	8 0	11 0	16 1	15 14	...	...	18 1	...	120 0	14 24	14 24			
Tanna (Salsette)		10 6	...	8 3	9 0	17 10	15 0	...	...	14 5	...	71 2	14 5	14 5			
Colaba (Alibag)		10 12	...	7 4	10 0	...	15 0	...	...	12 12	...	100 0	18 0	18 0			
Khandesh (Dhulia)		17 3	...	7 8	9 6	25 12	19 9	...	...	16 0	...	100 8	15 0	15 0			
Nasik		15 2	12 8	10 3	11 9	16 8	16 8	22 8	9 0	19 4	11 0	100 8	15 0	15 0			
Ahmednagar		13 15	...	8 6	9 12	24 3	19 1	...	...	19 9	...	100 8	15 4	15 4			
Poona (City)		13 13	7 6	9 13	10 7	18 39	17 20	13 8	...	16 2	...	60 13	14 7	14 7			
Sholapur		14 8	...	10 0	10 14	28 2	23 14	...	...	20 5	...	100 0	15 4	15 4			
Bijapur		19 11	...	7 1	9 12	27 0	23 13	...	...	17 0	...	100 0	15 4	15 4			
Satara		12 11	...	8 14	10 0	17 5	16 3	...	...	17 4	...	116 8	15 4	15 4			
Belgaum		19 0	1e 8	10 0	11 0	18 0	21 0	24 0	...	13 0	...	80 0	14 0	14 0			
Dharwar (Hubli)		19 0	...	11 0	12 0	23 0	21 0	28 0	...	14 0	...	80 0	14 0	14 0			
Ratnagiri		10 9	...	0 4	11 5	15 9	13 5	16 7	...	13 5	...	120 0	14 4	14 4			



## PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF APRIL 1886—continued.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
PROVINCES.	DISTRICTS.	QUANTITIES PER RUPEE IN SEERS OF 80 TOLAS.													
		Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or (Sorghum vul.)	Bajra or (Pennisetum typhoidesum).	Manna or Ragi (Eleusine cor.)	Kanuri or Kakun (Setaria italica).	Gram, Chola, Kadaly (Cicer arietinum).	Maize (Zea Mays).	Arhar or Tur (Cajanus indicus).	Firewood.	Salt.	REMARKS.
BENGAL—continued.	Behar.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
	Patna . . . . .	20 0	28 0	11 8	17 0	26 0	26 0	26 0	16 0	27 0	22 0	27 0	120 0	11 8	
	Gya . . . . .	18 8	27 0	9 0	16 8	20 0	20 0	20 0	22 8	22 8	22 8	23 0	210 0	11 0	
	Shahabad . . . . .	19 0	28 0	8 0	16 0	20 0	20 0	20 0	20 0	20 0	20 0	19 0	120 0	12 8	
	Durbhanga . . . . .	16 0	28 0	10 8	17 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	160 0	11 8	
	Muzaffarpore . . . . .	19 0	32 0	12 0	16 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	160 0	12 0	
	Saran . . . . .	18 8	28 0	8 0	16 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	160 0	12 0	
	Champaran . . . . .	18 0	25 0	10 0	14 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	160 0	12 0	
	Monghyr . . . . .	23 1	33 8	13 10	16 4	24 2	24 2	24 2	21 0	26 4	26 4	23 1	126 0	13 4	
	Buagapur . . . . .	20 3	30 5	15 2	17 10	20 0	20 0	20 0	20 0	25 4	25 4	20 3	164 0	12 10	
BENGAL—continued.	Purneah . . . . .	20 0	30 0	19 0	21 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	160 0	11 8	
	Maldah . . . . .	23 0	30 0	19 0	21 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	160 0	11 8	
	Sonthal Pergunnahs . . . . .	17 0	30 0	16 0	23 0	20 0	20 0	20 0	20 0	20 0	20 0	24 0	200 0	12 8	
	Orissa.														
	Cuttack . . . . .	17 1	30 0	10 8	17 0*	20 0	20 0	20 0	20 0	20 0	20 0	20 0	80 0	14 0	
	Pooree . . . . .	14 7	30 0	15 12	21 0	20 0	20 0	20 0	20 0	20 0	20 0	18 6	80 0	14 7	
	Balasore . . . . .	20 0	30 0	15 0	25 0	20 0	20 0	20 0	20 0	20 0	20 0	14 0	160 0	10 8	
	Chota Nagpore.														
	South-Western Frontier Agency.														
	Hazribagh . . . . .	17 0	20 0	10 0	19 0	20 0	20 0	20 0	20 0	20 0	20 0	19 0	240 0	10 0	
ASSAM.	Lohardugga . . . . .	20 0	24 0	15 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	120 0	10 8	
	Singbhoom . . . . .	24 0	32 0	24 0	28 0	20 0	20 0	20 0	20 0	20 0	20 0	21 0	360 0	9 0	
	Manbhoom . . . . .	18 0	32 0	15 0	27 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	240 0	11 10	
	Sylhet . . . . .	13 4	30 0	10 1	14 0	20 0	20 0	20 0	20 0	20 0	20 0	13 0	108 0	12 8	
	Cachar . . . . .	12 4	30 0	11 6	14 8	20 0	20 0	20 0	20 0	20 0	20 0	12 4	80 0	12 0	
	Godipara . . . . .	20 0	30 0	8 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	12 0	70 0	12 0	
	Garo Hills . . . . .	16 0	30 0	6 0	16 0	20 0	20 0	20 0	20 0	20 0	20 0	8 0	160 0	8 0	
	Kamrup . . . . .	16 0	30 0	8 0	13 0	20 0	20 0	20 0	20 0	20 0	20 0	8 0	160 0	11 0	
	Darrang . . . . .	7 8	30 0	6 8	13 0	20 0	20 0	20 0	20 0	20 0	20 0	8 0	150 0	10 0	
	Nowgong . . . . .	8 0	30 0	8 0	10 0	20 0	20 0	20 0	20 0	20 0	20 0	10 0	120 0	10 0	
ASSAM.	Sibsagar . . . . .	7 8	30 0	7 0	13 5	20 0	20 0	20 0	20 0	20 0	20 0	11 0	160 0	10 0	
	Lakhimpur . . . . .	7 8	30 0	6 8	14 0	20 0	20 0	20 0	20 0	20 0	20 0	11 0	160 0	10 0	
	Khasi and Jaintia Hills . . . . .	7 8	30 0	6 8	14 0	20 0	20 0	20 0	20 0	20 0	20 0	11 0	160 0	10 0	
	Naga Hills . . . . .	7 8	30 0	6 8	14 0	20 0	20 0	20 0	20 0	20 0	20 0	11 0	160 0	10 0	
	Dehra Din . . . . .	17 0	26 0	6 0	11 0	20 0	20 0	20 0	20 0	20 0	20 0	24 0	160 0	11 0	
	Saharapur . . . . .	19 5	32 4	8 9	12 5	23 10	23 10	23 10	23 4	23 4	23 4	21 8	107 8	12 5	
	Muzaffarnagar . . . . .	19 12	33 0	6 10	13 4	26 4	26 4	26 4	26 4	26 4	26 4	17 10	110 0	13 0	
	Meerut . . . . .	20 0	33 0	6 0	14 0	27 0	27 0	27 0	27 0	27 0	27 0	24 0	100 0	13 0	
	Baladshahr . . . . .	19 0	33 0	6 0	10 0	25 0	25 0	25 0	25 0	25 0	25 0	26 0	160 0	12 8	
	Aligarh . . . . .	20 0	33 0	5 0	10 0	24 0	24 0	24 0	24 0	24 0	24 0	34 0	120 0	12 0	
ASSAM.	Kansaul . . . . .	10 8	14 0	0 8	10 0	20 0	20 0	20 0	20 0	20 0	20 0	10 0	200 0	7 0	
	Garhwal . . . . .	14 0	18 8	7 8	10 0	20 0	20 0	20 0	20 0	20 0	20 0	9 8	160 0	8 2	

\* In the interior retail prices of common rice ranged from 18-6 to 23-10 seers per rupee.



N.W. PROVINCES.										OUDH.										PUNJAB.										
Bijnor	16 6	33 12	12 6	13 8	28 0	20 8	...	10 0	27 8	...	27 8	...	27 8	...	27 8	...	27 8	...	27 8	...	27 8	...	27 8	...	27 8	...	27 8	...	27 8	...
Moradabad	20 8	33 0	10 0	15 0	28 0	20 8	...	10 0	27 8	...	27 8	...	27 8	...	27 8	...	27 8	...	27 8	...	27 8	...	27 8	...	27 8	...	27 8	...	27 8	...
Budana	21 15	34 14	6 0	13 3	28 12	16 12	...	14 6	27 9	...	27 9	...	27 9	...	27 9	...	27 9	...	27 9	...	27 9	...	27 9	...	27 9	...	27 9	...	27 9	...
Bareilly	20 0	30 0	6 4	13 12	28 2	21 14	...	20 0	25 10	...	25 10	...	25 10	...	25 10	...	25 10	...	25 10	...	25 10	...	25 10	...	25 10	...	25 10	...	25 10	...
Shahjahanpur	22 0	34 0	8 0	14 0	...	...	...	16 0	28 0	...	28 0	...	28 0	...	28 0	...	28 0	...	28 0	...	28 0	...	28 0	...	28 0	...	28 0	...	28 0	...
Tarai Pergunnahs	22 0	34 0	8 0	14 0	...	...	...	16 0	28 0	...	28 0	...	28 0	...	28 0	...	28 0	...	28 0	...	28 0	...	28 0	...	28 0	...	28 0	...	28 0	...
Muttra	16 8	31 4	8 2	13 2	22 8	28 8	...	20 0	22 8	...	22 8	...	22 8	...	22 8	...	22 8	...	22 8	...	22 8	...	22 8	...	22 8	...	22 8	...	22 8	...
Agra	17 0	25 0	6 0	12 0	24 0	22 0	...	20 0	21 0	...	21 0	...	21 0	...	21 0	...	21 0	...	21 0	...	21 0	...	21 0	...	21 0	...	21 0	...	21 0	...
Farukhabad	18 8	26 0	6 0	12 0	24 0	22 0	...	20 0	21 0	...	21 0	...	21 0	...	21 0	...	21 0	...	21 0	...	21 0	...	21 0	...	21 0	...	21 0	...	21 0	...
Mainpuri	19 8	27 8	4 8	13 8	20 0	19 8	...	15 0	26 0	...	26 0	...	26 0	...	26 0	...	26 0	...	26 0	...	26 0	...	26 0	...	26 0	...	26 0	...	26 0	...
Etawah	17 8	27 0	6 0	13 0	19 8	19 8	...	16 0	25 0	...	25 0	...	25 0	...	25 0	...	25 0	...	25 0	...	25 0	...	25 0	...	25 0	...	25 0	...	25 0	...
Etah	21 8	31 0	7 0	14 0	...	...	...	20 0	26 0	...	26 0	...	26 0	...	26 0	...	26 0	...	26 0	...	26 0	...	26 0	...	26 0	...	26 0	...	26 0	...
Jaloun	20 0	24 0	9 0	11 0	...	...	...	...	24 0	...	24 0	...	24 0	...	24 0	...	24 0	...	24 0	...	24 0	...	24 0	...	24 0	...	24 0	...	24 0	...
Jhansi	19 8	30 7	7 12	15 6	24 11	20 0	...	34 0	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...
Lalitpur	23 0	32 0	10 0	14 0	25 0	22 0	...	34 0	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...
Cawnpore	20 8	31 0	9 8	14 8	24 0	21 8	...	25 0	29 8	...	29 8	...	29 8	...	29 8	...	29 8	...	29 8	...	29 8	...	29 8	...	29 8	...	29 8	...	29 8	...
Fatehpur	No return received.																													
Banda	19 0	25 8	8 0	15 0	25 0	21 0	...	30 0	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...
Allahabad	17 4	28 8	7 0	13 8	25 8	24 8	...	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...
Hamirpur	19 7	25 4	11 4	14 0	20 7	19 5	...	...	34 4	...	34 4	...	34 4	...	34 4	...	34 4	...	34 4	...	34 4	...	34 4	...	34 4	...	34 4	...	34 4	...
Jaunpur	16 0	25 0	7 0	15 8	...	...	...	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...
Gorakhpur	16 3	28 13	9 7	16 10	19 13	19 13	...	28 13	35 6	...	35 6	...	35 6	...	35 6	...	35 6	...	35 6	...	35 6	...	35 6	...	35 6	...	35 6	...	35 6	...
Basti	22 0	30 0	10 0	15 0	...	...	...	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...
Azamgarh	20 10	29 14	10 5	17 0	...	...	...	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...
Mirzapur	16 0	25 0	7 0	14 0	23 0	22 0	...	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...
Benares	17 14	25 4	10 5	16 8	22 4	21 11	...	23 5	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...
Ghazipur	13 0	28 5	6 7	14 2	21 14	21 4	...	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...
Balla	19 4	29 0	10 4	12 4	...	...	...	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...
Philibhit	17 8	31 0	12 8	15 0	25 0	25 0	...	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...	34 0	...
Almora	No return received.																													

Sultanpur	22 0	34 0	11 0	13 0	30 0	24 0	...	20 0	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...
Parbhagarh	22 0	35 5	17 2	18 1	...	...	...	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...
Fyzabad	20 0	28 0	11 0	14 0	...	...	...	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...
Kheri	21 4	34 8	9 0	14 0	20 0	18 0	...	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...
Lucknow	20 13	30 14	6 0	14 2	20 0	18 0	...	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...
Bara Banki	20 0	28 0	7 0	14 0	22 0	24 0	...	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...
Bahraich	22 0	40 0	15 0	18 0	32 0	22 0	...	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...
Rai Bareilly	20 0	30 0	7 0	16 0	20 0	16 0	...	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...
Sitapur	26 0	40 0	8 0	14 0	20 8	16 0	...	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...
Gonda	21 14	32 12	14 4	17 8	20 8	18 0	...	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...
Unao	20 8	29 0	6 0	14 0	22 0	18 0	...	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...
Hardoi	22 4	34 12	9 0	11 8	...	...	...	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...

Hissar	23 0	40 0	10 0	10 0	36 0	27 0	...	8 0	37 0	...	37 0	...	37 0	...	37 0	...	37 0	...	37 0	...	37 0	...	37 0	...	37 0	...	37 0	...	37 0	...
Rohtak	19 0	35 0	13 0	13 0	29 0	20 0	...	...	37 0	...	37 0	...	37 0	...	37 0	...	37 0	...	37 0	...	37 0	...	37 0	...	37 0	...	37 0	...	37 0	...
Gurgaon	21 0	35 0	10 0	10 0	22 0	22 0	...	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...	33 0	...
Delhi	10 0	34 0	13 0	13 0	24 0	20 0	...	...	31 0	...	31 0	...	31 0	...	31 0	...	31 0	...	31 0	...	31 0	...	31 0	...	31 0	...	31 0	...	31 0	...
Karnal	19 0	38 0	11 0	11 0	30 0	24 0	...	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...
Imbalia	21 0	37 0	11 0	11 0	32 0	20 0	...	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...
Simla	16 0	20 0	10 0	10 0	20 0	15 0	...	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...
Kanara	18 0	32 0	14 0	14 0	32 0	20 0	...	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...
Hoshiarpur	21 0	34 0	10 0	10 0	34 0	20 0	...	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...	30 0	...
Jullundur	21 0	36 0	8 0	8 0	32 0	20 0	...	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...	32 0	...
Ludhiana	22 0	32 0	12 0	12 0	30 0	25 0	...	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...	35 0	...

† The rate of old (last year's) grain.  
The new one is selling at 34 seers a rupee.  
§ Retail price. The wholesale is 12 seers.  
|| Rate for whole grain and not for dal is given.

† Sambhar.

\* In sub-divisions retail prices of salt per rupee were:—Buxar and Sasaram 12 seers, and Bhadohi 11 seers.  
 \* In sub-divisions retail prices of salt per rupee were:—Madhubani 11 seers and Faipore 11-8 seers.  
 \* In sub-divisions retail prices of salt per rupee were:—Sitamarhi 11 seers and Hajepore 12-4 seers.  
 \* In sub-divisions retail prices of salt per rupee were:—Begusarai 11 seers and Jamu 11-4 seers.  
 \* In sub-divisions retail prices of salt per rupee were:—Banka 12 seers, Mudehpura and Sopoole 11 seers.  
 \* In sub-divisions retail prices of salt per rupee were:—Kishengunge 10 seers and Arraiah (at Kanungge) 12 seers.

† The rate of old (last year's) grain.  
 The new one is selling at 34 seers a rupee.  
 § Retail price. The wholesale is 12 seers a rupee.  
 ‡ Rate for whole grain and not for dal's given.

† Sambhar.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF APRIL 1886—continued.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
QUANTITIES PER RUPEE IN SEERS OF SO TOLAS.															
DISTRICTS.															
REMARKS.															
PUNJAB—continued.															
Wheat.															
Harley.															
Rice, best sort.															
Rice, common.															
Jowar or (Sorghum gujar.)															
Bajra or (Lumbu typhloideum).															
Marua or Ragi (Eleusine coracana).															
Kanpur or Kaku, (Setaria italica).															
Chana, (Cicer arietinum), or Sunnari (Cicer channa).															
Maize (Zea Mays)															
Arhar or (Cajanus indicus)															
Firewood.															
Salt.															
Ferozepore															
Moctan															
Jhang															
Montgomery															
Lahore															
Amritsar															
Gurdaspur															
Sialkot															
Gujrat															
Gujranwala															
Shahpur															
Jhelum															
Rawalpindi															
Hazira															
Peshawar															
Kohat															
Bannu															
D. I. Khan															
D. G. Khan															
Muzaffargarh															
CENTRAL PROVINCES.															
Saugor.															
Damoh															
Jubbulpore															
Mandla															
Seoni															
Narsinghpur															
Hoshangabad															
Nimar															
Betul															
Chhindwara															
Wardha															
Nagpur															
Chanda															
Bandra															
Balaghat															
Raipur															
Bilaspur															
Sambalpur															
ARAKAN DIVISION.															
Akyab															
Northern Arakan															
Kyaukpada															
Sandoway															

Pegu Division.									
Rangoon Town	15 5	13 10	16 10	18 0	...	...	...	320 0	29 3
Pegu	...	10 14 18	15 12 8	11 2 1	...	...	...	110 0	20 14 18
Tharawaddy	...	11 14	12 15	11 1	...	...	...	535 11	29 12
Prome	14 9	13 7	15 4	15 9	53 4	...	...	167 9	18 10
Irrawaddy Division.									
Bassein	...	15 5	16 4	13 2	...	...	...	245 8	28 6
Henzada	...	13 0	15 10	...	...	...	...	183 8	35 8
Thonegwa	...	9 6	17 7	12 14	...	...	...	246 0	35 7
Thayemyo	15 1	10 3	12 7	10 1	28 3	...	...	490 0	18 15
Tenasserim Division.									
Moulmein Town and Amherst	9 0	9 0	12 2	12 2	10 2	...	...	220 0	30 8
Tavoy	...	14 9	21 0	...	...	...	...	399 3	16 1
Mergui	...	13 13	18 14	...	...	...	...	4 8 0	14 9
Toungoo	...	10 10	12 13	12 9	...	...	...	27 0	18 12
Shwaygyin	...	9 13	11 5	...	...	...	...	200 0	18 14
Salween	No return received.	...	...	...	...	...	...	...	...
HYDERABAD AND MYSORE.									
Secunderabad	16 12	7 2	10 14	14 15	20 1	...	...	125 0	10 5
Bolnisi	...	8 13	10 12	16 14	...	...	...	116 14	10 10
Chadarghat	11 8	7 4	9 0	17 0	...	...	...	88 0	9 12
Amraoti	20 8	8 0	12 0	20 0	...	...	...	...	12 0
Akola	19 0	7 0	11 0	21 0	...	...	...	...	11 0
Ellichpur	20 0	8 0	10 0	17 0	...	...	...	...	11 0
Buldana	24 0	8 0	11 0	24 0	...	...	...	...	11 0
Wun	17 0	8 0	11 0	18 0	...	...	...	...	11 0
Basim	26 5	8 2	11 5	24 0	...	...	...	...	10 5
MYSORE.									
Bangalore	No return received.	...	...	...	...	...	...	...	...
Kolar	...	...	...	...	...	...	...	...	...
Tumkur	...	...	...	...	...	...	...	...	...
Mysore	...	...	...	...	...	...	...	...	...
Shimoga	...	...	...	...	...	...	...	...	...
Kadur	...	...	...	...	...	...	...	...	...
Coorg.									
Coorg	9 0	11 5	14 0	21 0	...	...	...	110 0	11 8
RAJPOOTANA.									
Jaypore	16 12	4 8	8 1	30 8	31 0	35 0	120 0	14 0	14 0
Kishengurh	18 8	9 0	10 0	36 0	37 0	40 0	200 0	14 0	14 0
Kerowice	17 13	12 8	13 12	27 8	...	50 0	200 0	13 12	13 12
Uluwar	21 0	6 12	10 0	32 1	28 9	30 0	100 0	12 0	12 0
Bhurtpore (City)	17 8	6 12	9 12	30 4	31 4	30 0	80 0	13 0	13 0
Aimere	17 0	3 0	8 0	35 14	...	...	230 0	12 8	12 8
Deoli Cantonment	24 1	5 8	7 8	28 0	...	...	320 0	14 0	14 0
Erinpura	18 8	20 12	8 0	20 0	21 0	14 0	200 0	14 8	14 8
Sirohee	18 0	6 0	8 0	19 0	...	...	160 0	13 0	13 0
Abu	15 8	6 0	8 0	22 0	...	...	...	16 8	16 8
Anadra	17 8	6 4	8 4	16 0	...	...	240 0	25 9	25 9
Balmere	18 0	5 0	9 0	15 0	...	...	...	11 2	11 2
Jaysalmere	13 0	12 8	18 12	26 0	25 0	12 18	200 0	11 11 1	11 11 1
Hilly Tracts of Meywar	25 0	10 0	16 0	43 0	37 8	22 8	...	12 8	12 8
Meywar (Odeypore)	18 5 1	9 12 1	10 2 1	35 0	32 8	22 8	...	17 15	17 15
Bikanera (Meywar Agency)	28 12	10 0	15 0	23 12	20 0	...	120 0	16 4	16 4
Parbhargh	22 8	31 4	6 4	...	...	...	...	...	...
Marwar (Jodhpore)	17 4	23 4	6 4	...	...	...	...	...	...

\* Fireroad is sold by head load, bullock lead, and cart load, and not by weight.

† Sold in bundles.

‡ Eight pies per bundle.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE MONTH OF APRIL 1886—concluded.

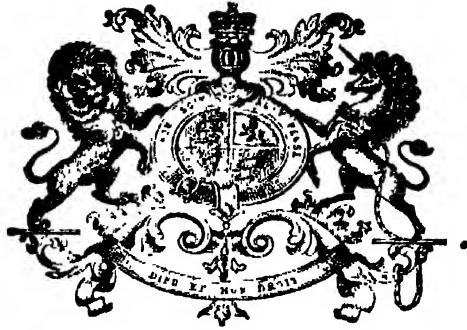
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
PROVINCES.		QUANTITIES PER RUPEE IN SEERS OF 80 TOLAS.														REMARKS.
DISTRICTS.		Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or Cholum (Sorghum vul- gare).	Bajra or Cumbu (Pennisetum hybridum).	Maua or Kargi (Eleusine cor- aca).	Kangri or Kakun, Indian millet (Setaria italica).	Gram, Chenna (holia, Kadlay or Sunaga (Cy- perium)).	Maize (Zea Mays)	Arhar or Tur (adjan pea (a- janus indus)).	Firewood.	Salt.		
RAJPOOTANA— contd.	Bikaner	11 14	..	3 4	6 8	..	17 11	..	..	20 6	..	10 0	100 0	14 0	..	
	Boondi	27 12	40 0	10 0	10 8	40 0	..	..	..	40 0	..	18 0	160 0	12 8	..	
	Kotah	25 0	35 0	9 0	10 0	32 8	20 0	..	..	30 0	30 0	18 0	240 0	11 12	..	
	Tonk	23 6	34 0	9 0	13 12	37 2	..	..	16 0	34 11	..	..	140 0	12 4	..	
	Jhalawar	23 14	27 10	8 14	11 11 1/2	28 5	15 13	..	14 2 1/2	37 12	35 10	11 13	175 0	11 1	..	
	Shahpura	23 0	33 12	10 0	16 0	37 0	29 0	..	18 0	29 0	..	39 4	160 0	12 11	..	
	Dholpur	16 0	24 11	9 0	10 4	24 7	24 15	..	..	27 10	..	..	80 0	12 10	..	
CENTRAL INDIA.	Indore	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
	Gwalior	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
	Goona	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
	Baghelkhand (Sutna)	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
		No return received.														

DEPARTMENT OF FINANCE AND COMMERCE,

(Statistical Branch.)

D. BARBOUR,

Secretary to the Government of India.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

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No. 20.}      SIMLA, SATURDAY, MAY 15, 1886.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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**PART III.**—Advertisements and Notices by private individuals and Corporations.

**PART IV.**—Acts of the Governor-General's Council assented to by the Governor-General:—

*Nothing for publication.*

**PART V.**—Bills introduced into the Council of the Governor-General for making Laws and Regulations, or published under Rule 22:—

*Nothing for publication.*

**SUPPLEMENT No. 20.**

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## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### MILITARY SECRETARY'S OFFICE.

#### NOTIFICATION.

*Simla, the 11th May, 1886.*

His Excellency the Viceroy and Governor-General will hold a *Levée* at the "Viceregal Lodge," at 9-45 P.M., on Monday, the 24th May, 1886, in celebration of Her Majesty's Birthday.

All Civil and Military Officers and the Native Officers of the Detachment of the 1st Goorkhas are invited to attend.

Gentlemen who have not already been presented at the Court of St. James or at the Viceregal Court are requested to send their names and addresses to the Aide-de-Camp in waiting not later than Wednesday, the 19th May, 1886; and, in doing so, to add the names of the Gentlemen who will present them, and who must themselves attend the *Levée*. Presentation cards will then be forwarded to them.

All Officers and Gentlemen attending the *Levée* are requested to bring with them two cards, with their names *legibly* written thereon—one card to be delivered on entering the "Viceregal Lodge," and the other to the Aide-de-Camp in waiting at the time of presentation.

Gentlemen wearing uniform will appear in full dress.

Gentlemen not entitled to wear uniform will appear in evening dress.

By Command,

W. BERESFORD, Major,

*Military Secretary to the Viceroy.*

## HOME DEPARTMENT.

## NOTIFICATIONS.—PUBLIC.

*Simla, the 12th May, 1886.*

**No. 673.**—The Birthday of Her Majesty the Queen and Empress of India, will be kept in India on Monday, the 24th May.

## ESTABLISHMENTS.

*The 14th May, 1886.*

**No. 156.**—*Appointment.*—Mr. H. C. Williams, C.S., Deputy Commissioner of the 2nd grade in Assam, to officiate as Deputy Commissioner of the 1st grade, with effect from the 30th March, 1886, *vice* Colonel J. Johnstone, on leave, or until further orders.

## MEDICAL.

*The 14th May, 1886.*

**No. 192.**—The services of Surgeon R. H. Charles, M.D., Garrison Surgeon, Attock, are permanently placed at the disposal of the Government of the Punjab.

## SANITARY.

*The 10th May, 1886.*

**No. 152.**—*Appointment.*—Surgeon-Major A. Stephen, M.B., to officiate as Sanitary Commissioner of the Punjab, during the absence on furlough on medical certificate of Deputy Surgeon-General H. W. Bellew, C.S.I., or until further orders.

## PATENTS.

*The 10th May, 1886.*

**No. 525.**—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

**No. 16 of 1885.**—Arthur Campbell Rogers, Assistant Engineer, Oudh and Rohilkhand Railway, of Nagina, District Bijnour, North-Western Province, amended specification of his invention for "improvements and additions to Messrs. Thomson and Mylne's and other Patenters' Patent Portable Sugar Mill Rollers as fitted to and with Rogers' Patent Rail Stand and Fittings."

**No. 93 of 1885.**—Tookaram Rowjee Soam Wayshie Arya Chhatree, Iron founder, residing in Aditwar Peit in the City of Poona in the Bombay Presidency, for squeezing sugarcane juice.

**No. 123 of 1885.**—James Hewitt Barry, of No. 110, Cannon Street, in the City of London, Merchant, and also of No. 5, Lyons Range in Calcutta, for an improvement in Drying machinery.

**No. 129 of 1885.**—William Phillips, of the Pension (Military) Establishment and resident of Fyzabad in the Province of Oudh, for an improved sugarcane mill called "Phillips' (Portable) Automatic Cane Driver and Squeeze Mill."

**No. 132 of 1885.**—George Greig, of Harvieston, in the County of Kincardine, North Britain, Engineer, for apparatus for drying tea, grain, and other produce or loose materials.

**No. 135 of 1885.**—Lazarus Chater, of No. 27, Creek Row, in the Town of Calcutta, Engineer, for economic weight adjusting carriage springs.

**No. 136 of 1885.**—Henry Hamilton Remfry, Solicitor and Patent Agent, of 5, Fancy Lane, Calcutta, for improvements in the manufacture of wire netting and in apparatus therefor.

**No. 139 of 1885.**—George Greig, of Harvieston, in the County of Kincardine, North Britain, Engineer, for a method of de-licating air for drying purposes.

**No. 161 of 1885.**—George Kitt Winter, F.R.A.S., Telegraph Engineer, Madras Railway, Arkonam, in the Presidency of Madras, for improvements in Block Telegraph Instruments.

**No. 163 of 1885.**—Frederick James Harrison, of Latimer Road, London, in England, Builder, for an Improved cleansing compound.

**No. 179 of 1885.**—Ernest Marvis Gardner, Electrician, of Brook Line, Massachusetts, United States of America, for improvements in apparatus for generating and storing electricity.

**No. 185 of 1885.**—Alexander Perry, of Fairfield Road Bow in the County of Middlesex, Engineer, and Alexander William Gillman and Samuel Spencer, both of the Castle Brewery St. George's Road South Wark, in the County of Surrey, Consulting Practical Brewer and Analytical Chemists, and all in England, for new and useful improvements in the method of and apparatus for preparing grain or cereals to be used in brewing, distilling and vinegar-making and in the preparation of food and confectionery.

**No. 187 of 1885.**—Edward Lennon Cantwell, Civil Engineer, of Calcutta, for improvements in the construction and method of working portable mills for grinding, kibbling and husking.

**No. 189 of 1885.**—Arthur Campbell Rogers, Assistant Engineer, Oudh and Rohilkhand Railway, of Nagina, District Bijnour, North-Western Provinces, India, for additions to "Rogers' Patent Rail Stand and Fittings of an Iron Lever with adjustable yoke and socket."

**No. 190 of 1885.**—Arthur Campbell Rogers, Assistant Engineer, Oudh and Rohilkhand Railway, of Nagina, District Bijnour, North-Western Provinces, India, for additions to "Rogers' Patent Rail Stand and Fittings of combined regulating reactionary wearing screws and bearings."

**No. 5 of 1886.**—Framjee Jamesjee Madan, Jahangir Manchaji Chichgar and Shampoorji Dhanjibhoy Mistry, trading under the name of F. J. Mistry and Company, manufacturers of steam oil mills, &c., dealers in oils, &c., and Commission Agents of 32, Mody Bay, Fort Bombay, for improvements in Rotary oil mills.

**No. 10 of 1886.**—Edward Fixary, of 33, Rue Monge, Paris, in the Republic of France, Engineer, for an improvement in refrigerating apparatus.

**No. 20 of 1886.**—William Bull, Civil Engineer, at present residing in Bombay for automatic gear for working dredgers or grabs.

**No. 21 of 1886.**—Arthur Campbell Rogers, Assistant Engineer, Oudh and Rohilkhand Railway, of Naggua, District Bijnour, North-Western Provinces, India, for additions to "Rogers' Patent Rail Stand and Fittings of a centre board of corrugated iron or other material."

**No. 22 of 1886.**—Edmond Frémy, Member of the Institute of France and Victor Urbain, Engineer and Chemist, both of Paris, in the Republic of France, for improvements in obtaining and treating fibres from the barks of plants of the Urtica family and the like.

**No. 31 of 1886.**—Percival Fyfe, of London, England, Engineer, for improvements in checking apparatus.

**No. 32 of 1886.**—William Ellery Hale, Manufacturer, of Chicago, Illinois, United States of America, for improvements in gas engines.

**No. 39 of 1886.**—Patrick Adie, of London, England, Engineer, for improvements in driving bands and pulleys or wheels for the transmission of motive power.

**No. 44 of 1886.**—Frederick Henry Gill, of 20, Bucklebury in the City of London, England, Draughtsman, for an improved mode of securing rails to metal sleepers.

**No. 50 of 1886.**—David Rattray Malcolm, of the Constable Works, Dundee, Scotland, Engineer, for improvements in ploughing machines.

**No. 57 of 1886.**—Vivian Baim Lewis, of the Royal Naval College, Greenwich, in the County of Kent, England, Chemist, for improvements in the distillation of sea and other water.

#### FORESTS.

*The 13th May, 1886.*

**No. 384 F.**—Mr. M. Muttannah, Sub-Assistant Conservator of Forests in Coorg, is appointed to officiate, until further orders, as an Assistant Conservator of Forests of the 3rd grade, with effect from the 1st April, 1886.

*The 14th May, 1886.*

**No. 403 F.**—The Notification of this Department No. 285 F., dated the 16th ultimo, placing the services of Mr. C. F. Elliott, Deputy Conservator of Forests in the Punjab, at the disposal of the Foreign Department for employment in Baluchistan, is hereby cancelled.

A. P. MACDONNELI,

*Offg. Secretary to the Government of India.*

## REVENUE AND AGRICULTURAL DEPARTMENT.

### NOTIFICATIONS.—SURVEYS.

*Simla, the 14th May, 1886.*

**No. 426 S.**—The services of Colonel H. C. B. Tanner, Deputy Superintendent, Survey of India Department, are placed temporarily at the disposal of the Foreign Department.

**No. 427 S.**—The services of Mr. R. D. Oldham, Deputy Superintendent, Geological Survey of India Department, are placed temporarily at the disposal of the Foreign Department.

### EXHIBITIONS.

*The 14th May, 1886.*

**No. 1402—1-25 EA.**—The following telegram from His Royal Highness the Prince of Wales, Executive President of the Royal Commission for the Colonial and Indian Exhibition, 1886, regarding the exhibits contributed to the Indian Section, is published for general information:—

"Telegram, dated 4th May, 1886.

From—His Royal Highness the Prince of Wales,

To—His Excellency the Viceroy.

"At a Meeting of the Royal Commission for the Colonial and Indian Exhibition held 3rd May, the following Resolution was unanimously adopted:—

"That this Meeting consider it a pleasing duty to record the deep obligation we are under to His Excellency the Viceroy and the Supreme Government of India for the admirable organization which, under the direction of Mr. Buck, has been displayed by the Revenue and Agricultural Department and by the Officers who have assisted it; and further, that we request the Viceroy to express our acknowledgments to their Highnesses the Princes of India, who have by their liberal contributions so materially added to the beauty and interest of the Indian Sections."

C. J. LYALL,

*Off. Secretary to the Government of India.*

## FOREIGN DEPARTMENT.

### NOTIFICATIONS.—GENERAL.

*Simla, the 11th May, 1886.*

**No. 1000 G.**—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Monsieur Pernet as Vice-Consul for France at Rangoon.

**No. 1003 G.**—The Governor-General in Council is pleased to recognize the appointment of Mr. Carlos Vetter as Acting Consul for Germany at Rangoon, *vice* Mr. L. Schumacher.

*The 14th May, 1886.*

**No. 1008 G.**—The following temporary promotions are made in the Graded List of the Political Department:—

Consequent on the departure on furlough of Lieutenant-Colonel W. J. W. Muir, Political



Agent of the 1st class, with effect from the 1st April, 1886,—

Colonel E. S. Reynolds, Political Agent of the 2nd class, to officiate as a Political Agent of the 1st class.

Major D. Robertson, Political Agent of the 3rd class, to officiate as a Political Agent of the 2nd class.

Mr. P. J. C. Robertson, Political Assistant of the 1st class, to officiate as a Political Agent of the 3rd class.

Lieutenant W. H. Cornish, Political Assistant of the 2nd class, sub. *pro tem.*, to officiate as a Political Assistant of the 1st class.

Lieutenant H. Daly, Political Assistant of the 3rd class, sub. *pro tem.*, to be a Political Assistant of the 2nd class, sub. *pro tem.*

Lieutenant H. S. P. Davies, officiating Political Assistant of the 3rd class, to be a Political Assistant of the 3rd class, sub. *pro tem.*

Consequent on the appointment of Lieutenant-Colonel S. B. Miles, officiating Political Agent of the 1st class, to officiate as a Resident of the 2nd class, with effect from the 2nd April, 1886,—

Lieutenant-Colonel E. Mockler, Political Agent of the 2nd class, to officiate as a Political Agent of the 1st class.

Lieutenant-Colonel V. E. Law, Political Agent of the 3rd class, to officiate as a Political Agent of the 2nd class.

Captain I. MacIvor, Political Assistant of the 3rd class, and Political Assistant of the 1st class, sub. *pro tem.*, to officiate as a Political Agent of the 3rd class.

Captain A. M. Muir, Political Assistant of the 3rd class, to be a Political Assistant of the 1st class, sub. *pro tem.*

Lieutenant A. F. Pinhey, officiating Political Assistant of the 3rd class ( *supernumerary* ), to be a Political Assistant of the 3rd class, sub. *pro tem.*

Consequent on the appointment of Lieutenant-Colonel H. P. Peacock, Political Agent of the 2nd class, to officiate as a Resident of the 2nd class, with effect from the 5th April, 1886,—

Major E. A. Fraser, Political Assistant of the 1st class, and officiating Political Agent of the 3rd class, to officiate as a Political Agent of the 2nd class.

Captain H. L. Ramsay, Political Assistant of the 2nd class and Political Assistant of the 1st class, sub. *pro tem.*, to officiate as a Political Agent of the 3rd class.

Lieutenant P. J. Melvill, Political Assistant of the 2nd class, sub. *pro tem.*, to be a Political Assistant of the 1st class, sub. *pro tem.*

Lieutenant L. S. Newmarch, Political Assistant of the 3rd class, sub. *pro tem.*, to officiate as a Political Assistant of the 2nd class.

**No. 1010 G.**—Captain I. MacIvor, Political Assistant of the 3rd class, and officiating Political Agent of the 3rd class, is appointed to be a Political Agent of the 3rd class, sub. *pro tem.*, with effect from the 21st April, 1886, *vice* Major N. C. Martelli, appointed an Additional Political Agent of the 1st class, and Political Agent in Baghelcund and Superintendent of the Rewa State.

## INTERNAL.

*The 13th May, 1886.*

**No. 1500 I.**—In exercise of the powers conferred by Sections 8 and 9, respectively, of the Indian Christian Marriage Act, XV of 1872, the Governor-General in Council is pleased—

(a) to appoint the Reverend M. F. Crewdson, of the Wesleyan Mission, Secunderabad, to be a Marriage Registrar in respect of all places within the territories of His Highness the Nizam of Hyderabad; and

(b) to license the said Reverend M. F. Crewdson to grant certificates of marriage between Native Christians within the said territories.

**No. 1592 I.**—In exercise of the powers conferred by Section 9 of the Indian Christian Marriage Act, XV of 1872, the Governor-General in Council is pleased to license—

B. P. Wesley,

G. H. Kadari, and

V. T. Paramashwen,

Native Ministers of the Wesleyan Mission, Secunderabad, to grant certificates of marriage between Native Christians within the territories of His Highness the Nizam of Hyderabad.

## EXTERNAL.

*The 13th May, 1886.*

**No. 869 E.**—With reference to the Notification of the Government of the Punjab, No. 206, dated the 7th April, 1886, the services of Lieutenant-Colonel T. J. C. Plowden, C.I.E., Deputy Commissioner of Dera Ghazi Khan, are replaced at the disposal of that Government, with effect from the forenoon of the 16th April, 1886.

*The 14th May, 1886.*

**No. 876 E.**—Whereas it is expedient to amend the law relating to Forests in Baluchistan; His Excellency the Viceroy and Governor-General in Council has been pleased to issue the following orders:—

## CHAPTER I.

### PRELIMINARY.

**I** (1) These orders may be called the Baluchistan Forest Law, 1886, and are hereafter referred to as "this Law."

(2) This Law extends to the territories under the administration of the Agent to the Governor-General in Baluchistan: Provided that the said Agent may, by notification in the Gazette of India, exempt any place therein from the operation of the whole or any part of it, but not so as to affect anything done or any offence committed, or any fine or penalty incurred, or any proceedings commenced, in such place before such exemption; and

(3) It shall come into force on such day as the Agent to the Governor-General in Baluchistan may, by notification in the Gazette of India, direct.

2. In this Law, unless there is something repugnant in the subject or context,—

Definitions.

"Agent" means the Agent to the Governor-General in Baluchistan:

"Political Agent" means the chief executive revenue-officer of the district:

"State forest" means any land which may be constituted a State forest under section 3 of this Law.

"Forest-officer" means any person appointed, by name or as holding an office, by or under the orders of the Governor-General in Council or the Agent, to be Chief Forest-officer or a Deputy Conservator, Assistant Conservator, Sub-Assistant Conservator, Forest-ranger, Forester or Forest-guard, or to discharge any function of a Forest-officer under this Law or any rule made hereunder:

"Chief Forest-officer" means the Chief Forest-officer in Baluchistan:

"Tree" includes bamboos, stumps, and brush-wood:

"Timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not:

"Forest-produce" includes the following things when found in, or brought from, a forest, that is to say:

minerals (including limestone and laterite), earth-oil, surface-soil, trees, timber, plants, grass, peat, canes, creepers, reeds, fibres, leaves, moss, flowers, fruits, seeds, roots, juice, catechu, bark, caoutchouc, gum, wood-oil, resin, varnish, lac, charcoal, honey, wax, skins, tusks, bones, and horns:

"Forest-offence" means an offence punishable under this Law:

"Cattle" includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids: and

"Magistrate" means a Magistrate of the first or second class, and includes a Magistrate of the third class when he is specially empowered by the Agent to try forest-offences.

## CHAPTER II.

### OF STATE FORESTS.

3 (1) The Agent may, by notification in the Constitution of State Gazette of India, declare any woodland, permanent grazing ground, or other land which is the property of the Government to be a State forest from a date to be fixed in the notification.

(2) The notification shall describe the situation and specify the limits of the land in respect of which the declaration is made; and from the date fixed therein the said land shall be deemed to be a State forest.

(3) The Political Agent shall, before that date, cause a translation of the notification in the language of the country to be published in the towns and villages in the neighbourhood of the land, and in any other villages of which the residents have been accustomed to graze their flocks in, or in the vicinity of, the land.

4. Whenever a State forest is not bounded by demarcation of State a road, stream or other existing well-defined boundary-mark, it shall be demarcated by cleared lines, or in such other manner as the Agent may direct.

5. No right of any description adverse to Government shall be acquired in or over a State forest by lapse of time or otherwise than under a grant or contract in writing made by, or on behalf of, the Government.

6. In any State forest the Chief Forest-officer may, from time to time, with the previous sanction of the Agent, determine what roads and pathways shall be authorised for public traffic, and cause all other roads and pathways to be closed either permanently or for a time only. The Chief Forest-officer shall cause public notice to be given of the closing of any existing road or pathway.

7. Any person who in a State forest—

Penalties for trespass or damage in State forests

- (a) trespasses, or pastures cattle or permits cattle to trespass, off any road or pathway authorized for public traffic, or
- (b) causes any damage by negligence in felling any tree, or cutting or dragging any timber, or
- (c) lops, notches, strips off the leaves from, or otherwise damages, any tree, or
- (d) hunts, shoots, fishes, poisons water, or sets traps or snares,

shall be punished with fine which may extend to fifty rupees, or, when the damage resulting from his offence amounts to more than twenty-five rupees, to double the amount of such damage.

Acts prohibited in State forests.

8. Any person who—

- (a) sets fire to a State forest, or
- (b) kindles, keeps or carries any fire, or leaves burning any fire kindled by him, in such manner as to endanger a State forest,

or who in a State forest—

- (c) kindles, keeps or carries any fire except at such seasons, and in such manner, as a Forest-officer specially empowered in this behalf may from time to time notify, or
- (d) fells, girdles, marks, taps, strips off the bark from, or uproots or burns, any tree, or
- (e) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest-produce, or
- (f) clears, cultivates, or breaks up any land for cultivation or any other purpose,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, and shall also be liable to pay such sum as compensation for damage done to the forest as the convicting Magistrate may direct.

Exceptions from prohibitions contained in sections 7 and 8.

done—

- (a) with the permission of a Forest-officer specially empowered to give such permission; or
- (b) in pursuance of any permission granted by the Agent; or
- (c) in accordance with any rule made by the Agent with the previous sanction of the Governor-General in Council.

(2) The permission of the Forest-officer referred to in sub-section (1), clause (a), shall be in writing, and shall only authorise the doing of some particular act on some particular occasion.

(3) The permission referred to in sub-section (1), clause (b), may be a general permission to a person to pasture his cattle, or to collect and remove any forest-produce for the use of himself and his family but not for the purposes of trade.

(4) The rules referred to in sub-section (1), clause (c), may be applied by the Agent, by notification in the Gazette of India, to all or any State forests or to any part of a State forest, and may, with respect thereto,—

- (i) regulate the cutting, sawing, conversion and removal of trees and timber, the cutting of grass and pasturing of cattle, and the collection and removal of forest-produce;
- (ii) regulate the quarrying of stone, the prospecting for, and extracting of, oil, the boiling of catch, and the burning of lime or charcoal;
- (iii) regulate hunting, shooting, fishing, poisoning water, and setting traps or snares;
- (iv) prescribe, or authorise any Forest-officer to prescribe, subject to the control of the Agent, the fees, royalties or other payments for timber or other forest-produce, and the mode in which such fees, royalties or other payments shall be levied, whether in transit, or partly in transit, or otherwise.

In making any such rule the Agent may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(5) The Agent may cancel any permission given by a Forest-officer or withdraw any permission granted by himself, and may, by notification in the Gazette of India, cancel or modify, with the previous sanction of the Governor-General in Council, all or any rules made under this section.

**10.** The Agent may, with the previous sanction of the Governor-General in Council, by notification in the Gazette of India, direct that, from a date fixed by such notification, any State forest or any portion thereof shall cease to be a State forest. From the date so fixed such forest or portion shall cease to be a State forest.

### CHAPTER III.

#### OF THE PROTECTION OF CERTAIN TREES AND NATURAL PRODUCE.

Power to declare reserved trees.

**11.** The Agent may, by notification in the Gazette of India,—

- (a) declare that any trees or any specified class of trees standing on any land at the disposal of the Government shall, from a date to be fixed by such notification, be reserved trees;
- (b) vary or cancel any such notification.

**12.** (1) No person shall cut, mark, lop, girdle, tap or injure by fire or otherwise any reserved tree, except as provided by rules made by the Agent in this behalf, or with the permission in writing of a Forest-officer specially empowered to grant such permission.

(2) Whoever cuts, marks, lops, girdles, taps or injures by fire or otherwise any reserved tree, in contravention of sub-section (1) of this section shall be punished with fine which may extend to twenty rupees, or, when the damage resulting from his offence amounts to more than ten rupees, to double the amount of such damage.

### CHAPTER IV.

#### OF FOREST-PRODUCE IN TRANSIT.

**13.** The Chief Forest-officer may, subject to the control of the Agent, establish stations within or outside any State forest for the examination of timber and other forest-produce, and for the collection of dues leviable in respect of the same.

**14.** (1) No timber or other forest-produce shall be taken out of any State forest except by a route on which such a station has been established, or of which the use for the removal of timber or other forest-produce has been specially authorised by the Chief Forest-officer.

(2) A full description of every such route shall be fixed up by the Forest-officer in charge of the Forest Division in the towns and villages in the neighbourhood of the forest served by the same.

**15.** No timber or other forest-produce, whether the produce of a State forest or of other land, shall be taken along any route authorised for the removal of timber or other forest-produce under section 14 unless covered by a pass issued by a Forest-officer whom the Chief Forest-officer has duly authorised in that behalf or by the owner of the land, as the case may be. Such pass shall state the quantity and kind of timber or other forest-produce so taken, and the marks, if any, which it bears.

**16.** Any person who contravenes the provisions of section 14 or section 15 shall be punished with imprisonment for a term which may extend to six months, or with

fine which may extend to five hundred rupees, or with both.

Power to exempt from operation of section 14 or section 15. **17.** A general exemption from the operation of section 14 or section 15 or both sections—

- (a) with respect to any class of timber or other forest-produce, or
- (b) with respect to all timber or other forest-produce, in favour of the inhabitants of any specified locality,

may be granted by a Forest-officer specially empowered in this behalf.

## CHAPTER V.

### OF CATTLE-TRESPASS.

**18.** Cattle trespassing in a State forest shall be deemed to be cattle doing damage to a public plantation within the meaning of section 11 of the Cattle-trespass Act, 1871, and may be seized and impounded as such by any Forest-officer or Police-officer specially authorized in this behalf by the Political Agent: Provided that it shall be optional with the Forest-officer to proceed against the owner of such cattle under section 7 of this Law.

**19.** The Agent may, by notification in the Gazette of India, direct that there shall be levied for each head of cattle impounded such fines as he thinks fit, but not exceeding the following (that is to say):—

	Rs. A.
For each elephant . . . . .	10 0
For each bulalo or camel . . . . .	2 0
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow, or heifer . . . . .	1 0
For each calf, ass, pig, ram, ewe, sheep, lamb, goat, or kid . . . . .	0 8

## CHAPTER VI.

### PENALTIES AND PROCEDURE.

**20.** (1) When there is reason to believe that a forest-offence has been committed in respect of any timber or other forest-produce, such timber or produce, together with all tools, boats, carts and cattle used in committing such offence, may be seized by any Forest-officer or Police-officer.

(2) Every officer seizing property under this section shall place thereon, or on the receptacle (if any) in which it is contained, a mark indicating that the same has been so seized; and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that when the timber or other forest-produce with respect to which such offence is believed to have been committed is the property of Government and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

**21.** Upon the receipt of any such report the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

**22.** When any person is convicted of a forest-offence, all timber or other forest-produce in respect of which such offence has been committed, and all tools, boats, carts, and cattle used in committing such offence, shall be liable, by order of the convicting Magistrate, to confiscation.

Such confiscation may be in addition to any other punishment prescribed for the offence.

**23.** When the trial of any forest-offence is concluded, any timber or other forest-produce in respect of which such offence has been committed shall, if it is the property of Government, or has been confiscated, be taken possession of by a Forest-officer specially empowered in this behalf; and may, in any other case, be disposed of in such manner as the Court may order.

**24.** (1) When the offender is not known or cannot be found, the Magistrate enquiring into the offence, if he finds that an offence has been committed, may, on application on this behalf, order the property in respect of which the offence has been committed to be confiscated and taken possession of by a Forest-officer specially empowered in this behalf, or to be made over to such Forest-officer or other person as the Magistrate considers entitled to receive the same:

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person (if any) claiming any right thereto and the evidence (if any) which he may produce in support of his claim.

(2) The Magistrate shall either cause a notice of any application under this section to be served upon any person whom he has reason to believe to be interested in the property seized, or publish such notice in such manner as he thinks fit.

**25.** The Magistrate may, notwithstanding anything herein before contained, direct the sale of any property seized under section 20, which is subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with the property itself if it had not been sold.

**26.** Any person claiming to be interested in property seized under section 20 may, within one month from the date of any order passed by a Magistrate under section 22, section 23 or section 24, present an appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable; and the order passed on such appeal shall be final.

**27.** When an order for the confiscation of property has been passed under section 22 or section

24, and no appeal from such order has been presented within the period prescribed by section 26, or when, on an appeal being presented, the Appellate Court confirms such order in respect of the whole or a portion of the property, such property or portion, as the case may be, shall vest in the Government free from all incumbrances.

28. Nothing hereinbefore contained shall be deemed to prevent any officer specially empowered in this behalf from directing at any time the immediate release of any property seized under section 20, and the withdrawal of any charge made in respect of such property.

29. Whoever with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code,—

- Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks.*
- (a) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or
  - (b) unlawfully affixes to any timber or standing tree a mark used by Forest-officers; or
  - (c) alters, defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of a Forest-officer; or
  - (d) alters, moves, destroys or defaces any boundary-mark of any State forest;
- shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

30. (1) Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest-offence, if such person refuses to give his name and residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(2) Every officer making an arrest under sub-section (1) shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case.

31. (1) Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Law, or who vexatiously and unnecessarily arrests any person, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) Any fine so imposed, or any portion thereof, shall, if the convicting Magistrate so direct and the fine or portion be recovered, be given, subject to the direction of the last paragraph of section 545 of the Code of Criminal Procedure, as compensation to the person aggrieved by such seizure or arrest.

32. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

33. Nothing in this Law shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest-offence, or from being liable under such other law to any other or higher punishment or penalty than that provided by this Law:

Provided that no person shall be punished twice for the same offence.

34. (1) Any Forest-officer specially empowered in this behalf may accept from any person reasonably suspected of having committed any forest-offence, other than an offence under section 29 or section 31, a sum of money by way of compensation for the offence which may have been committed; and, where any property has been seized as liable to confiscation, may release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken against such person or property.

35. When, in any proceedings taken under this Law, or in consequence of anything done under this Law, a question arises as to whether any timber or other forest-produce is the property of the Government, such timber or produce shall be presumed to be the property of the Government until the contrary is proved.

## CHAPTER VII.

### OF FOREST-OFFICERS.

36. (1) The Agent may invest any Forest-officer by name, or as holding an office, with all or any of the following powers (that is to say):—

- (a) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;
  - (b) power to issue search-warrants under the Code of Criminal Procedure;
  - (c) power to hold enquiries into forest-offences, and in the course of such enquiries to receive and record evidence;
  - (d) power to notify the seasons and manner in which fire may be kindled, kept or carried in a State forest;
  - (e) power to grant the permission referred to in section 9, sub-section (1), clause (a);
  - (f) power to grant general exemptions under section 17;
  - (g) power to take possession of property under sections 23, 24, and 43;
  - (h) power to direct the release of property and withdrawal of charges under section 28;
  - (i) power to accept compensation for forest-offences under section 34;
- and may withdraw any powers so conferred.



(2) Evidence recorded under clause (c) of this section shall be admissible in any subsequent trial of the alleged offender before a Magistrate: Provided that it has been taken in the presence of the accused person, and recorded in the manner provided by section 355, section 356, or section 357 of the Code of Criminal Procedure.

37. All forest-officers shall be deemed to be Forest-officers deemed public servants within the meaning of the Indian Penal Code.

38. No suit or criminal prosecution shall lie Indemnity for acts against any public servant done in good faith. for anything done or omitted by him in good faith under this Law.

39. Except with the permission in writing of Forest-officers not to the Agent, no Forest-officer shall, as principal or agent, trade. trade in timber or other forest-produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest, whether in British or foreign territory.

## CHAPTER VIII.

### MISCELLANEOUS.

Additional power to make rules. 40. The Agent may make rules consistent with this Law—

- (a) to declare by what Forest-officer or class of Forest-officers the powers or duties conferred or imposed by or under this Law on a Forest-officer shall be exercised or performed;
- (b) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Law or from the public treasury; and,
- (c) generally, to carry out the provisions of this Law.

41. Every person who is permitted by a Persons bound to give information and assistance to Forest-officer and Police-officer. Forest-officer, or to whom permission has been granted by the Agent, to pasture cattle in, or to collect and remove any forest-produce from, a State forest, and

every person who is employed by any such person in such forest, and

every person in any village contiguous to such forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish, without unnecessary delay, to the nearest Forest-officer or Police-officer any information he may possess respecting the occurrence of a fire in or near such forest, or the commission of, or intention to commit, any forest-offence; and shall assist any Forest-officer or Police-officer demanding his aid—

- (a) in extinguishing any fire occurring in such forest;
- (b) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest;
- (c) in preventing the commission in such forest of any forest-offence; and,

(d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

42. (1) The provisions of sections 63 to 70 Recovery of fines and other moneys. (both inclusive) of the Indian Penal Code, and of XLV of 1861 sections 386 and 387 of the Code of Criminal X of 1882. Procedure, shall apply to all fines imposed under this Law.

(2) All money other than fines, payable to the Government under this Law or under any rule made hereunder, or on account of the price of any timber or other forest-produce, or of expenses incurred in the execution of this Law in respect of such timber or produce, may, if not paid when due, be recovered, under the Law for the time being in force, as if it were an arrear of land-revenue.

43. (1) When any such money is payable for, Lien on forest-produce or in respect of, any forest-produce, the amount thereof shall be deemed to be a first charge on such produce; and the produce may be taken possession of by a Forest-officer specially empowered in this behalf, and may be retained by him until the amount has been paid.

(2) If the amount is not paid when due, the Forest-officer may sell the produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Government.

44. The Government shall not be responsible Government and its officers not liable for loss or damage in respect of certain timber. for any loss or damage which may occur in respect of any timber or other forest-produce while at a station established under section 13, or while detained elsewhere for the purposes of this Law; and no Forest-officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously, or fraudulently.

45. All rules made by the Agent under this Rules when to have force of law. Law shall be published in the Gazette of India and shall thereupon have the force of law.

46. All powers conferred by this Law on the Powers of Agent exercisable from time to time. Agent may be exercised from time to time as occasion requires.

H. M. DURAND,  
Secretary to the Government of India.

## DEPARTMENT OF FINANCE AND COMMERCE.

### NOTIFICATIONS.

#### LEAVE AND APPOINTMENTS.

*Simla, the 12th May, 1886.*

No. 727.—Mr. W. T. Piercy, Assistant Accountant General, Bengal, having been granted privilege leave for twenty-nine days, and Mr. C. G. Vansittart having been posted to that

office, Mr. Vansittart made over charge of his duties as Assistant Comptroller General, and received charge of the office of Assistant Accountant General, Bengal, from Mr. Piercy, after noon on the 30th April, 1886.

*The 13th May, 1886.*

**No. 787.**—Mr. H. S. Groves, Assistant Accountant General, Madras, having returned from privilege leave, resumed charge of his duties before noon on the 29th April, 1886.

### CODES.

*The 14th May, 1886.*

**No. 800.**

#### PAY AND ACTING ALLOWANCE CODE.

PAGES 298 AND 299.

*Section 57 (i).*

*Insert the following after "A" in the first line of this Section:—*

*"Military officer on the Commission of a Non-Regulation Province or a"*

### SEPARATE REVENUE.

#### STAMPS.

NON-JUDICIAL.  
EXEMPTIONS, &c.

*The 14th May, 1886.*

**No. 792.**—Whereas, under the terms of Notification in the Department of Finance and Commerce, No. 3646, dated 13th November, 1880, the Trustees to the Port of Bombay have paid into the Government Treasury the sum of Rs. 5,000 as composition for the stamp duty chargeable on a sum of Rs. 10,00,000 which the said Trustees were authorised to borrow, and of which a sum of Rs. 67,500 has been raised by the issue of the undermentioned debentures, namely—

Serial Number.	Date.	Value of each Debenture.	Number of Debentures.	Amount.
	1885.	Rs.		Rs.
001 to 049	October 31st .	1,000 each	49	49,000
050 & 051	" " .	2,000 "	2	4,000
052 to 055	" " .	500 "	4	2,000
056	" " .	1,000 "	1	1,000
057	November 5th .	500 "	1	500
058 & 059	October 31st .	1,000 "	2	2,000
060 & 061	December 8th .	500 "	2	1,000
062	" 8th .	500 "	1	500
063 & 064	" 8th .	500 "	2	1,000
065	" 22nd .	500 "	1	500
	1886.			
066 to 068	January 5th ...	2,000 "	3	6,000

therefore, in exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor-General in Council has exempted the abovementioned debentures from payment of any stamp duty with which they might otherwise be chargeable, whether on issue, renewal, or subdivision.

**D. M. BARBOUR,**  
*Secretary to the Government of India.*

### MILITARY DEPARTMENT.

*Simla, the 14th May, 1886.*

#### FIELD OPERATIONS.

**No. 295.**—The Governor-General in Council, in directing the publication of the despatches regarding the recent operations in Upper Burma which resulted in the capture of Mandalay and the overthrow of King Theebaw, desires to place on record his cordial recognition of the admirable manner in which Lieutenant-General Sir H. N. D. Prendergast, K.C.B., V.C., and the troops under his orders carried out the task set before them.

By rapidity of movement, by skilful strategy, and by the exercise of humane forbearance, Sir Harry Prendergast has succeeded, with comparatively little loss to the force under his command, and without unnecessary bloodshed or undue severity towards the enemy, in occupying Mandalay, in capturing its King, and taking possession of the whole of Upper Burma.

For these services the warmest thanks of the Government of India are due to Sir Harry Prendergast, to the officers and men of the Naval Brigade, the British and Native Forces, the Volunteers, and the Indian Marine. They are specially due to Brigadiers-General F. B. Norman, C.B., G. S. White, C.B., V.C., and H. H. Foord, Commanding the Infantry Brigades, to Captain R. Woodward, R.N., Commanding the Naval Brigade, to Colonel W. Carey, Commanding Royal Artillery, Colonel G. E. L. S. Sanford, Commanding Royal Engineers, Commander A. Carpenter, R.N., Indian Marine Survey, and Captain A. Campbell, the senior officer of the Indian Marine.

The Governor-General in Council also desires to record his approbation of the manner in which the various departments of the force have carried out their duties during the campaign. The Medical Department under Deputy Surgeon-General J. McN. Donnelly, M.D., the Commissariat and Transport Departments under Lieutenant-Colonel A. F. Loughton and Major R. H. T. Hill, and the Ordnance Department under Major V. C. Fisher, have proved the complete efficiency of those departments under circumstances of considerable difficulty. Lieutenant-Colonel E. W. Debbie, the Superintendent of Army Signalling, also merits the acknowledgments of the Government of India.

The Governor-General in Council is much indebted to Rear-Admiral Sir F. W. Richards, K.C.B., for the very complete and prompt manner in which His Excellency placed the whole force under his command at the disposal of the Government of India, and for the admirable manner in which the Naval Brigade was organized and equipped.

The Governor-General in Council expresses his hearty thanks to Mr. C. E. Bernard, Chief Commissioner, British Burma, Colonel E. B. Sladen, Chief Political Officer of the Force, and the other civil officers who have assisted them during the recent operations. To Mr. Bernard His Excellency is much indebted for the valuable assistance and personal energy which so much lightened the labour of organizing the force and the flotilla which carried it to Mandalay; also to Colonel



Sladen, to whose tact and knowledge of the Burmese people and their language the peaceful surrender of the King was in a great measure due.

The Governor-General in Council also records his appreciation of the assistance rendered by the management of the Irrawaddy Steam Flotilla Company, and the skill shown by the commanders of their vessels.

During the operations which were being conducted in Upper Burma troubles arose on the frontiers of British Burma consequent on raids committed by lawless soldiery and dacoits. These were very promptly suppressed by the troops of the British Burma Division who had not the good fortune to form part of the Expeditionary Force. The thanks of the Government are due for these services, and specially to Major-General L. W. Buck, Commanding the British Burma Division, and Mr. E. S. Symes, Secretary to the Chief Commissioner, for the very efficient measures taken by them to secure and maintain the tranquillity of the province.

The labours of the troops have not yet ended, and they may still be called on to undergo privations and to perform harassing duties; but the Governor-General in Council confidently hopes that, with the aid of the civil officers, the work of pacification and the suppression of dacoity will soon be effected.

It remains for the Governor-General in Council to place on record his gratitude to the Local Governments and Army Departments for the manner in which the Expeditionary Force was organized and despatched. On the 19th October, warning was given to the Commander-in-Chief in India, the Government of Madras, and the Director of Marine that an Expeditionary Force would probably be required for Burma; and on the 21st October orders were issued for the despatch of a division of 3 brigades of Infantry, 6 batteries of Artillery, 6 companies of Sappers, and a Naval Brigade, part of the force embarking at Calcutta, and part at Madras. Embarkation took place simultaneously from both ports on the 1st November, and by the 6th November the entire force had sailed from India completely equipped for service. On the 14th, the force which was in course of concentration on the British Burma frontier crossed the frontier, and hostilities commenced. On the 28th November Mandalay had fallen and the King surrendered. Few expeditions have been conducted to a successful issue with such rapidity and completeness.

The Governor-General in Council desires to express his cordial appreciation of the energy displayed by the Government of Madras, the Provincial Commander-in-Chief of the Madras Army, and the Departments working under their orders for the expeditious and efficient manner in which every detail of the organization and embarkation of the Madras force was carried out. The Government of Madras have very fully acknowledged the services of the following officers as deserving of notice, and the Governor-General in Council wishes now to add to these commendations an expression of his own appreciation of their services:—

Colonel H. P. Hawkes, Commissary-General.  
Major-General S. H. E. Chamier, Inspector General of Ordnance.

Surgeon-General J. Irvine, M.D., Medical Staff.  
Surgeon-General M. C. Furnell, Indian Medical Department.

Lieutenant J. H. Taylor, R.N.R., Master Attendant.

The Governor-General in Council also desires to thank the Government of Bombay for their cordial response to the requisitions made by the Government of India, and for the rapidity with which their troops were equipped and despatched.

The Governor-General in Council takes this opportunity to thank Sir Donald Stewart, who was Commander-in-Chief in India when the Expeditionary Force in India was organized, for his co-operation and advice; also His Excellency Sir Frederick Roberts for the assistance rendered since his arrival in India. The Governor-General in Council also acknowledges the services rendered by the Adjutant-General and Quartermaster-General in India, and the staff and departmental officers who, under their orders, have carried out the various details connected with the organization and despatch of the force.

The thanks of the Government of India are due to the following officers and their subordinates for the energetic part taken by them in the equipment of the force:—

Colonel J. V. Hunt, C.B., Commissary-General-in-Chief.

Colonel R. C. Low, C.B., Commissary-General for Transport.

Major-General T. E. Hughes, C.I.E., Director-General of Ordnance in India.

Surgeon-General C. D. Madden, Medical Staff.

Surgeon-General B. Simpson, M.D., Indian Medical Department.

Colonel B. Walton, C.I.E., Superintendent and Agent for Army Clothing.

Captain J. Hext, R.N., Director of Marine, for the promptitude and efficiency with which the transports were taken up and fitted; Captain G. O'B. Carew, C.I.E., Deputy Director, and Commander H. A. Street, R.N., Assistant Director.

No. 1465-Camp, dated Fort William, 3rd February, 1886.

From—MAJOR-GENERAL SIR T. D. BAKER, K.C.B., Adjutant-General in India,

To—The Secretary to the Government of India, Military Department.

I am directed by the Commander-in-Chief to submit, for the information of Government, the

No. 39-L, dated 14th January, 1886 (with accompanying despatch from the General Officer in charge).

Commanding the Burma Field Force, detailing the operations carried on by the troops under his command from the date of embarkation at Rangoon to the capture of Mandalay and the surrender of King Theebaw.

2. His Excellency desires to record his appreciation of the able manner in which Lieutenant-General Sir Harry Prendergast, K.C.B., V.C., has carried out his orders; and considers that great credit is due to him and all concerned for the rapidity with which the operations have been brought to a successful issue with so small a sacrifice of life.

No. 38-L, dated Mandalay, 13th January, 1886.

From—LIEUTENANT-GENERAL SIR H. N. D. PRENDERGAST,  
K.C.B., V.C., Commanding the Burma Field Force,  
To—The Adjutant-General in India.

I have the honor to forward a despatch containing an account of the operations carried on by the force under my command from the date of the embarkation of the troops composing it at Rangoon until the date of the capture of Mandalay and surrender of King Theebaw.

2. I have the honor to transmit with the despatch the following reports, returns, &c.:

\* \* \* \* \*

Return of casualties at Minhla and Gwegyoun-Kamyo.  
Return of ordnance captured.

\* \* \* \* \*

3. My thanks are due to many for their assistance during the expedition, and I am only awaiting the lists of those whom the Brigadier-Generals desire to bring specially to notice to submit them for the favorable consideration of the Government of India.

No. 39-L, dated Head-Quarters, Mandalay, 14th January, 1886.

From—LIEUTENANT-GENERAL SIR H. N. D. PRENDERGAST,  
K.C.B., V.C., Commanding the Burma Field Force  
To—The Secretary to the Government of India, Military Department.

On the 12th November, having arranged the embarkation of troops and departments, and seen a considerable force on board the river steamers and flats, I left Rangoon for Prome.

2. On my arrival at Thayetmyo, on the evening of the 13th November, 1885, I received a message from the Foreign Department, informing me that as the Burman reply to the ultimatum was unsatisfactory, I should advance upon Mandalay when my military preparations were complete.

3. Having heard from the Deputy Commissioner that the Burman outposts had been strengthened on the frontier, that the villagers within British territory were alarmed and deserting their houses, and that a King's steamer with two flats had brought down a great body of soldiers to within six or eight miles of the frontier, and that the intention was to sink the flats as an obstruction, I ordered the armed steamer *Irrawaddy*, of the Indian Government, and the launch *Kathleen* to move at daylight on the 14th to reconnoitre the river to a distance of not more than 30 miles, and to capture the King's steamer and flats.

4. On the 14th November I received His Excellency the Commander-in-Chief's orders to carry out operations with the utmost vigour and rapidity possible; and on that day the *Irrawaddy*, under command of Commander W.R. Clutterbuck, R. N., of H.M.S. *Woodlark*, and the *Kathleen*, under Lieutenant F. P. Trench, of H. M. S. *Turquoise*, found the King's steamer, with the attendant barges, near Nyoung-ben-Maw, on the right bank of the Irrawaddy, about 28 miles above Thayetmyo; and having accepted and returned the fire of the enemy's shore batteries at close quarters, the *Irrawaddy* cleared the decks of the steamer and flats with her machine guns, and the crews jumped overboard.

The Italians, Cammotto and Molinari, were among the fugitives. The batteries were repassed at very short range, and the prizes towed down by the capturing steamers. The operations were rendered difficult by the rapidity of the current opposite the batteries. Commander Clutterbuck, Lieutenant Trench, and the officers and crews of the *Irrawaddy* and *Kathleen* deserve great credit for their courage, and the Indian Marine officers and lascars serving on board the former did their duty with perfect coolness under fire.

5. The little *Kathleen*, with her crew of sixteen men, repeatedly engaged the shore battery of nine guns at fifty yards range. Her loss was one man severely wounded, *viz.*, Robert Hutchison, gunner's mate of H.M.S. *Turquoise*.

6. The prizes were valuable, not only as an addition to the means of transport for the Expeditionary Force, but also because their loss delayed the retreat of the enemy somewhat, and prevented them from closing the channel near Nyoung-ben-Maw according to the plans of the Italians which were found in one of the flats.

On the afternoon of the 14th, the leading steamers, containing the Bengal Brigade, anchored at Thayetmyo.

7. On the 15th November, in order to give confidence to the villagers near the frontier, and to re-establish telegraphic communication between the frontier and Allammyo, I posted two companies of the 2nd Bengal Infantry at Laingha on the frontier, and steamed 15 miles north of the frontier, with all troops that had come up, detail as per margin.

8. On the 16th the steamers weighed anchor at daybreak, and at 9-15 A.M. a landing was effected at Zoung-gyan-Doung village on the right bank, two miles below the batteries which had fired on the *Irrawaddy* and *Kathleen* on the 14th. The column commanded by Colonel W. Rowlandson of the 12th Madras Infantry consisted of the Liverpool Regiment, the 1st Madras Pioneers, and the 12th Madras Infantry.

9. The country on the right bank consists of a series of small steep hills, covered with trees and brushwood.

The landing place was selected so that the enemy could not see the debarkation.

10. Colonel Rowlandson was ordered to lead his force so as to attack the rear of the batteries, and prevent the escape of the enemy. During the advance of the infantry the *Irrawaddy*, lying 3,000 yards below the enemy's batteries, fired occasional shells into them, to which the enemy replied, but with no effect. Nothing could be more picturesque than the advance of the Liverpool Regiment from hillock to hillock, while the batteries were kept amused by the shells from the *Irrawaddy*. The turning movement was remarkably well executed, and would

have been successful had not the enemy been warned of their danger by *phoongyees*, or priests, who, protected by their yellow garb, had been allowed to watch the operations of our regiments.

The Burmans fled from their batteries panic-stricken. I caused the eleven guns and carriages found in the batteries to be destroyed, as they could not easily be removed; and I saw the stockade and barracks burnt. While these operations were on hand, the Mule Battery, 9-1st Cinque Ports Division, Royal Artillery, and 1st Battalion Royal Welsh Fusiliers, under the command of Brigadier-General Norman, C.B., landed, and by a circuitous march reached the east face of the stockade of Shing-boung-Wei, where it had been reported that a large force had assembled. The stockade had, however, been deserted, and was burnt.

The force re-embarked late in the afternoon.

11. The leading steamers anchored that night above Toun-g-Gwen, about 34 miles above Thayetmyo, and at daybreak on the 17th were directed to advance to Maloon and Patanago, about six miles on the right and left banks of the river respectively, and about forty miles from Thayetmyo.

12. As the garrison of Gwe-gyoun-Kamyo were busily employed in strengthening the works there, which are on the left bank about 44 miles from Thayetmyo, it was deemed advisable to attack at once. The troops present were therefore told off as follows:—

#### 1st Brigade.

Liverpool Regiment	} Under Brigadier-General Foord, to march from Patanago, 8 miles, in order to attack the fort of Gwe-gyoun-Kamyo from the east.
1st Madras Pioneers	
21st Regiment Madras Infantry	
25th Regiment Madras Infantry	

The head-quarters were with the 1st Brigade. Brigadier-General White, C.B., V.C., who arrived somewhat later, to bring up the Cinque Ports Battery, Royal Artillery, and Hampshire Regiment in support of General Foord's brigade. The landing of the troops at Patanago could not be seen from the fort of Gwe-gyoun-Kamyo on account of intervening hills, and the landing of the brigade at Maloon could not, for a similar reason, be seen from Minhla.

13. The following troops—

- 12th Regiment Madras Infantry,
- 2nd Regiment Bengal Infantry,
- 11th Regiment Bengal Infantry,

under command of Colonel T. N. Baker, of the 2nd Bengal Infantry, were ordered to march from Maloon to endeavour to capture the *weonery*, or governor-general, in his palace west of Minhla, and were ordered to re-embark at Minhla, about 45 miles above Thayetmyo. Majors Macneill and Hill were attached as staff officers, and Commander J. Durnford, R.N., with three seamen of H.M.S. *Mariner* and three privates of the Royal Welsh Fusiliers, were attached to effect demolitions. Brigadier-General Norman, C.B., and the Royal Welsh Fusiliers had not arrived then, but he took command before evening of the brigade on the right bank.

14. The I.M.S. *Irrawaddy* and the launch *Kathleen* were directed to engage Gwe-gyoun-Kamyo at long ranges for two hours after the landing of General Foord's brigade, or till the

British flag should be hoisted at the White Pagoda of Gwe-Gyoun, half a mile east of the Kamyo.

15. The first brigade advanced from the landing place at Patanago at 10 o'clock, and marched for about two hours and forty minutes by a narrow path over the hills, and through the thick jungle, to the White Pagoda.

Two pickets of the enemy were driven in, but no resistance was made, the pickets retiring northwards; not to the fort. The Liverpool Regiment occupied the high ground east of the fort which commands the works, and the enemy being completely surprised by the fire of the soldiers from the east, when they were prepared for attack from the south, west, and north-west, but had not a gun bearing eastward, promptly fled by the north-west gate as the British soldiers advanced with a rush.

16. Of the 1,700 men who, under command of Moung Sanhla-Sin-Bo, garrisoned the fort in the morning, only Moung Sin-Hle-Sin Sva, the second-in-command, and a lieutenant, both dangerously wounded, and two wounded soldiers, remained in Gwe-gyoun-Kamyo; the other wounded men were carried off. Twenty-one guns and ordnance stores were found in the fort.

17. At 11 A.M. Colonel Baker's force left Maloon for the Woon's palace, and after an hour's march the skirmishers of the 12th Madras Infantry, which was the leading regiment, were suddenly checked by a heavy musketry fire from apparently thick and thorny jungle. While the 2nd Bengal Infantry turned the enemy's right flank, the 12th Regiment rallied, and, reinforced by the 11th Bengal Infantry, gallantly broke through the thorny screen, tore over the entrenchment and breastwork of carts and bamboos which concealed the enemy, and dislodged them from the village of Yinna.

18. Thence the brigade moved towards the position which contained the palace and Minhla Pagoda; the plinth of the latter was defended by field artillery and musketry; the country was difficult, and the enemy's fire was hot; but the brilliant leading of the officers, and the dashing onslaught of the men, prevailed against the undisciplined bravery of the Burmans, who broke and fled, leaving six guns as trophies to the victors. The 11th Bengal Infantry bore the brunt of the combat.

19. The brigade then advanced on Minhla redoubt as rapidly as possible by winding paths between gardens and enclosures,—the 12th Madras Infantry on the right, the 11th Bengal Infantry in the centre, and the 2nd Bengal Infantry on the left, under the fire of a 7-pounder, two wall pieces, and the musketry of the defenders.

Before the redoubt had been completely surrounded by the regiments which were trying to keep down the fire of the defenders, Lieutenant-Colonel R. J. B. Simpson, of the 12th Madras Infantry, getting together a few brave men of the 12th Madras Infantry and 11th Bengal Infantry, charged up a steep and broken ramp that led from the ground west of the work to the terreplein of the work. Foremost among the stormers were Lieutenants H. T. D. Wilkinson, 12th Madras Infantry, and W. K. Downes, 11th Bengal

Infantry, the former of whom was severely and dangerously wounded, receiving no less than five sword-cuts. A footing having been gained within the redoubt, supports immediately followed, and a hot fire was poured into the Burmans, some of whom found shelter in the casemates, whilst others escaped by the east gate, but only to meet the 2nd Bengal Infantry, to whose fire they were so exposed, that many were shot on land, and the remainder, having taken to the water, were either shot or drowned in the river. Within the redoubt were taken 279 prisoners, six guns of cast-iron, five brass rifled guns, and two wall pieces. The redoubt was prepared chiefly for attack on the river face. Our loss was 1 officer killed, 4 officers wounded, 3 men killed, and 23 men wounded. All the wounded, British and Burman, were on board the floating hospital that night. The enemy's loss was about 170 killed and 40 wounded.

20. The navy were employed first in engaging the Gwe-gyoun-Kamyo for two hours; afterwards the *Irrawaddy* and *Kathleen* proceeded to attack the Minhla redoubt and a masked battery of four guns on the right bank that opened on them half a mile below the redoubt.

The service thus performed of attracting the attention of the Burmans was of great value to the force attacking by land.

21. On the 18th the detachments shown in

*Gwe-gyoun-Kamyo*,  
1 company Liverpool  
Regiment.  
4 companies 2nd Bengal  
Infantry.  
1 company Bengal Sappers.  
*Minhla*,  
1 company Liverpool  
Regiment.  
2 companies 2nd Bengal  
Infantry.  
7 guns Bombay Mountain  
Battery.

the margin were detailed to garrison Gwe-gyoun-Kamyo and Minhla respectively, and orders were given for the demolition of the former, and for the construction of defensive works for the latter.

The I.M.S. *Irrawaddy* and the *Palow*, *Ngawoon*, and *Kathleen* were sent ahead to reconnoitre. The Italian officers, Cammotto and Captain Molinari, surrendered to Commander Carpenter, R.N., of the *Ngawoon*.

22. On the 19th November the force advanced to Menbo, 58 miles from Thayetmyo. A barge containing two 6.3" howitzers was unavoidably lost.

23. On the 20th November the force advanced to Yay-naug-Gyong, 78 miles from Thayetmyo.

24. On the 21st November the force advanced to Silaymyo, 115 miles from Thayetmyo.

25. On the 22nd November the force advanced to Pagan, 145 miles from Thayetmyo. The I.M.S. *Irrawaddy* and the *Ngawoon*, *Palow*, *Yunan*, and *Kathleen* engaged the enemy's battery on a cliff at Nyoun-goo, were uninjured by its fire, drove the enemy from it, and having landed a party, destroyed eleven guns and secured two King's steamers that the enemy had sunk; a flat that had been towed by them was found aground some miles below Pagan. These vessels would have been sunk in the channel if the enemy had had time to place them there.

2 companies Liverpool  
Regiment.  
2 guns Bombay Mountain  
Battery.  
No. 5 Company Bengal  
Sappers.  
4 companies 11th Bengal  
Infantry.

26. On 23rd November the troops shown in the margin were landed at Pagan, and the force advanced six miles.

27. It may be well here to describe the usual formation of the force during the advance. The I.M.S. *Irrawaddy*, with the *Kathleen*, took up station some miles ahead to reconnoitre; the *Ngawoon*, commanded by Commander Alfred Carpenter, R.N., followed to survey and buoy the deep water channels; then came the head-quarter steamer *Doowoon*, and, following her in succession, the *Palow*, *Yunan*, *Ananda*, *Ataran*, *Panthay*, *Shoaymyo*, *Burma*, *Shinta-sawbo*, *Ashley Eden*, *Yankentoun*, *Irrawaddy* (Irrawaddy Flotilla Company's), *Aloung-Pyah*, *Thoorcah*, *Talifoh*, *Rangoon*, *Mindoon*, *Panlang*, and *Vaikema*, in single column line ahead at two cables distance. Owing to the difficulty of the navigation, the steamers frequently went aground, and it was not easy to keep station. Communication was maintained in a great measure by the military signallers under Lieutenant-Colonel Begbie, of the Madras Army, and their devotion to duty by day and by night was most praiseworthy. Without them it would have been impossible to carry on operations with the necessary rapidity, as there were but few launches with the force, and they were in constant motion.

28. During the night the fleet was anchored in the same order at a distance of one cable apart, and two armed steam-launches, manned by blue-jackets, were sent a mile ahead as guard-boats with fire-grapnels and blue-lights on board. Crews were also held in readiness to man all the boats of the Naval Brigade to proceed, if necessary, to their assistance with gun-cotton charges, &c., so that any floating obstacle might at once be destroyed or towed into the bank.

29. On the 24th November the Hampshire Regiment and Sappers landed at Kounyuwa, 166 miles above Thayetmyo, to drive the enemy from his entrenchments, and to carry off the guns from a battery that had fired on the *Ngawoon*, survey ship, the previous evening, and had been silenced by the accuracy of her fire. There were no casualties last night or this morning.

30. The force then proceeded to an anchorage near Magyan, 180 miles from Thayetmyo, whence the enemy could be seen in considerable force at a stockade about three miles from the left bank of the Irrawaddy below Mingyan. Gold umbrellas were to be seen moving about in the stockade, and columns of soldiers, dressed some in scarlet, some in white, were evidently marching towards the river.

31. Captain Woodward, R.N., gives the following graphic description of what followed:

"The Naval Brigade, assisted by the Royal Artillery in the *Hate Saan*, with the *Yunan* and a gun barge with the *Ataran*, were ordered to engage. Fire was opened from the *Palow*'s barge, and taken up by the other ships. On nearing the bank small improvised batteries were found armed with small guns and riflemen. A hot fire was kept up for some time, the enemy retreating into the tall grass in rear of the batteries. The ships slowly advanced, silencing the batteries as they proceeded. On nearing the upper end of the town the enemy was found to be strongly entrenched, and supported by a battery commanding the river. The enemy here showed a more determined resistance, and it was not until 6 P.M. that the fire slackened.

During the night occasional shots were fired, and the enemy was finally dislodged and routed at daylight next morning."

32. Late in the evening the *Kathleen* returned from her station in front to the head-quarters ship, and orders were issued for the landing of the troops on the morrow.

33. On the 25th November part of the force disembarked to dislodge the enemy, who were commanded by the celebrated Hle-Thin, Atwin-Woon, from his entrenchments; but finding that his ingeniously constructed works that commanded the river were deserted, and hearing that the rear-guard had left the stockade inland, twenty guns were destroyed, and the troops re-embarked.

The detachment detailed in the margin was left in the entrenchments that had been laid out, and commenced during the day by the sappers and pioneers. The force then advanced to Yandabo, 191 miles from Thayetmyo, the head-quarters ship anchoring opposite the tree under which the treaty of Yandabo was signed in 1826.

34. At daylight, on the 26th November, a large flat drifted down towards the fleet; she was caught and sent to Mingyan. At 7-30 A.M. the fleet, having been delayed by fog, started and passed through a line of boats filled with stones prepared for sinking. These boats were cast adrift before the steamers towing flats advanced.

35. At 4 P.M., on the 26th of November, near Nagoun, 223 miles from Thayetmyo, a Burmese state barge, flying the King's flag at the stern, and a flag of truce at the bow, paddled down the stream, was taken in tow by one of the steam-launches, and brought alongside the *Donaona*, head-quarters ship. In the barge were—

- (1) Myoung Shoay-ak Kyook Myoung, Atwin Woon, the Minister of the Interior.
- (2) On-Shoay-ak Watima Soot, Woondouk.

Colonel Sladen met the envoys at the gangway, and, after being presented to me, they produced a note, unsigned, in a cover bearing the Royal Peacock seal, of which the following is a translation—

Dated 4th decrease of Lasoungmon, 1217 (= 15th November, 1886).

From—His Excellency the Prime Minister,

To—The Commander-in-Chief of the English War Vessel.

"1. Although the treaty negotiated at Simla was not concluded, the Burmese Government were under the impression that the former friendly conditions would still prevail, and they could not, therefore, believe that the English Government would make war on Upper Burma.

"2. The Burmese Government have always had at heart the welfare and prosperity of the English people. They have all along protected the interests of the Irrawaddy Company's teak trade, and the general interests of all British subjects.

"3. We are desirous of still further protecting British interests as far as lies in our power, both at present and in all future time.

"4. The last letter (ultimatum) forwarded by the British Government contained very

important political matter, and our sovereign regrets that the time allowed was too short to allow of serious deliberation.

"5. The English Government ought to have known that the only reason why the Burmese Government in their reply to the said letter did not freely concede all the demands made was because we were not allowed sufficient time for deliberation. It must have been apparent from the tenor of our reply that the Burmese Government was desirous of remaining on terms of amity and friendship.

"6. The Burmese Government did not wholly reject the rights and privileges claimed by the British Government, and we are grieved to find that the English Government, which has always been so friendly, should in the present instance have made immediate war on us. We have simply resisted in order to maintain the reputation of the kingdom and the honor of the Burmese people.

"7. The English are renowned for their just and straightforward action in all matters (political). We look forward, therefore, with confidence to their doing what is just and proper in the present instance.

"8. The country of Burma is one which deserves justice and consideration. We believe that it will receive this consideration at the hands of the English Government.

"9. If this is granted, the kingdom of Burma need not be annexed. It is well to remember, too, that on a former occasion Her Most Gracious Majesty the Queen-Empress was pleased to declare publicly that there was no intention on the part of the English Government to annex Burma, unless such a step was necessitated on good cause shown. As no such cause exists, the Great Powers of Europe should not have it in their power to say that the Royal declaration has not been faithfully observed.

"10. In addition to the rights and privileges already granted in our reply to your ultimatum, His Majesty the King of Burma has now declared his will to concede all the other demands which were not at first allowed, because we had not the sufficient time to bring them under our consideration.

"11. His Majesty the King is well disposed (in mind and heart),—he is straightforward and just, and expects the English Government will act in accordance with the wishes expressed in this letter.

"12. By so doing, the world will have no cause to say that the English Government have acted unjustly, or with a disregard of the rules of international law.

"13. The English Government entered our country and attacked us with a number of war vessels. We were obliged to resist. We now desire that hostilities shall cease, and we trust the English Government will meet us half-way, and enter into a treaty by which friendly intercourse may be resumed between the two great countries."

To which the following reply was sent.—

"General Prendergast begs to inform the Ken-Woon-Mengyi, in reply to his letter of this date, that, acting in accordance with the instructions he has received from the Viceroy and Governor-General of India, it is quite out of his power to accept any offer or proposal which



would affect the movement of the troops under his command on Mandalay.

"No armistice, therefore, can be at present granted; but if King Theebaw agrees to surrender himself, his army, and his capital to British arms, and if the European residents at Mandalay are all found uninjured in person and property, General Prendergast promises to spare the King's life and to respect his family.

"He also promises not to take further military action against Mandalay beyond occupying it with a British force, and stipulates that the matters in dispute between the countries shall be negotiated on such terms as may be dictated by the British Government.

"A reply to this communication must be sent so as to reach General Prendergast by 4 A.M. to-morrow."

By order,

E. B. SLADEN, Colonel,

S.S. 'DOOWOON,'

Chief Civil Officer,

The 26th November, 1885.

Burma Field Force.

36. While the note was being translated, the envoys stated that the Europeans in Mandalay were uninjured. As both notes had to be translated, and copies of the letter in English and Burmese were requisite, the interview lasted about an hour. The *Doowoon*, which had been leading the column, eased speed, and allowed the fleet to pass on, so that the Burman officials could form some estimate of the British force, and might feel assured that time would not be granted for diplomacy.

37. After the interview Colonel Sladen, with half-a-dozen sailors of the Royal Navy, boarded a King's war steamer that had been guarded by the *Kathleen* till his arrival. The envoys ordered the crew to surrender her. She flew the Burmese standard, was armed with six guns, her decks were barricaded, she had Burman soldiers on board, and was lying with steam up, close to the shore. When the steamer approached most of the soldiers deserted, but 57 of them were made prisoners, and a party of the *Kathleen's* crew took possession of her and brought her up to the fleet. She is in good order and a valuable prize.

38. The fleet anchored seven miles below Ava. Orders were issued for the attack on Ava.

39. On the 27th November the force advanced at daylight, but was delayed for an hour-and-a-half by dense fog. After the landing place below Ava had been sighted, the envoys again came in their gilded boats with 40 rowers, bearing a royal mandate received by telegraph, of which the following is a translation:—

NO. I SENT BY ROYAL ORDER.

From the Illot Dau to Bv Hmoo, Atwin Woon; Pen Myoo-a Maythil, Atwin Woon; Kyauk-Myoung, Atwin Woon; Wet Ma Soot, Woondoun; Pendalin, Woondoun.

"When the English ships arrive you are on no account to fire on them. Let all the troops keep quiet. Publish this abroad everywhere. The King concedes unconditionally to all the demands made by the Commander of the English Forces as contained in his letter of yesterday's date. You are to let the English Commander know this as quickly as possible."

40. In addition to the redoubt of Ava, the fortified walls of Ava, the Sagain redoubt, and the redoubt of Thabyadan, other entrenchments and batteries had been prepared, and the river had been blocked from bank to bank, so that our vessels and troops might be detained under the fire of the enemy's artillery.

41. Having explained to the envoys that I could not leave a large force with artillery in my rear, I demanded the immediate surrender of the arms in Ava and the adjacent works. They considered reference to Mandalay necessary on this point; but, while awaiting the reply, the envoys accompanied me on board the *Palow* to point out the easiest place for making a passage through the barrier; and the *Palow* advanced to Ava, the other ships keeping station.

42. After a channel had been found and buoyed out by Commander Carpenter, R.N., I again demanded the arms, and when there was still delay I signalled to the ships placed under Captain Woodward's orders to prepare to engage the batteries, and to the troops to land.

On this one envoy went on shore, and at once returned with the royal mandate for the surrender of the arms.

43. Colonel Sladen went on shore at Ava, with the envoys, to give orders for the guns and muskets to be relinquished quietly; the Royal Welsh Fusiliers landed, and the Burmans, filing past, laid hundreds of muskets, rifles, and swords at their feet; and fatigue parties of his brigade were employed by Brigadier-General Norman till after dark in carrying off guns from the batteries and small arms from the places where they had been laid down. So at Sagain and Thabyadan, the guns and small arms were taken by Brigadier-General White and his brigade on the afternoon of the 27th, and early on the 28th all the disbanded soldiers were set free. A return of ordnance captured is appended.

44. The three redoubts were designed and built by the Italian Barbieri. Those of Ava and Thabyadan are provided with excellent casemates. Sagain and Ava redoubts are very well placed for disputing the passage of the river at the point where the fair way is contracted by natural rocks and shoals.

45. On the 28th November the force advanced to Mandalay. No soldiery appeared, but thousands of peaceful Burmans crowded to the bank to see the fleet. In the afternoon the force marched unopposed to the palace, and took charge of the gates of the city and palace. Colonel Sladen had a long interview with the King in the palace. Brigadier-General White, C.B., V.C., remained with the Hazara Battery, Hampshire Regiment, and 1st Pioneers to guard His Majesty.

46. On the 29th November, at 2 P.M., accompanied by my staff and the principal ministers of State, I visited the King in a pavilion within the precincts of the palace, and assured him that it was for the good of his country that he should leave it without delay. The Queen-mother and Queens were present during the interview. At 3-30 P.M. Theebaw and the ladies of his family were led forth from the palace through the throne-room, between avenues of British soldiers, to the bullock carriages prepared to carry them to the S.S. *Thoorcah*,

in which, guarded by two companies of the Liverpool Regiment, and escorted by the *Nga-woon*, manned by the Royal Navy, they were conveyed to Rangoon.

Brigadier-General Norman, C.B., commanded the escort consisting of No. 9-1st Brigade, Cinque Ports Division, Royal Artillery, the Mounted Infantry corps, Royal Welsh Fusiliers, and the 23rd Madras Light Infantry.

47. At Mandalay were captured not only 1,177 guns, 369 wall pieces, and 6,723 stand of small arms, but also the royal dockyard, powder factory, saw mills, gun factory, arsenal, and powder magazine, some crown jewellery, and more than a lakh of peacock rupees.

48. A return of casualties, from all causes, will be forwarded with the next despatch. The enemy's casualties included about 180 killed, 333 prisoners, and 100 wounded, but cannot be correctly estimated.

H. N. D. PRENDERGAST,

*Lieut.-General,*

*Commanding Burma Field Force.*

#### Appendix A.

*Return of casualties at Muthla and Gwe-gyoun-Kamyo, 17th November, 1885.*

Corps.	Rank and Name.	Date.	Particulars.	Place.
11th Bengal Infantry.	Lieut. R. A. T. Dwyer	17th Nov.	Killed; shot in thigh.	Muthla
	Sepoy Dasdeen Singh	"	Killed; shot in head.	"
	" Kuan, in	"	Killed; shot in thigh.	"
13th Madras Infantry.	" Syed Mir	"	Killed; shot in chest.	"
Staff.—Deputy Assistant Adjutant-General, Quarter-Master-General.	Major J. G. R. D. Smith, Mad. Staff Corps.	17th Nov.	Wounded, knee and ankle, severe.	Muthla
Liverpool Regiment.	Private A. Crawshaw	"	Gunshot wound, leg.	Gwe-gyoun-Kamyo.
and Bengal Infantry.	Sepoy Dhoond Singh	"	Thigh, severe.	"
	" Ameer Singh	"	Pains, slight.	"
	Haidar Ali Khan	"	Abdomen, don't know.	"
	Sepoy Akbar Khan	"	Chest, severe.	"
	" K. A. Day Khan	"	Arch of left orbit.	"
	" H. S. N. Khan	"	Thigh wound.	"
	" B. D. H. Khan	"	Wounded in hand.	"
	" H. S. N. Khan	"	Wounded in forehead.	"
	" A. S. N. Khan	"	Wounded in leg.	"
11th Bengal Native Infantry.	" M. H. B. Singh	"	Wounded in neck, muscled.	"
	" Laskar Singh	"	Superficial wound, thigh.	"
	" M. Ch. Singh	"	Superficial wound, hand.	"
	" Bahadur Singh	"	Muscular wound, leg.	"
	" Hira Lal	"	Severe thigh wound.	"
	" S. N. K. Singh	"	Forearm and hand.	"
	" R. N. Singh	"	Right hand, slight.	"
	" D. N. Singh	"	Thigh, severe.	"
	Lieut. A. T. Young	"	Wounded left hand.	"
	" C. C. A. Sillery	"	Gunshot wound thigh, severe.	"
	" H. T. D. Williamson	"	Thigh wound, head, severe.	"
13th Madras Infantry.	Sepoy Ghool Reg	"	Contused wound of chest, slight.	"
	" Ramanah	"	Gunshot wound neck, slight.	"
	" S. H. K. Cawder	"	Gunshot wound thigh, severe.	"
	" S. H. K. Hamed	"	Grazed wound, face, slight.	"
	" Vidaragavulu	"	Grazed wound neck, slight.	"

#### Appendix B.

*Return of ordnance captured by Expedition.*

Place.	IRON.		W. P.	B. M.	Total.	Remarks.
	Spent here.	R. L.				
Nyoun-ben-Maw	8				8	Destroyed by Commander Durnford, R.N.
Gwe-gyoun-Kamyo	12		6	3	21	Collected and destroyed by Royal Engineers.
Muthla	16		6	2	24	Four on board <i>Panthay</i> , remainder on board flat alongside <i>Thoreah</i> .
Nyoun-goo (Pagan)	5		2	4	11	To be collected by Lieutenant Stuart, Bombay Mountain Battery.
Mingyan	21				21	Destroyed by Naval Brigade, except three embarked in S.S. <i>Durston</i> .
Pakko (Konyuwa King's steamer) (November 2nd)	7				7	Destroyed by Naval Brigade.
A. A. Redoubt	3				3	Embarked in S.S. <i>Thoreah</i> for Rangoon.
A. A. Fort and Palace	25				25	Embarked in S.S. <i>Thoreah</i> for Rangoon.
A. A. Lines	21				21	Embarked in S.S. <i>Thoreah</i> for Rangoon.
Sagam	11		3	5	19	Embarked in S.S. <i>Thoreah</i> for Rangoon.
T. A. Yadan	14		7	3	24	Embarked in S.S. <i>Thoreah</i> for Rangoon.
Mandalay Palace	204	5	153	69	426	Embarked in S.S. <i>Thoreah</i> for Rangoon.
" Gun Factory	2				2	Embarked in S.S. <i>Thoreah</i> for Rangoon.
" Royal Bank	7				7	Embarked in S.S. <i>Thoreah</i> for Rangoon.
S. A. Y. Y. Y.	6				6	Embarked in S.S. <i>Thoreah</i> for Rangoon.
B. A. Y. Y. Y.	14		2		16	Embarked in S.S. <i>Thoreah</i> for Rangoon.
Ningyan			1		1	Embarked in S.S. <i>Thoreah</i> for Rangoon.
Mingyan			1		1	Embarked in S.S. <i>Thoreah</i> for Rangoon.
Grand Total					1,782	

No. 1673-A, dated Simla, 26th April, 1886.

From: Major-General SIR I. D. BAKER, K.C.B., Adjutant-General in India.

To: The Secretary to the Government of India, Military Department.

With reference to this office No. 1465-Camp of 3rd February, 1886, submitting a despatch from Lieutenant-General Sir Harry Prendergast, relative to the military operations in Upper Burma, and to the report of Major-General Buck with regard to the operations in Lower Burma, received under Military Department No. 352-B-B, dated 5th March, 1886, I am now directed by the Commander-in-Chief to forward, for submission to the Government of India, the accompanying despatch from Lieutenant-General Sir Harry Prendergast, in which the services of the officers and troops engaged in the campaign are brought to notice.

2. The Commander-in-Chief considers that the eminent success which attended this expedition is attributable to the able manner in which the General Officer Commanding carried out his instructions, to the gallant and good service of the officers and troops engaged, and to the efficient organization of the force.

3. The Commander-in-Chief has much pleasure in bringing to the notice of Government the excellent service rendered by the Royal Navy and Royal Marines, and their cordial co-operation, which tended greatly to the success of the expedition.



4. In conclusion, I am directed to state, for the information of Government, that in a supplementary despatch received from General Prendergast, dated 31st ultimo, the following officers have been brought to notice :—

Captain V. A. Schaleh, 11th Bengal Infantry, for good service rendered as Brigade-Major.  
Lieutenant C. P. Fendall, Royal Artillery.  
Lieutenant W. H. Dobbie, 26th Madras Infantry.

Dated Rangoon, 26th March, 1886.

From—LIEUTENANT-GENERAL SIR H. N. D. PRENDERGAST, K.C.B., V.C., Commanding Forces in Burma,

To—The Adjutant-General in India.

1. In continuation of my despatch, dated 14th January, 1886, reporting the operations of the Burma Expeditionary Force from their commencement to the surrender of Mandalay on 29th November, 1885, I have the honor to solicit a reference to my journal of operations since that date, from which it will appear that the important town of Mogoung, Bhamo, and Shwebo have been occupied to the north of Mandalay, and the stations of Ningyan, Yema then, Mahline, and Kyouksai established to the eastward towards the Shan frontier; Ava, Sagaun, Atoung, and Toungdwingyee being furnished with detachments. Several subsidiary posts have also been located in places where the presence of troops has been considered desirable.

2. The object in establishing these stations and posts has been the assertion throughout the country of our military ascendancy, the maintenance of our lines of communications, the repression of dacoity, and the protection of the well-behaved inhabitants.

Though the work upon which the troops has been engaged has been of an important and arduous nature, it was not such as to render necessary special detachments from the regiments to the various minor affairs which have occurred in different parts of the country.

3. The rapid success which attended the expedition to Mandalay was mainly due, firstly, to the efficient organization of the force employed; secondly, to the very complete information on record regarding the country and its resources; and, thirdly, to the hearty and efficient co-operation of all those who were engaged in the campaign.

4. To the officers, soldiers, and sailors of the Burma Expeditionary Force my acknowledgments are due for willing obedience and cheerful discharge of duties under varied and often trying conditions of service.

Discipline has been well maintained throughout.

5. I would now submit, for the favorable consideration of His Excellency the Commander-in-Chief and of Government, the names of officers and others who have more specially assisted me in the conduct of this campaign.—

Major-General L. W. Buck, Commanding the British Burma Division, who most loyally cooperated with me in preparing the force for service in Upper Burma, and subsequently organized the column which operated from Toungoo.

Brigadier-General F. B. Norman, C.B., Commanding the 3rd Brigade.

Brigadier-General H. H. Foord, Commanding the 1st Brigade.

Brigadier-General G. S. White, C.B., V.C., Commanding the 2nd Brigade.

To each of these officers and to their staff my thanks are due.

The judgment and military experience of Brigadier-General Norman, C.B., were highly valuable, and fully justified me in entrusting the command at Bhamo to him at a critical juncture.

To Brigadier-General Foord was entrusted the duty of capturing the redoubt of Gweyoung-Kamyo.

Brigadier-General White commanded at Mandalay during my absence at Bhamo, and by his energy and determination succeeded in quelling the insurrection around Mandalay. He is an officer of high military capacity.

Colonel D. Shaw, Madras Staff Corps, Commanding at Thayetmye, protected my base at Thayetmye by energetic action against the insurgents on the frontier.

Colonel T. N. Baker, 2nd Bengal Light Infantry, commanded effectively the column that successfully attacked Minhla on the 17th November, 1885, and has since then commanded the garrison at that station.

Colonel W. Carey, R.A., commanded the Royal Artillery during the campaign. From the first organization of the siege train, he has been conspicuous by the zeal and ability which he has brought to bear on all matters connected with his arm of the service. He also contributed materially to the Intelligence Branch by publishing notes taken when he was on a visit to Mandalay a short time before the declaration of war.

Colonel P. H. F. Harris, 11th Bengal Infantry, gallantly commanded his line regiment at Minhla, and has commanded the garrison of Mingyan since its establishment. He has shown great energy and zeal in organizing flying columns for the pacification of the district, and has been well supported by the officers and men of the detachments.

Colonel G. E. L. S. Sanford, R.E., Commanding Royal Engineer to the Force, has afforded me, in addition to his professional assistance, very efficient aid as Chief Engineer of Public Works after the occupation of Mandalay. As a staff officer he is invaluable.

Colonel H. M. Bengough, Assistant Adjutant and Quartermaster General, so organized the staff and conducted his duties that there has been no friction. He is an officer remarkable for energy, tact, zeal, and knowledge of military affairs.

Colonel W. P. Dickon, Madras Staff Corps, Commandant, 3rd Madras Light Infantry, commanded the Toungthoo column, and achieved a rapid and well merited success.

Colonel J. C. Auchinleck, R.A., has commanded the line of communication with firmness and discretion.

Colonel John Tilly, Commanding the 1st Battalion Royal Welsh Fusiliers, has commanded his battalion with zeal and ability, and when entrusted with an independent command accomplished satisfactorily the duty confided to him.

Colonel W. H. B. Kingsley, Commanding the 2nd Battalion Hampshire Regiment, returned to his post from sick leave at the earliest opportunity, and has ably commanded his regiment,

which has done excellent service throughout the late operations.

Colonel A. A. LeMesurier, 2nd Battalion "The King's" Liverpool Regiment, has commanded his battalion throughout the recent operations, and has been successful in action as commander of a field column.

Deputy Surgeon-General J. McN. Donnelly, I. M. D., as Principal Medical Officer of the Force, has organized and administered the very efficient hospital arrangements, afloat and ashore, to my satisfaction.

Lieutenant-Colonel W. T. Bulgen, R.A., deserves credit for the good service performed by him and the officers and men of the Royal Artillery under his command.

Lieutenant-Colonel A. F. Laughton, Assistant Commissary General, in Commissariat charge. To this officer and to the officers and men of the Department my acknowledgments are specially due.

Owing to the numerous columns furnished by the force, the strain on this Department has been unusually severe; but no instance of failure has occurred, and this can only be attributed to the untiring zeal and energy of Lieutenant-Colonel Laughton and his subordinates.

Lieutenant-Colonel J. H. Gordon, Commandant, 23rd Madras Light Infantry, deserves credit for the admirable state of the regiment which he commands, and has distinguished himself when in command of field columns.

Lieutenant-Colonel M. Protheroe, C.S.I., Deputy Assistant Adjutant and Quartermaster General, served on the staff, of which his ability, industry, tact, temper, and judgment made him an invaluable member, and by his knowledge and official experience has lent valuable aid to the Department.

Lieutenant-Colonel R. J. B. Simpson, 12th Madras Infantry, commanded the assaulting party at Mambla redoubt, and conducted the attack on the rebels at Kabe on 13th January, 1886, men severely wounded.

Lieutenant-Colonel E. W. Begbie, Madras Staff Corps, has been in charge of the Army Signalling of the Force. I have already in my former despatches had the honor to place on record the great value that the expedition has derived from visual signalling throughout the campaign. Lieutenant-Colonel Begbie, by his sustained personal interest in and unremitting personal superintendence of the working of his Department, has conducted much to the successful results attained.

Lieutenant-Colonel J. G. R. D. Macneill, Madras Staff Corps, Deputy Assistant Adjutant and Quartermaster General, conducted the duties of the Intelligence Department until wounded when acting as guide to the column at the attack on Minhla. It is to this officer's previous labours in the Intelligence Branch that I was indebted for the very complete information afforded me from the office of the Quartermaster-General in India.

Lieutenant-Colonel G. Baker, Hampshire Regiment, commanded the battalion till the arrival of Colonel Kingsley after the surrender of Mandalay, and has been twice selected for the command of detached columns.

Major F. W. Hemming, 5th Dragoon Guards, Deputy Assistant Adjutant and Quartermaster General, took over the charge of the Intelligence Department on his joining the force, and showed zeal and activity in acquiring and formulating information.

Major (now Lieutenant-Colonel) R. F. Williamson, Royal Welsh Fusiliers, admirably commanded the detachment at the important post of Shwebo. In this command he displayed high military qualities, fought four successful actions with the rebels, and did much to secure the pacification of the district.

Major W. P. Symons, Deputy Assistant Adjutant and Quartermaster General, has proved himself possessed of the highest qualifications for staff duties in the field and in the office, and merits recognition.

Major H. P. Law, Royal Scots Fusiliers, commanded for some months the Toungdwingyee column with signal boldness and success.

Major R. H. T. Hill, Madras Staff Corps, as Director of Transport to the Force, has rendered valuable service. Great demands were made on the Transport Department for the many flying columns despatched for the suppression of rebellion, and, thanks to Major Hill's energy and resource in organizing a local transport, the wants of the Expeditionary Force have been satisfied.

Major W. B. Warner, 2nd Madras Lancers, commanded the first cavalry detachment sent to Upper Burma. He has on several occasions been selected for the command of columns, and has exhibited zeal, energy, and knowledge of his profession.

Major E. C. Browne, Royal Scots Fusiliers, personally organized a body composed of Mounted Volunteers, Mounted Infantry, and Mounted Native Police for service with the expedition,—a force which proved itself of great utility.

Major A. J. Stead, 11th Bengal Infantry, commanded the detachment at Pagan, and successfully operated against the insurgents in the district.

Major E. P. O'Mahoney, 11th Bengal Infantry, successfully commanded a column against the enemy near Magyan.

Major C. H. Sheppard, 11th Madras Infantry, officiated as Deputy Judge Advocate to the Force, in the absence of any regularly appointed officer of that Department.

Major J. E. Collins, 2nd Hampshire Regiment, for skill and energy in command of several expeditions against the enemy near Mandalay.

Major C. C. Campbell, 23rd Madras Light Infantry, commanded the expedition sent up the Chindwin to Kandat in December 1885, and showed much ability and perseverance in carrying out his mission.

Major C. W. Walker, 10th Madras Infantry, performed the duties of Deputy Assistant Adjutant and Quartermaster General efficiently, both in the field and in quarters.

Captain A. R. F. Dorward, R.E., commanded the Queen's Own Sappers and Miners, and was a most efficient field engineer. He showed eminent qualifications for command when selected to command a mixed force in the field.

Captain R. L. Milne, Deputy Assistant Adjutant and Quartermaster General, is a staff officer of merit and deserving of recognition.

Captain D. A. A. Macpherson, Field Paymaster, has conducted the duties of his Department with much ability and courtesy.

Surgeon-Major C. Sibthorpe, in medical charge of the Head-Quarter Staff, has shown himself always ready to afford any professional or personal assistance in his power.

Captain R. O. Lloyd, R.E., owing to his knowledge of the Burmese language, was very valuable as a field Engineer. He was severely wounded.

Captain W. Aldworth, Bedfordshire Regiment, has not only efficiently performed the duty of Aide-de-Camp, but has also given me most valuable assistance as Military Secretary.

Lieutenant G. A. Ballard, R.N., proved a most efficient Aide-de-Camp. His knowledge of his profession and his willing assistance as Secretary were of great advantage to me.

Lieutenant C. D. Learoyd, R.E., was a most useful orderly officer. His professional knowledge and skill as a surveyor enabled him to perform valuable service with detached columns.

Captain T. P. Cather, R.E., is an invaluable Transport Officer, and has remarkable talent for organizing and commanding men.

The following junior officers have been brought to notice by Officers Commanding Brigades and Heads of Departments in the Force, and I would hope that His Excellency the Commander-in-Chief will be pleased to take them into his favorable consideration:—

Captain R. A. P. Clements, South Wales Borderers, Brigade Major, severely wounded.

Captain M. C. Burton, R.E.

Captain J. E. Pearson, 11th Madras Infantry.

Lieutenant W. K. Downes, 11th Bengal Infantry; distinguished gallantry at Moulah.

Lieutenant G. J. Angelo, 23rd Madras Infantry.

Lieutenant J. A. Tanner, R.E.

Lieutenant H. E. Potter, 24th Madras Infantry, Transport Officer.

Lieutenant P. M. Carnegie, 12th Madras Infantry, severely wounded.

Lieutenant W. A. Carnes, R.E.

Lieutenant R. D. Burton, 2nd Madras Lancers.

Lieutenant P. R. Muckle, Royal Warwickshire Regiment, Transport Officer.

Lieutenant W. R. H. Berchard, Royal Welsh Fusiliers.

Lieutenant H. V. Cox, 21st Madras Infantry.

Lieutenant G. H. H. Couchman, Somersetshire Light Infantry.

Lieutenant H. L. D. Wilkinson, 12th Madras Infantry, severely wounded; distinguished gallantry at Moulah.

Lieutenant H. L. Dodgson, 2nd Bengal Infantry.

Lieutenant R. D. Anderson, Royal Artillery.

Lieutenant R. C. B. Haking, 2nd Hampshire Regiment.

Lieutenant J. R. Dyas, 2nd Hampshire Regiment.

Lieutenant R. J. Forbes, 2nd Hampshire Regiment.

Lieutenant B. Holloway, 2nd Madras Lancers.

Lieutenant A. P. D. Hurl, 11th Bengal Infantry, success in command of a detachment.

Lieutenant A. P. G. Gough, Royal Welsh Fusiliers.

Lieutenant W. A. J. O'Mara, R.E., severely wounded.

Lieutenant C. C. A. Sillery, 12th Madras Infantry, severely wounded.

Lieutenant R. A. T. Dury, Bengal Staff Corps, attached to 11th Bengal Infantry, killed.

Lieutenant H. T. Brookings, 21st Madras Infantry.

Lieutenant L. de R. Jervis, Royal Welsh Fusiliers.

Lieutenant J. H. Gwynne, Royal Welsh Fusiliers, severely wounded.

Lieutenant O. G. K. Agnew, 4th Battalion Royal Scots Fusiliers, Transport Officer.

6. I trust the European warrant officers, non-commissioned officers and privates, and the native officers, non-commissioned officers and men mentioned by Brigadier-Generals Commanding and Heads of Departments will receive suitable recognition of their services.

7. The Revd. E. T. Beatty and the Chaplains of the Church of England and Priests of the Church of Rome appointed to serve with the force have shown much zeal and earnestness in the discharge of their duties.

8. To Captain R. Woodward, R.N., and to the officers and crews of the Naval Brigade serving under his orders, my thanks are specially due for valuable co-operation rendered afloat and ashore with the heartiness and thoroughness characteristic of the Royal Navy.

To Captain Woodward personally I am indebted for the energy, willingness, and professional skill continuously placed at my disposal.

I would beg to endorse the recommendations of Captain Woodward of the officers and men serving under him, hoping that the services of Commander W. R. Clutterbuck, R.N., Commander J. Durnford, R.N., Commander C. J. Barlow, R.N., and Lieutenant F. P. Trench, R.N., may receive special recognition.

Commander Clutterbuck, in command of Her Majesty's L.M.S. *Iravaddy*, in concert with Lieutenant Trench, in command of the steam-launch *Kathleen*, gallantly captured a King's steamer under the fire of a battery at the outset of the campaign, and from that time to the occupation of Mandalay these two officers have led the van of the river fleet.

Commander Durnford served on my staff until the occupation of Mandalay, and his tact, energy, and professional knowledge were of great service to me.

Commander C. J. Barlow's march of 120 miles through the country with a detachment of blue-jackets reflects great credit on that officer and his party.

The manner in which Commander A. Carpenter, Her Majesty's L.M.S. *Investigator*, conducted the duties of the river survey, is deserving of special recognition, and his labours will, I am convinced, prove to be of great practical value.

Major W. M. Lambert, Royal Marine Artillery, and the non-commissioned officers and men of the Royal Marines attached to the Naval Brigade, have lent me very willing assistance whenever possible.

9. The officers and men of the Indian Marine have worked admirably throughout the expedition, and I trust some recognition of their excellent services may be afforded to the following officers:—

Captain A. Campbell, Her Majesty's Indian Marine.  
Mr. C. W. Hewitt, 1st Grade Officer, Indian Marine.

Mr. H. S. Black, 1st Grade Officer, Indian Marine.  
Mr. W. Chandler, 1st Grade Officer, Indian Marine.  
Mr. G. A. Lee, 1st Grade Officer, Indian Marine.  
Mr. G. L. Mathias, 1st Grade Officer, Indian Marine.

Captain A. Campbell, Her Majesty's Indian Marine, as Senior Marine Transport Officer, was of invaluable service in organizing and marshalling the large fleet of river steamers that conveyed the force to Mandalay.

10. I would beg to tender my sincere acknowledgments to Mr. C. E. Bernard, C.S.I., Chief Commissioner of British Burma, for the hearty support and co-operation which he has extended to me

from the commencement of the expedition; and to Colonel Sladen my thanks are due for the able assistance which his extended acquaintance with Upper Burma has enabled him to place at my service.

11. I would also wish to acknowledge the services of Mr. Kennedy, the Manager of the Irrawaddy Flotilla Company, and of the Commanders and crews of the steamers of the Company, who by their skill and willing co-operation have contributed so much to the safety and comfort of the troops and to the success of the expedition.

12. I would solicit the attention of His Excellency the Commander-in-Chief to the special opportunities afforded by this campaign in its latter phases to officers of comparatively junior rank to show the military qualities that they possess, owing to the great number of independent minor operations which have been undertaken. It has thus been possible to select a considerable number of junior officers as deserving of special notice, and I trust that each may obtain some recognition of his services.

As regards the officers of the Madras Army thus brought to notice, I would venture to invite His Excellency the Commander-in-Chief to bear in memory that the Coast Army has lately had few opportunities of seeing service, and I would very respectfully submit that the present is a favorable opportunity to give promotion to comparatively young officers who may appear to merit it, thus infusing a new life into the army without injury to the professional feeling of those who have not been fortunate enough to participate in the campaign.

\* From Brigadier-General Ford, dated 10th January, 1886.  
\* From Colonel W. Carey, R.A., Commanding Royal Artillery.

\* From Principal Medical Officer, Burma Field Force, No. 41, dated 4th February, 1886.

\* From Officer Commanding Shwabo, dated 14th February, 1886.

\* From Commanding Royal Engineer, Burma Field Force, No. 84C, dated 13th February, 1886.

\* From Superintendent, Signalling, Burma Field Force, dated 9th February, 1886.

\* From Officer Commanding Pagan, dated 10th February, 1886.

\* From Officer Commanding Mingyan, No. 249, dated 12th February, 1886.

\* From Provost Marshal, Burma Field Force, No. 64, dated 9th February, 1886.

\* From Director of Transport, No. 423, dated 12th February, 1886.

\* From Brigadier-General G. S. White, dated 5th February, 1886.

\* From Principal Commissariat Officer, No. 82, dated 4th January, 1886.

\* From Principal Commissariat Officer, No. 84, dated 5th February, 1886.

\* From Senior Marine Transport Officer, dated 9th January, 1886.

\* Major E. Brown, Commanding Mounted Corps, dated 10th February, 1886.

\* From Officer Commanding 2nd (Queen's Own) Bengal Light Infantry, dated 18th November, 1885.

\* From Commissary of Ordnance, dated 1st February, 1886.

\* From Officer Commanding Ningyan Column, dated 21st December, 1885.

\* From Officer Commanding Naval Brigade, dated 31st December, 1885.

*Note.*—Copies of reports marked \* have been sent in original to the Adjutant-General in India. No copies retained.

## APPOINTMENTS.

**No. 296.**—In continuation of G. G. O. No. 188 of 1886, Captain A. R. F. Dorward, R.E., is appointed to the Staff of the Field Force in Upper Burma as Commanding Royal Engineer.

### **No. 297.**—ARMY REMOUNT DEPARTMENT—

Lieutenant A. N. Carr, Bengal S. C., Squadron Officer, 3rd Bengal Cavalry, to officiate as Assistant Superintendent of the Reserve Depôt, Saharunpore, *vice* Captain J. C. F. Gordon, appointed to officiate as Superintendent of the Reserve Depôt. Dated 27th April, 1886.

### BRIGADE.

**No. 298.**—In continuation of G. G. O. No. 280 of 1886, it is notified that the head-quarters of the brigade command in Upper Burmah therein sanctioned will be at Yemethen, and that the command will include the districts of Ningyan and Yemethen, and the subdivision of Mahline.

**No. 299.**—In continuation of G. G. O. No. 280 of 1886, the following appointments are made to the Staff of the 3rd Brigade of the Forces in Upper Burmah:—

Captain A. A. Pearson, Bombay S. C., 24th Bombay Infantry, to be Deputy-Assistant Adjutant and Quarter-Master General.

Captain C. S. Shephard, Royal Lancaster Regiment, to be Brigade-Major.

### **No. 300.**—MEDICAL DEPARTMENT—

The undermentioned Surgeons appointed to the Bengal establishment in G. G. O. No. 240 of 1886, reported their arrival at Bombay on the date specified:—

Henry Robert Woolbert.  
George Henry Baker.  
Thomas Grainger, M.D.  
Joseph Rosamond Adie.  
Arthur Charles Younan.  
Alfred William Alcock.  
Arthur Rea Edwards.  
John Macfarlane Cadell.

Dated 27th April, 1886.

### **No. 301.**—PERSONAL STAFF—

The Prince of Wales has been pleased to appoint Ressaldar-Major Nizâm-iddin Khan, Sirdar Bahadur, 11th (Prince of Wales' Own) Bengal Lancers, to be Native Orderly Officer to His Royal Highness, *vice* Ressaldar Anoop Sing, Sirdar Bahadur, deceased.

### **No. 302.**—PUNJAB FRONTIER FORCE—

*No. 2 (Detached) Mountain Battery.*

The appointment of Lieutenant G. E. Bryant, R.A., to be 3rd Subaltern, on augmentation, notified in G. G. O. No. 595 of 1885, to have effect from the 25th April, 1886.

### STAFF CORPS.

**No. 303.**—Lieutenant C. F. V. S. Venner, Royal Sussex Regiment, appointed by the Secretary of State for India a probationer for the Indian Staff Corps, is posted to the Bengal Staff Corps, with effect from the date of his arrival in India.

**No. 304.**—Lieutenant Offley Bohun Stovin Fairless Shore, West Yorkshire Regiment,

Squadron Officer, 18th Bengal Cavalry, is admitted to the Bengal Staff Corps, from the 27th April, 1884, subject to the confirmation of the Secretary of State for India.

**No. 305.**—Lieutenant Ivor Philipps, Manchester Regiment, officiating Wing Officer, 2nd Sikh Infantry, Punjab Frontier Force, having completed eighteen months from date of appointment on probation, is admitted to the Bengal Staff Corps from the 8th October, 1884, subject to the confirmation of the Secretary of State for India, and to his passing the professional examination required under regulation.

#### VOLUNTEER CORPS.

##### *Gharipur Volunteer Rifle Corps.*

**No. 305.**—Mr. George Jasper Nicholl, C.S., to be Major, to complete the establishment.

Mr. Edward Rose, C.S., to be Captain, *vice* Captain W. Irvine, C.S., who vacates the appointment on transfer.

##### *Rajputana-Mulwa Volunteer Rifle Corps.*

**No. 307.**—Mr. Neville Priestley to be Lieutenant to complete the establishment.

##### *Assam Valley Administrative Battalion.*

**No. 303.**—Lieutenant D. C. F. Macintyre, 1st Battalion, 2nd Goorkha Regiment, to be Adjutant, with effect from the 20th March, 1886, *vice* Lieutenant H. W. Priestley, transferred as Adjutant to the Lakhimpur Volunteer Rifle Corps.

##### *Lakhimpur Volunteer Rifle Corps.*

**No. 309.**—Lieutenant H. W. Priestley, Adjutant, Assam Valley Administrative Battalion, to be Adjutant, with effect from the 20th March, 1886.

##### *Dacca Volunteer Rifle Corps.*

**No. 310.**—Surgeon-Major C. J. W. Meadows, to be Honorary Surgeon, *vice* Surgeon-Major A. Crombie, who has resigned that appointment.

##### *2nd Punjab (Simla) Volunteer Rifle Corps.*

**No. 311.**—Captain F. Leigh to be Major, *vice* Major R. J. Francis, who has resigned that appointment.

Mr. R. G. Macdonald to be Captain, to complete the establishment.

##### *3rd Punjab (Sind, Punjab and Indus Valley Railways) Volunteer Rifle Corps.*

**No. 312.**—Mr. E. W. Thelwall to be Lieutenant, to complete the establishment.

#### DISMISSALS AND REMOVALS.

**No. 313.**—The services of Sub-Assistant Apothecary John Wolam Fitch, of the Subordinate Medical Department, are dispensed with.

#### FURLOUGH AND LEAVE.

**No. 314.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant H. H. F. Fagan, Bengal S. C., Squadron Officer, 10th The Duke of Cambridge's Own Bengal Lancers, (p. a.) for one year, under rule I of the regulations of 1875.

Deputy-Commissary and Honorary-Captain R. F. Castellari, Ordnance Department, Bengal Circle, (m. c.) for one year, under rule IX, note (1), of the regulations of 1868.

**No. 315.**—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Major A. J. T. Welchman, General List, Infantry, (m. c.) for six months.

Major T. T. Carter, R.E., (m. c.) for six months.

#### LONDON GAZETTE.

**No. 316.**—The following extracts are published for general information:—

"London Gazette," dated the 13th April, 1886, page 1783.

##### "WAR OFFICE ;

*Pall Mall, 13th April, 1886.*

##### MEMORANDA.

\* \* \* \*

Deputy-Assistant-Commissary William Marr, Bengal Establishment, to have the honorary rank of Lieutenant. Dated 4th December, 1885."

##### "INDIA OFFICE ;

*13th April, 1886.*

The Queen has approved of the retirement from the Service of the undermentioned Officers of Her Majesty's Indian Military Forces:—

Colonel Charles William Campbell, of the Bengal Staff Corps. Dated 1st February, 1886.

Colonel Henry Evelyn Coningham, of the Madras Staff Corps. Dated 12th February, 1886.

Colonel Robert Andrews Cole, of the Madras Staff Corps. Dated 28th February, 1886.

Lieutenant-Colonel Thomas Bernard Michell, of the Bengal Staff Corps. Dated 1st March, 1886.

Lieutenant-Colonel Edward Persse, of the Madras Staff Corps. Dated 4th March, 1886.

Brigade-Surgeon John Houston, M.D., of the Madras Army. Dated 20th March, 1886.

Surgeon-Major Richard Thomas Lyons, M.D., of the Bengal Army. Dated 9th February, 1886.

Surgeon-Major James Kelly, of the Bengal Army. Dated 12th March, 1886.

The Queen has approved of the resignation of the Service by the undermentioned Officer:—

Captain Arthur Thomas Banon, of the Bengal Staff Corps. Dated 12th February, 1886.

The undermentioned Officers are granted a step of honorary rank on retirement:—

##### *To be Major-Generals.*

Colonel Charles William Campbell, of the Bengal Staff Corps. Dated 1st February, 1886.

Colonel Henry Evelyn Coningham, of the Madras Staff Corps. Dated 12th February, 1886.



Colonel Robert Andrews Cole, of the Madras Staff Corps. Dated 28th February, 1886.

*To be Colonel.*

Lieutenant-Colonel Thomas Bernard Michell, of the Bengal Staff Corps. Dated 1st March, 1886.

Lieutenant-Colonel Edward Persse, of the Madras Staff Corps. Dated 4th March, 1886.

*To be Deputy Surgeon-General.*

Brigade-Surgeon George Alder Watson, of the Bengal Army. Dated 7th December, 1885.

#### MEMORANDUM.

The date of the retirement from the service of Surgeon-Major Philip Wyatt Cockell, of the Bombay Army, and of his promotion to the honorary rank of Brigade-Surgeon thereon, is the 13th October, 1885, and not as stated in the *London Gazette* of the 10th November, 1885.

The Queen has approved of the following Promotions among the Officers of the Staff Corps and Indian Military Forces made by the Governments in India.—

#### BENGAL STAFF CORPS.

*To be Lieutenant-Colonel.*

Major Edmund Pipon Ommanney. Dated 7th February, 1886.

*To be Majors.*

Captain Benjamin Chamney Graves. Dated 30th January, 1886.

Captain John Meredith Douglas Lewes. Dated 30th January, 1886.

Captain Edward Henry Bingham. Dated 13th February, 1886.

Captain James Butler. Dated 20th February, 1886.

*Lieutenants to be Captains.*

Charles Chenevix Chenevix-Trench. Dated 11th February, 1886.

William Tomes Fairbrother. Dated 11th February, 1886.

John George Ramsay. Dated 11th February, 1886.

Andrew Pennell Williamson. Dated 11th February, 1886.

Frederick Augustus Blyth. Dated 11th February, 1886.

Claude Clifton St. Edmunds Lucas. Dated 11th February, 1886.

Christopher George Forbes Fagan. Dated 11th February, 1886.

Robert Baker Shawe. Dated 11th February, 1886.

Alfred Lloyd Barrett. Dated 11th February, 1886.

Francis Henry Rutherford Drummond. Dated 11th February, 1886.

#### BENGAL CAVALRY.

*To be Lieutenant-Colonel.*

Major and Colonel William Walters Biscoe. Dated 4th February, 1886.

#### BENGAL INFANTRY.

*To be Lieutenant-Colonel.*

Major Richard Octavius Vyvyan. Dated 4th February, 1886.

#### BENGAL MEDICAL ESTABLISHMENT.

*To be Brigade-Surgeon.*

Surgeon-Major Henry Potter, M.D. Dated 7th December, 1885.

#### PROMOTIONS.

**No. 317.**—The following promotion is made, subject to Her Majesty's approval:—

#### BENGAL STAFF CORPS.

*To be Captain.*

Lieutenant Beauchamp Duff,—8th May, 1886.

#### **No. 318.**—NATIVE ARMY—

*2nd Bengal Cavalry.*

Kote Duffadar Bharam Singh, from the 3rd Bengal Cavalry, to be Jemadar, on augmentation, with effect from the 18th September, 1885.

*3rd Bengal Cavalry.*

Ressaidar Woordie-Major Múlak Singh to be Ressaidar, on augmentation;

Ressaidar Muhammad Akram Khan to be Woordie-Major, *vice* Ressaidar Woordie-Major Múlak Singh, promoted;

Jemadar Ghulam Hasan Khan to be Ressaidar, on augmentation;

Jemadar Farzand Ali to be Ressaidar, *vice* Ressaidar Muhammad Akram Khan, promoted;

Duffadar Partab Singh to be Jemadar, on augmentation;

Duffadar Bishn Singh to be Jemadar, *vice* Jemadar Ghulam Hasan Khan, promoted;

Duffadar Bishn Singh to be Jemadar, on augmentation,—

with effect from the 18th September, 1885.

#### **No. 319.**—ORDNANCE DEPARTMENT—

Sub-Conductor William Henry Smith to be Conductor;

Store-Sergeant Thomas Wilson, Assistant Over-seer, Small Arms Ammunition Factory, Dum-Dum, to be Sub-Conductor, on probation, *seconded*;

Store-Sergeant William Davis to be Sub-Conductor on probation,—

with effect from the 10th March, 1886, *vice* Conductor Matthew Donlon, pensioned.

Sub-Conductor George Smith to be Conductor;

Store-Sergeant George Henry Ashby to be Sub-Conductor on probation,—

with effect from the 1st April, 1886, *vice* Conductor W. McEntegart, pensioned.

#### **No. 320.**—PUNJAB FRONTIER FORCE—

*1st Punjab Cavalry.*

Ressaidar Hak Newáz Khan to be Ressaidar, Jemadar Yakub Khan to be Ressaidar, Kote Duffadar Emin Ali Khan to be Jemadar, *vice* Ressaidar Hakim Ali Khan, invalided, with effect from the 20th April, 1886.

#### RESIGNATIONS.

**No. 321.**—Sub-Assistant Apothecary (temporary 2nd Grade Assistant Apothecary) Charles Lloyd, Subordinate Medical Department, is permitted to resign the service.

O. R. NEWMARCH, Colonel,

Offg. Secretary to the Government of India.

## MILITARY DEPARTMENT.

## NOTIFICATION.

*Simla, the 14th May, 1886.*

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned commissioned officers, on the dates specified, were received in the Military Department between the 8th and the 14th May, 1886 :

Corps.	Rank and Name.	Date of Death.	Place of Death.	Testate or Intestate.	Remarks.
Medical Staff	Deputy Surgeon-General W. H. Corbett, M.D.	3rd May, 1886	Shahkote	...	
Royal Welsh Fusiliers	Lieutenant C. Lysons	10th April, 1886	Katha, Burmah.	...	

O. R. NEWMARCHI, Colonel,  
Offg. Secretary to the Government of India.

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 11th May, 1886.*

**No. 125.**—Mr. C. E. Gael, Executive Engineer, 2nd grade, temporarily employed in Madras, is retransferred to Central India.

*The 14th May, 1886.*

**No. 128.**—Mr. I. S. Hubbard, Examiner of Public Works Accounts, is posted, on return from furlough, as Examiner, Public Works Accounts, Central India.

Mr. A. C. Newcombe, Officiating Examiner, Public Works Accounts, Central India, on being relieved by Mr. Hubbard will revert to his former appointment of Deputy Examiner in the office of the Examiner, Public Works Accounts, North-Western Provinces and Oudh.

**No. 129.**—The undermentioned Executive and Assistant Engineers are transferred permanently from Bengal to State Railways :

*Executive Engineers, 1st grade.*

Mr. D. F. Hogarth.  
Mr. T. E. Owen.  
Major F. W. Joseph, B. S. C.  
Mr. G. E. Moore, sub. *pro tem.*, on furlough.

*Executive Engineer, 2nd grade.*

Mr. P. B. Roberts.

*Executive Engineers, 3rd grade.*

Mr. A. C. C. Rogers.  
Major L. F. Brown, R. E.  
Mr. B. W. Cantopher, sub. *pro tem.*  
Mr. T. E. Curry, sub. *pro tem.*

*Executive Engineers, 4th grade.*

Babu Bhoobun Mohun Bose, sub. *pro tem.*  
Baboo Kali Podo Sen, sub. *pro tem.*  
Babu Krishna Chunder Bandopadhyaya, temporary rank.

*Assistant Engineers, 1st grade.*

Mr. E. T. Faulkner.  
Mr. G. Mills.  
Mr. H. B. Taylor.

Mr. E. E. A. Küster.

Mr. G. T. St. A. Nixon, on furlough.

Mr. H. Phillips, sub. *pro tem.*, to continue to be temporarily employed in Beluchistan.

*Assistant Engineer, 2nd grade.*

Mr. A. G. Bremner.

**No. 130.**—With reference to Public Works Department Notification No. 129 of this date, the services of the undermentioned Executive and Assistant Engineers are placed at the disposal of the Director General of Railways :

*Executive Engineers, 1st grade.*

Mr. T. E. Owen.  
Major F. W. Joseph, B. S. C.  
Mr. G. E. Moore, sub. *pro tem.*, on return from furlough.

*Executive Engineer, 2nd grade.*

Mr. P. B. Roberts.

*Executive Engineers, 3rd grade.*

Mr. A. C. C. Rogers.  
Major L. F. Brown, R. E.  
Mr. T. E. Curry, sub. *pro tem.*

*Executive Engineers, 4th grade.*

Babu Bhoobun Mohun Bose, sub. *pro tem.*  
Babu Kali Podo Sen, sub. *pro tem.*  
Babu Krishna Chunder Bandopadhyaya, temporary rank.

*Assistant Engineer, 1st grade.*

Mr. G. T. St. A. Nixon, on return from furlough.

*Assistant Engineer, 2nd grade.*

Mr. A. G. Bremner.

**No. 131.**—Mr. J. W. A. McNair is appointed to Class III of the Superior Revenue Establishment of State Railways, Stores Department, with effect from the 1st April, 1886.

Mr. McNair's services are placed at the disposal of the Director General of Railways.



## TELEGRAPH.

*The 12th May, 1886.*

**No. 126.**—The following officiating appointments are made in the Indian Telegraph Department, with effect from the dates specified :

Names.	From	To	Date
Mr. F. G. Maclean	Superintendent, 4th grade	Officiating Superintendent, 3rd grade.	12th March, 1886
Mr. A. B. Larkins	Officiating Superintendent, 5th grade.	Officiating Superintendent, 4th grade.	12th March, 1886.
Mr. E. Dowson	Officiating Superintendent, 5th grade	Officiating Superintendent, 4th grade.	7th April, 1886.
Mr. M. G. Brind	Assistant Superintendent, 1st grade.	Officiating Superintendent, 5th grade.	12th March, 1886
Mr. G. L. Towers	Assistant Superintendent, 1st grade.	Officiating Superintendent, 5th grade.	7th April, 1886.

**No. 127.**—The following promotions are made in the Indian Telegraph Department, with effect from 17th March, 1886, consequent on the retirement of Mr. G. J. Moberly, Superintendent, 3rd grade :

Names.	From	To
Mr. F. R. de Marsac	Officiating Superintendent, 3rd grade	Superintendent, 3rd grade.
Mr. E. C. Bird	Superintendent, 5th grade	Superintendent, 4th grade
Mr. A. B. Larkins	Officiating Superintendent, 5th grade	Superintendent, 5th grade

W. S. TREVOR, *Colonel,*  
Secretary to the Government of India.



## GOVERNMENT OF INDIA.

## REVENUE AND AGRICULTURAL DEPARTMENT.

## REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING 12th MAY, 1886.

GENERAL REMARKS.—Slight rain has again been general throughout Eastern and Central Bengal, the Madras Presidency, and the southern districts of Bombay. Heavy falls have taken place in British Burma, Assam, and Mysore. Rain has also fallen in the North-Western Punjab, at Indore, and in one or two places in Rajputana.

Agricultural prospects continue unchanged in Madras. Mysore has benefited by the rain. In Coorg the season is favourable.

*Kharif* preparations are in progress in Bombay, Berar, and the Central Provinces. In Central India, Rajputana, and Hyderabad prospects are generally good.

The *rabi* harvest is approaching completion in the North-Western Provinces and Oudh, where ploughing for the *kharif* has commenced and prospects are good. In the Punjab the *rabi* crops are being cut, and the harvest promised well.

Agricultural operations have been facilitated in Bengal by the recent rain, but more is required in some places. *Aus* rice, jute, sugarcane, indigo, and *cheena* promise well, and the *boro* rice harvest is yielding a good outturn. In Assam the weather is seasonable and prospects are generally good.

Cholera is prevalent in Raipur in the Central Provinces and is reported from several other parts of the country; but, speaking generally, the public health is good.

Prices are rising in the Punjab and are fluctuating in Mysore. Elsewhere they remain generally stationary.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(May 12th)</b>		
Bellary . . . . .	Average '33	Standing wet crops in parts of two taluks generally good, but water insufficient; harvest wet and dry crops, yield about average. Cattle-disease in three taluks.
Kurnool . . . . .	Average '22	Harvest second crop paddy, yield average. Small-pox and cattle-disease in three taluks.
Ganjam . . . . .	Average '38	Fever in three, small-pox in five, and slight cattle-disease in two taluks; cholera prevailing. Average number employed on Chika canal 40.
Kistna . . . . .	Average '08	Fever in some taluks, and cholera in eight taluks and one division.
Chingleput (Madras) . . . . .	Average '04	Standing crop fur, except in parts of one taluk where webbing, and in another suffering from want of water; harvest wet and dry grains, outturn below average. Fever in one taluk and small-pox in another; cattle-disease in one taluk.
Combatore . . . . .	Average '53	Standing crops good but <i>ch'lon</i> requires rain in parts of one taluk; harvest paddy and <i>cholam</i> , outturn of paddy generally above average and <i>cholam</i> average. Fever in one taluk and slight small-pox in two villages.
Tanjore . . . . .	Average '21	Standing crops good, except in parts of one taluk, where rain is wanted; harvest <i>cholam</i> and gingelly, outturn below average.
Madura . . . . .	Average last week since revised, '05; this week, '03.	Harvest paddy, yield below average.
Malabar . . . . .	Average '35	Harvest third crop paddy, outturn below average. Fever in one, slight small-pox in nine, and cholera in three taluks.
Travancore . . . . .	'50	Small-pox and fever in parts. <i>General Remarks.</i> —General prospects fair.
<b>Bombay—(May 12th)</b>		
Kurrachee . . . . .	<i>All</i>	River at Kotri on 10th, 11 feet against 11 feet 10 inches on same date last year. <i>Rabi</i> harvesting completed. Fever in six and cattle-disease in two talukas; small-pox in two villages in districts, 2 fresh cases remaining. Wheat, red rice, and <i>barri</i> in Kurrachee 20, 30 and 34, in Fatta 20, 40 and 40, in Mirpur Boro 24, 40 and 42, and in Schwan 30, 40 and 40 pounds per rupee, respectively.
Hyderabad . . . . .	Average '14 in three talukas.	<i>Rabi</i> harvest continues, being trodden in Nausharo subdivision, and preparation for <i>kharif</i> cultivation in progress. River at Kotri on 10th, 11 feet against 11 feet 10 inches on same date last year. Fever in four, small-pox in three, and cattle-disease in five talukas. Wheat 25, <i>juari</i> 40, <i>barri</i> 37½, white rice 19 and red rice 30 pounds per rupee. Days unusually hot.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central Provinces—<i>contd.</i></b>		
Khandwa . . . .	<i>Nil</i>	Weather warm, with high winds. <i>Kharif</i> preparations continue. Health fair. Prices steady.
Raipur . . . .	<i>Nil</i>	Weather cloudy and close. <i>Kharif</i> ploughings in hand. Cholera increasing; small-pox and cattle-disease disappearing. Prices stationary.
Sambalpur (May 8th)	0.5	Weather hot and cloudy. Sugarcane doing well. Cholera in places. Trade brisk. <i>General Remarks.</i> —Weather hot and windy, with occasional clouds. <i>Kharif</i> ploughings commenced. Cholera is becoming virulent in Raipur. Prices steady.
<b>British Burma— (May 12th)</b>		
Akyab . . . . (5th)	<i>Nil</i>	Public health good; cattle healthy.
Bassien . . . .	2.42	Total rainfall 4.06. Public health good; cattle healthy.
Rangoon . . . .	4.43	Total rainfall 6.05. Public health good; cattle healthy.
Amherst (Moulmein)	3.71	Total rainfall 4.10. Public health good; cattle healthy.
Pegu . . . .	3.88	Total rainfall 4.55. Public health good; cattle healthy.
Henzada . . . .	1.20	Total rainfall 1.20. Public health and health of cattle good.
Prome . . . .	7.02	Total rainfall 3.33. Public health and health of cattle good.
Toungoo . . . .	1.0	Total rainfall 3.54. Public health and health of cattle good.
Thayetmayo . . . .	1.40	Total rainfall 1.07. Public health and health of cattle good. <i>General Remarks.</i> Slight cholera in Thongwa district, elsewhere public health good; cattle-disease in Hanthawaddy and Amherst districts, elsewhere cattle healthy.
<b>Assam—(May 12th)</b>		
Gauhati (May 12th)	2.05	Weather seasonable. Cholera diminishing in the Sadr station, but still very prevalent in portions of the districts; cattle-disease still in some mouzahs. Sowing of <i>ahu</i> paddy finished; planting of sugarcane nearly finished.
Sylhet . . . .	2.83	State and prospects of crops good. Cattle-disease reported from South Sylhet.
Cachar . . . .	1.73, severe storm at about 6 P.M. on 11th	Weather warm. Cultivation for <i>am</i> and <i>axa</i> crops progressing. Common rice 14½ seers per rupee. General health good.
Dibrugarh . . . .	0.13	Warm days and cool nights. Sowing of <i>ahu</i> continues; land being prepared for <i>sah</i> ; tea doing well. Public health fair. Prospects of crops good.
<b>Mysore and Coorg— (May 12th)</b>		
Bangalore . . . .	Civil and Military station, 2.93; Bangalore district, 3.01; Mysore, 1.13; Kolar, 1.15; Tumkur, 2.31; rain has also fallen more or less in the Malnad district	Standing crops in good condition, except in parts of the Kolar district; prospects of season fair. In parts of the Kolar and Tumkur districts supply of water and fodder diminishing, but generally speaking result of recent rain which has been general is to improve pasturage. Public health good; small-pox prevalent in parts of the Mysore and Tumkur districts, and cattle-disease in parts of the Kolar and Shimoga districts. Prices fallen in the Mysore district and risen in the Kolar and Shimoga districts slightly.
Mysore . . . .	<i>Nil</i>	Prices of <i>co</i> <i>eg</i> unsatisfactory. Prospects of season and public health good.
<b>Berar and Hyderabad—</b>		
Amraoti (May 12th)	<i>Nil</i>	Weather hot and cloudy at intervals. <i>Kharif</i> ploughing continues. Wheat 22 and <i>juari</i> 20 seers per rupee.
Akola . . . .	<i>Nil</i>	Weather hot. Fields being prepared for <i>kharif</i> .
Hyderabad . . . .	1.1	Total rainfall since 1st May '85. Standing crops prospering. Heat excessive. General health fair. Prices wheat 15½, coarse rice 11½, white <i>juari</i> 20½, yellow <i>juari</i> 22, and <i>tur</i> 17 seers per current sicca rupee.
<b>Central India States— (May 12th)</b>		
Indore . . . .	1.70	Weather seasonable. Prices stationary. Health good.
Muar (Gwalior)	<i>Nil</i>	Weather stormy and cloudy.
Satna . . . .	<i>Nil</i>	Heat excessive. Health good.
Ru'lam . . . .	<i>Nil</i>	No report received.
Neemuch . . . .	<i>Nil</i>	Weather seasonable; high winds. Water scarce and few cases of small-pox in Sadr Bazar. Health otherwise good.
Goona . . . .	<i>Nil</i>	Weather very hot. Health and prospects good.
Azmir . . . .	Slight shower of rain	Health and prospects fair.
Schore . . . .	<i>Nil</i>	Weather hot and seasonable. Health and opium crops good.
Nowgong . . . .	<i>Nil</i>	Weather hot and cloudy. Health good. Prices stationary.
Mampur . . . .	<i>Nil</i>	Weather hot. High westerly winds. Health good. Prices steady.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Rajputana—(May 12th)</b>		
Abu (May 12th)	<i>Nil</i>	Weather seasonable; high winds, with dust.
Sirohi ( " 9th)	<i>Nil</i>	Tanks dry; wells fair. Health good. Weather hot, with occasional clouds.
Marwar ( " 7th)	<i>Nil</i>	Tanks almost half full. Health good. Crops being gathered. Winds mildly hot; nights cool. Prices tending to rise.
Kherwara ( " 9th)	<i>Nil</i>	Tanks and wells drying. Crops gathered. Health good. Prices slightly risen. Weather very hot and windy.
Pertabgarh ( " 8th)	<i>Nil</i>	Tanks and wells drying. Health good. Prices rising. Heat great.
Meywar ( " " )	<i>Nil</i>	Tanks and wells low. Health very good. Prices rising. Weather seasonable.
Harowti ( " " )	Tonk, 10; Shahpura, 103.	Hot westerly winds. Health good.
Jhallawar ( " 7th)	<i>Nil</i>	Weather seasonable. Small-pox abating.
Kotah ( " 8th)	<i>Nil</i>	Weather seasonable. Health good.
Ajmere ( " 10th)	<i>Nil</i>	Tanks and wells diminishing. Weather cloudy and hot. Fever, small-pox, and guinea-worm in some parts of the district. Occasional storms. Prices steady.
Jeypore ( " 12th)	16	Wells failing. Fever and small-pox continue in parts, otherwise health good. Weather occasionally cloudy.
Ulwur ( " 11th)	<i>Nil</i>	Measles in Bikanir. Prices stationary. Weather warmer.
Bikanir ( " 8th)	Slight rain	

C. J. LYALL,

Officiating Secretary to the Government of India.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. II OF 1886-87.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	RECEIPTS FOR WEEK ENDING 18TH APRIL 1885.		Total mean length open.	RECEIPTS FOR WEEK ENDING 17TH APRIL 1886.		TOTAL RECEIPTS FROM 1ST TO 18TH APRIL 1885.		TOTAL RECEIPTS FROM 1ST TO 17TH APRIL 1886.		Total Increase in 1886-87.	Total Decrease 1886-87.	
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.			
	<i>Guaranteed.</i>		<i>Rs.</i>	<i>Rs.</i>		<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	
24th April 1886	Oudh and Rohilkhand	608	1,33,540	220	680	1,79,196	264	3,31,955	230	3,81,647	231	49,992	...	
24th do. "	Madras	801	1,31,184	152	801	1,50,583	175	3,01,998	103	3,45,447	104	...	16,551	
17th do. "	South Indian	654	81,212	124	654	1,02,779	157	2,22,931	132	2,33,108	148	12,567	...	
24th do. "	Great Indian Peninsula	1,501	9,73,977	647	1,504	11,04,044	735	24,82,397	642	24,40,127	667	...	42,240	
17th do. "	Bombay, Baroda and Central India	491	2,08,625	648	491	3,50,000	779	7,55,547	638	8,08,286	722	52,739	...	
	TOTAL	1,088	10,17,938	390	4,100	18,99,492	450	41,56,198	396	45,10,795	416	50,507	...	
	<i>State.</i>													
24th April 1886	East Indian	1,500	10,75,714	667	1,515	6,71,624	643	25,99,795	670	24,32,912	662	...	1,66,883	
17th April "	Eastern Bengal	133	72,396	311	234	73,278	313	2,50,065	419	1,95,000	344	...	5,675	
24th do. "	Nidhati	17	1,101	43	27	1,658	61	4,318	62	5,000	70	602	...	
17th do. "	Northern Bengal	249	3,570	131	249	38,030	153	88,700	139	96,300	160	7,594	...	
24th do. "	Kauma-Dharla	37	3,075	82	37	2,480	67	8,487	87	5,410	60	...	2,847	
24th do. "	Indoot	226	23,791	105	249	20,189	119	8,5718	148	83,117	131	...	2,501	
24th do. "	Patna-Gya	57	10,345	181	57	13,371	234	29,378	200	38,999	350	6,221	...	
17th do. "	Cawnpore-Achneia	240	10,702	67	253	22,038	87	43,140	67	59,124	82	7,184	...	
24th do. "	Dilduagru-Ghazipur	12	1,38	65	12	1,132	94	2,800	60	2,570	88	...	224	
17th do. "	Raipurana-Malwa	1,111	3,57,193	18	1,111	3,5,000	273	8,00,000	222	8,00,000	201	89,104	...	
17th do. "	Wardha Coal	45	16,373	394	45	10,754	372	34,894	391	4,073	390	7,800	...	
17th do. "	Nagpur and Chhattisgarh	149	52,647	353	149	40,872	315	1,31,457	343	1,04,429	333	...	11,028	
24th do. "	British Burma	254	40,101	194	327	48,518	148	1,39,917	214	1,41,370	144	1,370	...	
24th do. "	Sindh	75	7,371	98	75	8,603	115	20,790	109	19,070	105	...	1,726	
24th do. "	North-Western	1,803	8,41,918	460	1,803	4,99,110	277	19,13,562	412	13,14,210	390	...	5,99,352	
24th do. "	Amritsar-Patankot	66	8,070	122	66	7,793	118	10,111	113	18,443	115	...	708	
24th do. "	Bareilly-Pilibhit	39	1,304	30	39	2,016	57	4,185	45	4,608	53	473	...	
24th do. "	Dacca	10	1,775	177	80	4,000	53	8,245	204	10,316	50	5,071	...	
17th do. "	Jonhat	23	434	19	30	610	21	1,024	18	1,185	20	461	...	
24th do. "	Cawnpore-Kalpi				42	2,663	63			6,018	60	6,048	...	
	TOTAL	4,992	14,08,779	205	5,185	12,93,829	232	35,00,489	281	30,48,144	242	...	5,42,345	
GRAND TOTAL (GUARANTEED AND STATE)			10,559	41,36,131	391	10,560	40,73,936	375	1,03,44,182	380	99,91,701	367	...	6,52,721
GROSS ESTIMATED EXPENSES			...	...	...	...	...	47,08,492	175	46,52,945	170	...	...	
NET RECEIPTS			...	...	...	...	...	56,80,000	205	50,39,710	191	...	5,16,304	
	<i>Assisted Companies.</i>													
17th April 1886	Bengal-Central	126	7,657	61	126	9,019	72	31,303	97	24,352	98	...	6,951	
24th do. "	Rohilkhand and Kumaon	67	4,910	73	67	7,400	110	11,377	66	18,370	113	6,993	...	
7th do. "	Assam	78	3,910	50	78	7,145	92	1,5,800	64	17,333	91	4,461	...	
4th do. "	Southern Mahatta	214	14,390	67	316	32,260	102	28,494	52	7,583	65	44,479	...	
7th do. "	Bengal and North-Western	393	20,450	97	393	50,780	197	71,383	92	1,10,251	150	38,868	...	
4th do. "	Tarakessur	22	9,771	444	22	9,532	433	20,919	370	19,490	361	...	1,429	
	TOTAL	810	70,688	87	91	1,25,082	137	1,76,315	85	2,62,679	119	86,304	...	
	<i>Native States.</i>													
4th April 1886	Bhavnagar-Gondal	193	2,5830	118	193	26,575	138	61,743	125	58,498	125	...	3,245	
14th do. "	Jodhpore	64	2,821	41	64	4,400	60	7,943	49	10,147	71	2,499	...	
7th do. "	Nizam's	121	21,191	175	121	22,158	167	51,759	166	47,930	95	...	3,823	
7th do. "	Mysore	140	6,572	47	140	7,912	57	18,317	51	18,317	53	...	358	
7th do. "	Rajpura-Patiala	16	1,250	80	16	1,558	97	3,094	70	3,490	90	372	...	
	TOTAL	534	54,712	100	61	62,603	101	1,42,636	104	1,38,681	92	...	4,555	

N.B.—As regards the figures in column "Total receipts from 1st April to date," audited figures have been availed of as far as possible.

SIMLA.

12th May, 1886.

FRED. FIREBRACE, Major, R.E.,  
Under Secretary.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 15, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 15th March 1886.*

From the 10th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's *Gazette*.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

*Publisher, Gazette of India.*

### SURVEY OF INDIA.

#### NOTIFICATION.

*Simla, the 6th May 1886.*

No. 555.—Mr. C. G. S. Wood, Assistant Surveyor, 3rd Grade, Survey of India, is granted extraordinary leave without allowances for twenty months, under Section 134, Chapter X of the Civil Leave Code, with effect from 1st May 1886, or such subsequent date as his services can be spared.

H. R. THUILLIER, *Lieut.-Colonel, R.E.,*

*Offg Surveyor General of India.*



# ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The Undermentioned Candidates have passed the B. A. Examination :—

*This list is arranged in Alphabetical Order.*

Abdul Aziz	...	Dacca College.	Chandra, Manmohan	...	Teacher.
" Hak	...	Teacher.	Chattopadhyay, Asutosh	...	Metropolitan Institution.
" Wajid	...	Dacca College.	" Asutosh	...	Free Church Institution.
Adhikari, Debicharan	...	Free Church Institution.	" Bidhubhushan	...	Metropolitan Institution.
" Homnath	...	City College.	" Bihari Lal	...	Hughli College.
Baksi, Taraprasanna	...	Metropolitan Institution.	" Binaychandra	...	Free Church Institution.
Bandyopadhyay, Abinashchandra	...	Free Church Institution.	" Chandmohan	...	Rajshahya College.
" Akhilechandra	...	Presidency College	" Hemchandra	...	Presidency College.
" Anupchandra	...	L. M. S. College, Bhowanipur.	" Jnanranjan	...	Ditto.
10 " Asutosh	...	Ditto	" Jogindranath	...	Ditto.
" Balaram	...	Metropolitan Institution.	" Jogindranath	...	Hughli College.
" Banwarilal	...	Free Church Institution.	" Kalipada	...	Ditto.
" Baradakanta	...	Teacher.	" Kedarnath	...	City College.
" Bipakrishna	...	Metropolitan Institution.	" Kunjabihari	...	Free Church Institution.
" Binodlal	...	Free Church Institution.	" Makhanlal	...	City College.
" Chunulal No. 2	...	General Assembly's Institution.	" Nagendranath	...	Hughli College.
" Dwaiachandra	...	Free Church Institution.	" Nanilal	...	Metropolitan Institution.
" Grisechandra	...	Metropolitan Institution.	" Pasupati	...	Ditto.
" Jogindranath	...	Free Church Institution.	" Phalaram	...	City College.
" Jogindranath	...	Metropolitan Institution.	" Rajanikanta	...	Teacher.
20 " Kalprasanna	...	Ditto.	" Rajendranath	...	L. M. S. College Bhowanipur.
" Kesharnath	...	L. M. S. College, Bhowanipur	" Rakhachandra	...	Metropolitan Institution.
" Lalitmohan	...	Metropolitan Institution.	" Ramapati	...	Presidency College.
" Narendranath	...	Free Church Institution.	90 " Saratchandra	...	General Assembly's Institution.
" Nriyagopal	...	Metropolitan Institution.	" Sasibhushan	...	Metropolitan Institution.
" Pramathanath	...	Free Church Institution.	" Srischandra	...	Hughli College.
" Rajendranath	...	L. M. College, Benares	" Sukumar	...	General Assembly's Institution.
" Rakhaldas	...	Teacher.	" Suranath	...	Teacher.
" Rasbihari	...	General Assembly's Institution.	" Trailokyanath	...	Metropolitan Institution.
30 Barat, Benimadhab	...	Hughli College.	Chaudhuri, Bamapada	...	Presidency College.
Barori, Ambikacharan	...	Patna College.	" Brajaraj	...	Metropolitan Institution.
Baruya, Debicharan	...	General Assembly's Institution.	" Debendranath	...	Doveton College.
Basak, Rebatimohan	...	Dacca College.	" Narendrakumar	...	Presidency College.
Basu, Abhaypada	...	Canning College.	100 " Prasannaachandra	...	Metropolitan Institution.
" Akhilechandra	...	General Assembly's Institution.	" Syamacharan	...	Ditto.
" Akshaykumar	...	Dacca College.	Chhail, Bihari Lal	...	Canning College.
" Bhupatimath	...	Ravenshaw College.	" Das, Akshaykumar	...	Presidency College.
" Bipinbihari	...	Metropolitan Institution.	" Kailashchandra	...	Free Church Institution.
" Biswanath	...	L. M. S. College, Bhowanipur.	" Kalikanta	...	Metropolitan Institution.
40 " Chandrakumar	...	Free Church Institution.	" Karunakumar	...	City College.
" Hridaydhan	...	General Assembly's Institution.	" Manmathalal	...	General Assembly's Institution.
" Jnanendranath	...	Free Church Institution.	" Piyaumohan	...	Metropolitan Institution.
" Rajendranath	...	Teacher.	" Sibkrishna	...	Presidency College.
" Rameschandra	...	Free Church Institution.	110 " Sudarsan	...	General Assembly's Institution.
" Sureschandra	...	Doveton College.	" Syamacharan	...	City College.
Bhagwati Sahay	...	Metropolitan Institution.	" Syamlal	...	Presidency College.
Bhagwati Charan	...	Patna College.	Dasgupta, Jogeschandra	...	City College.
Bhanja, Upendranath	...	Presidency College.	" Karunakanta	...	L. M. S. College, Bhowanipur.
Bhattacharyya, Anandamohan	...	Teacher.	" Sridhar	...	Free Church Institution.
50 " Anangamohan	...	Presidency College.	Datta, Asutosh	...	Ditto.
" Banacharan	...	Metropolitan Institution.	" Banikanta	...	Muir Central College.
" Durgadas	...	Teacher.	" Bipinbihari	...	General Assembly's Institution.
" Kedarnath	...	Metropolitan Institution.	" Dharanidhar	...	Free Church Institution.
" Nibaranachandra	...	Presidency College.	120 " Dwarkanath	...	General Assembly's Institution.
" Srikantha	...	Metropolitan Institution.	" Gurudas	...	City College.
Biswas, Gurudas	...	Dacca College.	" Jnanendranarayan	...	General Assembly's Institution.
" Sasibhushan	...	Patna College.	" Jogindralal	...	Hughli College.
Bomwetsch, G. S.	...	Doveton College.	" Kaliprasanna	...	Free Church Institution.
Borah, Satyanath	...	Metropolitan Institution.	" Kedarneswar	...	Teacher.
60 Chakrabarti, Debendranath	...	Free Church Institution.	" Krishnakisor	...	Metropolitan Institution.
" Debendranath	...	Ditto	" Kshetramohan	...	Doveton College.
" Ramendra	...	General Assembly's Institution.	" Matilal	...	Teacher.
" Rasikechandra	...	Teacher.	" Nagendranath	...	General Assembly's Institution.
" Rebatimohan	...	Presidency College.	130 " Priyatama	...	Bethune Female School.
" Syamacharan	...	General Assembly's Institution.	" Radhakrishna	...	General Assembly's Institution.
" Udaynaryan	...	Teacher.	" Ramgobinda	...	Metropolitan Institution.
			" Suresnath	...	General Assembly's Institution.

Datta, Suryyalal	...	Free Church Institution.	Marik, Bhabataran	...	General Assembly's Institution.
De, Haradaprasad	...	Ditto	Mewa, Ram	...	Canning College.
" Hemchandra	...	General Assembly's Institution.	Mirza, Wahid Ali Beg	...	Ditto.
" Jnanendranath	...	Doretton College.	Mitra, Aghornath	...	Metropolitan Institution.
" Manmathanath	...	General Assembly's Institution.	" Akshaykumar	...	Ditto.
" Parbaticharan	...	Dacca College.	" Dharaniswar	...	St. Xavier's College.
140 Deb, Mahendrachandra	...	City College.	" Haridas	...	Presidency College.
Devaki, Nandan Lal Sahi	...	Benares College.	220 " Indubhushan	...	General Assembly's Institution.
Dhar Manamohan	...	Free Church Institution.	" Jogindranath	...	Presidency College.
Durga, Dayal	...	Canning College.	" Kaliprasanna	...	Dacca College.
Fox, J. K.	...	Presidency College.	" Nagendranath	...	Presidency College.
Gangopadhyay, Basantakumar	...	Dacca College.	" Nagendranath	...	Free Church Institution.
" Benimadhab	...	Metropolitan Institution.	" Nibaranachandra	...	Metropolitan Institution.
" Bishnupada	...	Teacher.	" Nirmalchandra	...	General Assembly's Institution.
" Nabinchandra	...	Metropolitan Institution.	" Prabodhachandra	...	Ditto.
Ghatak, Kaliprasanna	...	Rajshahye College.	" Ramondralal	...	Presidency College.
150 Ghosh, Amulyachandra	...	Metropolitan Institution.	Muhammad, Ishfak	...	Free Church Institution.
" Asutosh	...	Ditto.	230 " Israel	...	Presidency College.
" Hemchandra	...	General Assembly's Institution.	" Israel Khan	...	Ditto.
" Jyotiprasad	...	Presidency College.	Mukhopadhyay, Bipinbhari	...	St. Xavier's College.
" Khagendranath	...	Free Church Institution.	" Bipinchandra	...	Free Church Institution.
" Kunjabihari	...	Metropolitan Institution.	" Birajchandra	...	Ditto.
" Mahimachandra	...	General Assembly's Institution.	" Charuchandra	...	Ditto.
" Nagendranath	...	Ditto.	" Gangacharan	...	Hughli College.
" Narayandas	...	L. M. S. College, Bhowanipur.	" Gaurhari	...	Free Church Institution.
" Nareschandra	...	Free Church Institution.	" Girindrachandra	...	Metropolitan Institution.
160 " Pranchaitanya	...	Teacher.	" Girindranath	...	Presidency College.
" Rajaninath	...	Hughli College.	" Hangeswar	...	Metropolitan Institution.
" Rajendranath	...	Free Church Institution.	" Haripada	...	Hughli College.
" Saratchandra	...	City College.	" Haripada	...	Presidency College.
" Satishchandra	...	Presidency College.	" Jogindrachandra, No. 2,	...	Metropolitan Institution.
" Siddheswar	...	Hughli College.	" Kalidas	...	Hughli College.
" Sitalprasad	...	Presidency College.	" Kalikananda	...	Presidency College.
" Surendrachandra	...	Ditto.	" Kaliprasanna	...	General Assembly's Institution.
" Surendranath	...	Metropolitan Institution.	" Kedareswar	...	Metropolitan Institution.
Ghoshal, Hemendranath	...	Ditto	" Kshitibhushan	...	Krishnagar College.
170 Godfrey, L. E.	...	Doretton College.	" Lal Mohan	...	City College.
Gopal Ganesh Ranade	...	Canning College.	" Mahendranath	...	Ditto.
Goswami, Kunjabihari	...	Free Church Institution.	" Rajendranath	...	Hughli College.
" Sasibhushan	...	Rajshahye College.	" Ramchandra	...	Metropolitan Institution.
Guha, Jogindranath	...	General Assembly's Institution.	" Saratchandra	...	Presidency College.
" Kedarnath	...	Metropolitan Institution.	" Sasibhushan	...	City College.
" Maheschandra	...	Rajshahye College.	" Sureschandra	...	Free Church Institution.
" Mohimochandra	...	Muir Central College.	" Susilendra	...	Teacher.
Gupta, Anilchandra	...	Teacher.	" Taraprasanna	...	Metropolitan Institution.
" Asutosh	...	Free Church Institution.	Munshi, Dakshinacharan	...	Rajshahye College.
180 " Baradacharan	...	Presidency College.	Murphy, E. A. B. E.	...	Mussoorie School.
" Charuchandra	...	Metropolitan Institution.	260 Mustafi, Manmatha	...	Metropolitan Institution.
" Gurulal	...	Teacher.	" Nag, Jyotindramohan	...	Ditto.
" Rasiklal	...	Metropolitan Institution.	Nandi, Rajaninath	...	General Assembly's Institution.
" Sibauath	...	Ditto.	" Niyogi, Manmohan	...	Ditto.
Hajra, Phakirdas	...	Ditto.	Nownidh Lal	...	Patna College.
Haldar, S.	...	St. Xavier's College.	Owen, M.	...	St. Xavier's College.
Har Saran	...	Agra College.	Pal, Lakshminarayan	...	City College.
Hemayat Uddin	...	Dacca College.	" Sandaprasanna	...	Metropolitan Institution.
Htoon Chan	...	St. Xavier's College.	Palit, Kalicharan	...	General Assembly's Institution.
190 Kalka Singh	...	Canning College.	" Purnachandra	...	Ravenshaw College.
Kar, Binodinkanta	...	Dacca College.	270 Raghupershad	...	Canning College.
Kastagiri, Jogindralal	...	Metropolitan Institution.	Rai, Prithwi Nath	...	Muir Central College.
Keshav Vinayak Joshi	...	Canning College.	Ramprasad	...	Canning College.
Krishnaji Hari Datey	...	Ditto.	Ray, Chandrasekhar	...	General Assembly's Institution.
Kundu, Anandachandra	...	Free Church Institution.	" Gopalchandra	...	Free Church Institution.
Lala, Harbandhan Lal	...	Benares College.	" Kulachandra	...	Metropolitan Institution.
" Kalindi Prasada	...	Ditto.	" Lalitmohan	...	General Assembly's Institution.
" Sivanandan Prasada	...	Ditto.	" Nripendrachandra	...	Metropolitan Institution.
Linton, C. H.	...	Teacher.	" Priyanath	...	City College.
200 Mahendrakisor	...	Patna College.	" Purnachandra	...	General Assembly's Institution.
Mahmud	...	Presidency College.	" Sitanath	...	Free Church Institution.
Maitra, Girindrachandra	...	Free Church Institution.	" Surendranath	...	Ditto.
" Mukundamohan	...	Presidency College.	Raychaudhuri Paresnath	...	Ditto.
Majumdar, Charuchandra	...	Hughli College.	Sailajaprasad	...	Patna College.
" Indrabhushan	...	Metropolitan Institution.	Sanyal Banichandra	...	Metropolitan Institution.
" Indubhushan	...	Presidency College.	Sarbadhikari Suresprasad	...	Metropolitan Institution.
" Mahananda	...	General Assembly's Institution.	Sarkar Baradakanta	...	General Assembly's Institution.
" Prasannakumar	...	Metropolitan Institution.	" Bhabataran	...	Free Church Institution.
" Rasbihari	...	Free Church Institution.	" Chintamanf	...	Metropolitan Institution.
210 " Umesochandra	...	Ditto.			
Mallik, Kalidas	...	Presidency College.			
Mandal, Ramkrishna	...	City College			

Sarkar, Kalipada	...	General Assembly's Institution.	Sinha, Kedarnath	...	General Assembly's Institution.
290 " Purnachandra	...	Metropolitan Institution.	" Madhusudan	...	Free Church Institution.
Sen, Asutosh	...	Free Church Institution.	" Ramlal	...	Patna College.
" Bhupendranath	...	General Assembly's Institution.	" Satischandra	...	Free Church Institution.
" Bipinchandra	...	Metropolitan Institution.	" Shamsherbahadur	...	L. M. College Benares.
" Dakshinaranjan	...	Ditto.	" Surendranath	...	Presidency College.
" Dinabandhu	...	St. Xavier's College.	Som, Baikunthanath	...	City College.
" Dinanath	...	Hughli College.	" Gopalchandra	...	Hughli College.
" Jyotindrachandra	...	Doverton College.	Sundar Das Suri	...	Teacher.
" Mathuranath	...	Metropolitan Institution.	Sur, Biharilal	...	Ditto.
" Phanibhushan	...	General Assembly's Institution.	" Sasibhushan	...	Free Church Institution.
300 " Saratchandra No. 2	...	Metropolitan Institution.	320 Surya Prasad	...	Patna College.
" Saratchandra	...	Benares College.	Syed Mahomed Ali	...	M. A. O. College, Aligarh.
" Sasikumar	...	General Assembly's Institution.	Syed Nazir Hassan	...	Free Church Institution.
" Surendrachandra	...	Doverton College.	Talukdar Harendrachandra	...	General Assembly's Institution.
" Taraprasad	...	Dacca College.	Thakur Dayal	...	Patna College.
Songupta, Ambikaprasad	...	General Assembly's Institution.	Thakur Kesabadasa	...	Muir Central College.
Sil, Maniklal	...	Free Church Institution.	" Narendranath	...	General Assembly's Institution.
" Ramkrishna	...	Ditto.	Ukil, Syamacharan	...	Free Church Institution.
Sinha, Bankubihari	...	St. Xavier's College.	Venka, H. C.	...	Benares College.
			Wilayat Husain	...	M. A. O. College, Aligarh.
			330 Yawar Hosain Khan	...	Patna College.
			331 Zahurul Husen	...	Teacher.

The undermentioned candidates have taken Honours in the B. A. Examination:—

*These Lists are arranged in Order of Merit.*

(C) indicates 1st division in	Chemistry and Physics.	(c) indicates 2nd division in	Chemistry and Physics.
(E) ...	English.	(e) ...	English.
(L) ...	Latin.	(l) ...	Latin.
(M) ...	Mathematics.	(m) ...	Mathematics.
(P) ...	Persian.	(p) ...	Persian.
(Ph) ...	Mental and Moral Science.	(ph) ...	Mental and Moral Science.
(S) ...	Sanskrit.	(s) ...	Sanskrit.

#### ENGLISH.

##### FIRST DIVISION.

1 Bhattacharyya, Janakinath. (S) (ph)	...	City College.	13 Bandyopadhyay, Chandra bhushan	...	Metropolitan Institution.
2 Mukhopadhyay, Durgadas. (Ph)	...	Free Church Institution.	14 { Majumdar, Surendranath	...	St. Xavier's College.
3 Wheeler, E. M. (L)	...	Presidency College.	" Sen, Jagadishchandra	...	Dacca College.
4 Das, Jogindranath	...	Ditto.	16 Ramachandra	...	Muir Central College.
5 { Das, Nibaranchandra. (Ph)	...	City College.	17 Dover, W. C.	...	St. Xavier's College.
" Fernando, M. J.	...	Free Church Institution.	18 { Chattopadhyay, Kshiro-	...	Presidency College.
7 Ahmad	...	Presidency College.	" dechandra. (ph)	...	Dacca College.
8 Guha, Taraprasanna	...	Ditto.	" Guha, Umeschandra	...	Muir Central College.
9 Datta, Manmathanath	...	Metropolitan Institution.	20 { Ghosh, Atulkrishna	...	Free Church Institution.
10 Kastagiri, Saradacharan	...	Ditto.	" Sarkar, Rajanikanta	...	Presidency College.
11 { Abdus Samad	...	Free Church Institution.	22 { Abdur Rahim	...	Dacca College.
" Chattopadhyay, Naliniranjan	...	Presidency College.	" Ghosh, Saratchandra	...	Patna College.
			24 De, Manmathanath	...	

##### SECOND DIVISION.

25 Azmat Ali Firoz	...	Muir Central College.	43 { Ghosh, Ambikacharan	...	Dacca College.
26 De, Ramnath. (Ph)	...	Presidency College.	" Syamacharan	...	Patna College.
27 { Das, Bipinbihari (s)	...	Ditto.	" Gokulprasad. (s)	...	Muir Central College.
" Mukhopadhyay, Saratchandra	...	Benares College.	Zahurul Haq	...	Dacca College.
29 Ghosh, Surendranath	...	Dacca College.	47 Gupta, Bhubanmohan	...	Metropolitan Institution.
30 Chakrabarti, Phatikchandra	...	Krishnagar College.	48 Bardolai, Gopinath	...	General Assembly's Institution.
31 Dasgupta, Mathuranath	...	Patna College.	49 Dikshita, Ambikaprasad	...	Canning College.
32 Ray, Kalicharan	...	Free Church Institution.	50 Gupta, Sukhamay	...	Free Church Institution.
33 Bhaduri, Nabakrishna	...	Metropolitan Institution.	51 Bandyopadhyay, Purnachandra	...	General Assembly's Institution.
34 Sen, Debendranath	...	Teacher.	52 Chattopadhyay, Haraprasad	...	Free Church Institution.
35 Muhammad Husain Azmi	...	Muir Central College.	53 Gupta, Kaminimohan	...	Ditto.
36 Shibho Lal	...	Agra College.	54 Mitra, Hemchandra	...	Patna College.
37 Abdul Karim	...	Presidency College.	55 Ray, Saratchandra	...	Presidency College.
38 Yugala Kishora	...	L. M. College, Benares.	56 Kanhaiya Lal Dave. (s)	...	Muir Central College.
39 Abdus Samad. (p)	...	Patna College.	57 Gangopadhyay, Bhupalchandra. (s)	...	Presidency College.
40 Basu, Haridas	...	Metropolitan Institution.	58 Sarmabiswas, Raman-	...	Dacca College.
41 Dasgupta, Prasannakumar. (s)	...	Dacca College.	krishna	...	
42 Gouri Sankar. (c)	...	Muir Central College.			

## MENTAL AND MORAL SCIENCE.

## FIRST DIVISION.

1 Majumdar, Syamaprasanna	Presidency College.	7 Bandyopadhyay, Apurba-	
2 Raychaudhuri, Purna-		kumar	St. Xavier's College.
chandra	... Ditto.	8 Mitra, Basambad	City College.
3 Ghosh, Atalbihari	... Ditto.	9 { Chattopadhyay, Charu-	
4 Basu, Satyamanda	... Ditto.	chandra	Free Church Institution
5 De, Ramanath (e)	... Ditto.	{ Das, Nibgranchandra. (K)	City College.
6 Mukhopadhyay, Durga		11 Bandyopadhyay, Jagada-	
das. (E)	Free Church Institution.	nanda	Metropolitan Institution
		12 Kunjbehari Seth	Canning College.

## SECOND DIVISION.

13 Trimuckanant Sothey. (s)	Agra College.	18 Dipchand	Agra College.
14 Bhattacharyya, Janaki-		19 Das, Kanailal	Benares College.
nath. (E) (S)	City College.	20 Jugalbehari Makar	Agra College.
15 Nand Kishore Lall	Presidency College.	21 Haldar, Hiralal	General Assembly's Insti-
16 Mukhopadhyay, Kalisan-			tution.
kar	... Ditto.	22 Sen, Upendranath	Canning College.
17 Chattopadhyay, Kshirod-		23 Rajaram	Ditto
chandra. (E)	Ditto.		

## SANSKRIT.

## FIRST DIVISION.

1 Bhattacharyya, Janaki-		2 Chakrabarti, Sitalchan-	
nath. (E) (ph)	City College.	dra	City College.

## SECOND DIVISION.

3 Basu, Nityakrishna	Metropolitan Institution.	11 Gangopadhyay, Bhupal-	
4 Sen, Kamini	Bethune Female School.	chandra. (e)	Presidency College.
5 { Trimuckanant Sothey. (ph)	Agra College.	12 Das, Umakanta	City College.
Vinayak Rao Yadeo		13 De, Purnachandra	Metropolitan Institution.
Bhoje	Muir Central College.	14 Dasgupta, Prasannaku-	
7 Bandyopadhyay, Sasa-		mar. (e)	Dacca College.
dhar	Presidency College.	15 Bandyopadhyay, Prabha-	
8 Das, Bipinbihari. (e)	Ditto.	charan	Metropolitan Institution.
9 Kanhaiya Lal Dave. (e)	Muir Central College.	16 Gokulprasad. (e)	Muir Central College.
10 Mukhopadhyay, Giris-		17 Bhattacharyya, Syama-	
chandra	Hughli College.	charan	Metropolitan Institution.
		18 Gangopadhyay, Pratap-	
		chandra	Dacca College.

## PERSIAN.

## FIRST DIVISION.

1 Zahhadur Rahim	Dacca College.	3 Hafiz Ibadullah	Agra College
2 Mubarak Hussain	Muir Central College.		

## SECOND DIVISION.

4 Abdus Samad. (e)	Patna College.	5 Muhammad Habibullah	Patna College.
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## LATIN.

## FIRST DIVISION.

1 Wheeler, E. M. (E)	...	...	Presidency College.
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## SECOND DIVISION.

2 Billing, W.	...	...	Teacher.
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## HISTORY.

## FIRST DIVISION.

1 Mukhopadhyay, Satyachandra	...	...	City College.
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## SECOND DIVISION.

2 Sen, Bhaminiranjan...	City College.	4 Bandyopadhyay, Ramkrishna	City College
3 „ Kedarnath	Metropolitan Institution.		

## MATHEMATICS.

## FIRST DIVISION.

1 Basu, Abinashchandra	Presidency College.	3 Mitra, Srischandra. (e)...	Presidency College.
2 Bandyopadhyay, Kshetra-			
mohan	Metropolitan Institution.		

4	Haldar, Piya-rilal. (c) ...	Presidency College.	12	Kundu, Radhagobinda ...	Hughli College.
	{ Basak, Rajkisor ...	Ditto.	13	Datta, Radhakanta ...	Patna College.
	{ Das, Gobindachandra,		14	Bhattacharyya, Sarada-	
5	{ No. 1. (C) ...	Dacca College.		mohan ...	Dacca College.
	{ Mukhopadhyay, Abinas-		15	Ray, Kalikumar ...	Patna College.
	{ chandra ...	Presidency College.	16	Kshatriya, Debidayal ...	L. M. College, Benares.
8	Chaudhuri, Jnanendra-		17	Ghosh, Surendrakumar ...	Hughli College.
	nath. (c) ...	Ditto.	18	Datta, Satykrishna ...	Presidency College.
9	Dhar, Mohinimohan ...	Metropolitan Institution.	19	Narayan Moreswar Sane.	Muir Central College.
10	{ Bhattacharyya, Kalipada	Presidency College.			
	{ Chaturvedi, Badrinath ...	Muir Central College.			

1	Trivodi, Ramendrasundar	Presidency College.	2	Das, Gobindachandra,	
				No. 1. (m)	... Dacca College.

3	{ Haldar, Piyarilal. (m) ...	Presidency College.	8	Saha, Gangadas ...	Presidency College.
	{ Mitra, Srischandra. (M) ...	Ditto.	9	Kastagiri, Dhirendralal ...	Ditto.
6	{ Sinha, Sureschandra ...	Ditto.	10	Gouri Sankar. (e) ...	Muir Central College.
6	{ Chaudhuri, Jnanendra-nath. (m) ...	Ditto.			
	{ Sarkar, Annadaprasad ...	Ditto.			

W. GRIFFITHS,  
*Registrar.*

... Medical College.

1. Bandyopadhyay, Trailokyanath	...	...	Medical College.
2. Ghatak, Annadaprasanna	...	...	Ditto.
3. Nallatamby, C. W.	...	...	Ditto.

SENATE HOUSE, *the 11th May 1886.*

LIABILITIES.	#	a.	p.
Capital paid-up . . . . .	2,00,00,000	0	0
Reserve Fund . . . . .	41,56,684	15	0
Public Deposits at Head Office           #         a.      p. . 1,11,62,381          7       3 } Public Deposits at Branches           1,26,31,916   15   1 }	2,37,94,298	6	4
Other Deposits at Head Office and Branches . . . . .	2,87,41,953	14	2
Bank Post Bills, &c. . . . .	3,18,623	8	0
Sundries . . . . .	18,15,196	9	4
RUPERS	7,88,26,757	4	10

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ASSETS.	#	a.	p.
Government Securities . . . . .	61,41,807	4	0
Other authorized Investments . . . . .	40,29,342	8	0
Loans on Government and other authorized Securities . . . . .	1,06,79,847	3	7
Accounts of Credit on Government and other authorized Securities . . . . .	82,73,026	13	10
Bills discounted and purchased . . . . .	2,47,91,632	8	0
Balances with other Banks . . . . .	8,18,129	11	4
Bullion . . . . .	24,972	4	4
Dead Stock . . . . .	11,35,785	9	8
Stamps . . . . .	8,998	5	0
Sundries . . . . .	6,52,928	14	10
	5,71,56,471	2	7
Cash and Currency Notes at Head Office . . . . .	83,30,519	15	2
Cash and Currency Notes at Branches . . . . .	1,33,39,766	3	1
RUPERS	7,88,26,757	4	10

By Order of the Directors,  
W. D. CRUICKSHANK,  
*Offg. Secretary & Treasurer.*

**Rate for Demand Loans 6 per cent.  
Percentage 39'6.**

## SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

### NOTIFICATIONS.

*Simla, the 22nd April 1886.*

**No. 9.**—The services of 2nd Grade Senior Apothecary Thomas Lyons are placed at the disposal of the Bengal Government for permanent civil employment.

**No. 10.**—The services of the undermentioned 1st Grade Apothecaries are placed at the disposal of the Bengal Government, with effect from the dates specified:—

Richard Michael Blaker,—18th January 1886  
James Kelly,—23rd January 1886.

B. SIMPSON, M.D.,

*Surgeon-General with the Govt. of India.*

## TELEGRAPH DEPARTMENT.

### NOTIFICATION.

*Simla, the 10th May 1886.*

Offices reported opened and closed during the month of April 1886:—

Name of Station.	Where situated.	Date.	REMARKS.
Aska . . . .	Madras Presdy. .	9th Apl.	Opened.
Boileauganj . .	(Simla) Punjab .	1st "	Ditto.
Darjeeling (Secretariat).	(Darjeeling) Bengal.	16th "	Ditto.
Erinpura . . . .	Rajputana . . .	19th Mar.	Ditto.
Landour . . . .	N.-W. Provinces .	1st Apl.	Ditto.
Maimensing . . .	Eastern Bengal .	4th "	Ditto.
Mussooree (Library Bazar).	N.-W. Provinces .	1st "	Ditto.
Panipat . . . .	Punjab . . . .	25th "	Ditto.
Ranikhet Cantonment.	N.-W. Provinces .	15th "	Ditto.
Sojat . . . . .	Rajputana . . .	6th "	Ditto.
Yandoon . . . .	Burmah . . . .	19th Mar.	Ditto.
Chunian . . . .	Punjab . . . .	30th Apl.	Closed.
Gyobin (field Office).	Upper Burmah . .	5th "	Ditto.
Malabar Point . .	Bombay . . . .	3rd "	Ditto.
Sittang . . . .	Burmah . . . .	8th "	Ditto.
<i>Railway.</i>			
Ajodhya Junction	Oudh and Rohilkund Ry.	10th Apl.	Opened.
Darshannagar . .		10th "	Ditto.
Darshannagar . .		14th "	Closed.
Bhimun . . . .	Bhopal-Jhansi-Cawnpore Section of Indian Midland Ry.	1st "	Opened.
Chowra . . . .			
Pakhram . . . .			
Paman . . . .	Assam-Bihar State Ry.	16th "	Ditto.
Lalpur . . . .			
Manihari . . . .			
Purneah . . . .		19th "	Ditto.

**No. 3.**—Mr. J. W. B. Duthy, Superintendent, 5th Grade, is allowed furlough for nine months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 15th April 1886

A. J. LEPPOC CAPPEL,

*Director General of Telegraphs in India.*

## INDO-EUROPEAN TELEGRAPH DEPARTMENT.

### NOTIFICATION.

*Calcutta, the 13th May 1886.*

**No. 142.**—Mr. F. A. Patten has been granted by the Director, Persian Gulf Telegraph, fur-

lough for one year and six months, under Section 50, and subsidiary leave not exceeding five days, under Section 18(a), of the Civil Leave Code, with effect from 9th April 1886, subject to the confirmation by the Director-in-Chief, Indo-European Telegraph.

J. GRIERSON, *Lt.-Col., B.S.C.,*

*Examiner of Telegraph Accounts.*

## AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

### NOTIFICATIONS.

*Indore Residency, the 5th May 1886.*

**No. 1796.**—Lieutenant C. P. Campbell, Officiating 4th Squadron Commander, 2nd Regiment, Central India Horse, is granted accumulated privilege leave for ninety days from the 12th May 1886, or such date as he may avail himself of it.

*The 7th May 1886.*

**No. 1818.**—Captain E. S. Masters, Adjutant, Bhopal Battalion, is granted thirty days' privilege leave from the 3rd May 1886.

*The 8th May 1886.*

**No. 1845.**—In accordance with Foreign Department Notification No. 836 G., dated the 19th April 1886, Major N. C. Martelli made over and Captain A. P. Thornton received charge of the Office of Political Agent in Bhopawar on the forenoon of the 3rd May 1886.

By Order,

F L PETRE,

*1st Asst. Agent to the Govr. Genl.  
for Central India.*

## AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

### NOTIFICATIONS.

*Abu, the 5th May 1886*

**No. 1043 G.**—Surgeon W. W. Webb, Officiating Medical Officer, Meywar Bhil Corps, availed himself, on the forenoon of the 28th April 1886, of the privilege leave granted him in Foreign Department Notification No. 841 G., dated the 19th idem.

*The 7th May 1886.*

**No. 1053 G.**—Captain A. C. Talbot, C.I.E., Political Agent, Bickaneer, availed himself, on the afternoon of the 28th April 1886, of the privilege leave granted him in this Office Notification No. 811 G., dated the 14th idem

Surgeon P. D. Pank, Agency Surgeon, Bickaneer, will hold charge of the current duties of the Bickaneer Agency Office, in addition to his own, during Captain Talbot's absence, or until further orders.



*The 8th May 1886.*

**No. 1064 G.**—Second Class Hospital Assistant No. 241, Gopal Dass, received medical charge of the Meywar Bhil Corps on the forenoon of the 28th April 1886, in addition to his own duties, from Surgeon W. W. Webb, proceeding on sixty days' privilege leave.

**No. 1081 G.**—Colonel A. Conolly, Commandant, Meywar Bhil Corps, is granted privilege leave for sixty days, with effect from the 20th May 1886, or such subsequent date as he may avail himself of the same.

*The 10th May 1886.*

**No. 1094 G.**—Lieutenant-Colonel A. W. Roberts, Political Agent, Ulwar, is granted two months' privilege leave, with effect from the 17th May 1886, or such subsequent date as he may avail himself of the same.

By Order,  
HUGH DALY,

for 1st Asst. to the Agent to the Govr. Genl.,  
Rajputana.

## CHIEF COMMISSIONER OF AJMERE-MERWARA.

### NOTIFICATIONS.

*Mount Abu, the 7th May 1886.*

**No. 459-562 IV.**—Mr. R. S. Whiteway, C.S., Settlement Officer, Ajmere-Merwara, after making over charge of his Office to the Commissioner, availed himself, on the afternoon of the 19th April 1886, of the furlough granted him in Foreign Department Notification No. 463 G., dated the 10th March 1886.

*The 8th May 1886.*

**No. 475-96 III.**—With reference to the Agent to the Governor General's Notification No. 815 G., dated the 14th April 1886, Colonel F. W. Boileau made over charge of the Office of Cantonment Magistrate, Deoli, to Lieutenant J. A. Bell on the afternoon of the 22nd April 1886.

Lieutenant Bell is invested with the powers of a Magistrate of the 2nd Class, as described in Section 32, Act X of 1882 (Criminal Procedure Code), with effect from the 22nd ultimo, to be exercised during the time he may act as Cantonment Magistrate.

By Order,  
HUGH DALY,

for 1st Asst. to the Agent to the Govr. Genl.

**No. 1117 S.**—Whereas land is required in the Ajmere District for a public purpose, namely, for the proposed approach road to the Conservancy Collecting Station, this declaration is made in accordance with the provisions of Section 6 of Act X of 1870:—

District.	Pargana.	Village.	AMOUNT REQUIRED FOR OCCUPATION		TOTAL.	Purpose for which required.	REMARKS.
			Permanently.	Temporarily			
Ajmere	Ajmere	Ajmere	A. R. P. 0 3 10	A. R. P. ..	A. R. P. 0 3 10	For the proposed approach road from the Quansarganj to the Conservancy Collecting Station.	The plan can be inspected at the Office of the Assistant Commissioner, Ajmere.

By Order,

S. S. JACOB, *Lieut.-Colonel*,  
Offg. Secy. to the Chief Commr. Ajmere & Merwara.

## CALCUTTA MINT.

### NOTIFICATION.

List of Coins acquired under the Indian Treasure Trove Act and available for sale to Numismatists (Home Department Resolution No. 46-1668-82, dated 9th October 1884).

No.	DESCRIPTION	Metal.	Value			Number available for sale.	REMARKS.
			R	a.	p.		
1	Found in the Fattchgarh District. Coins of Mauzz-ud-din Muhammad bin Sami: Obverse: Horseman with an indistinct Persian inscription probably "Muhammad." Reverse: Bull with a Hindi inscription "Shri Muhammad Sami."—Date about 1192 A.D.	Copper.	0	1	0	2	These coins will be available for sale up to and not later than the 4th September 1886.
				each			
4	Found at Chaibassa, in the Singbhum District. Old Hindu punched coins.	Silver.	0	4	0	214	Do. 7th December 1886
22	Found in the Gupat District (Punjab). Coins of Pathan Sikandar Lodi A. H. 894-923 = A.D. 1488-1-17, with imperfect dates.	Copper.	0	1	0	45	Do. 17th January 1887.]
23	Ditto with illegible dates.	Do.	0	0	6	101	
				each			

A. W. BAIRD, *Major, R.E.*,  
Offg. Master of the Mint.



NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 6th May 1886.

PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.				IRRIGATION.				STATE RAILWAYS (CAPITAL).				STATE RAILWAYS (REVENUE).			
Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.	Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.	Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.	Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.
1	Rajputana	Feb. 1886	Apr. 16, 1886	1	Rajputana	Feb. 1886	Apr. 16, 1886	1	Amritsar-Pathankot	Feb. 1886	Mar. 19, 1886	1	Amritsar-Pathankot	Feb. 1886	Mar. 19, 1886
2	Port Blair	Do	Do	2	Punjab	Do	Do	2	Bengal-Calcutta	Do	Apr. 3, "	2	British Burma	Do	Apr. 24, "
3	Punjab	Do	Do	3	Bombay	Do	Do	3	State Ry. Stores Branch	Do	Do	3	Eastern Bengal	Do	Do
4	Central Provinces	Do	Do	4	Madras	Do	Do	4	State Ry. Stores Branch	Do	Do	4	Cawnpore-Achneyra	Do	Do
5	Hyderabad (Imperial)	Do	Do	5	Military Works Branch	Do	Do	5	Cawnpore-Achneyra	Do	Do	5	Kaunia-Dhuria	Do	Do
6	Military Works Branch	Do	Do	6	British Burma	Do	Do	6	Punjab Prov. Surveys	Do	Do	6	Northern Bengal	Do	Do
7	Assam	Do	Do	7	Bengal	Do	Do	7	Sindh-Sagar	Do	Do	7	Umanah-Colliery	Do	Do
8	Bombay	Do	Do	8	North-Western Provinces and Oudh.	Do	Do	8	Assam	Do	Do	8	Umanah-Colliery	Do	Do
9	Central India (Assigned Districts).	Do	Do	9		Do	Do	9	Assam Subordinate Rys.	Do	Do	9	Northern Bengal	Do	Do
10	Hyderabad Districts.	Do	Do	10		Do	Do	10	Bengal & North-Western	Do	Do	10	Northern Bengal	Do	Do
11	Madras	Do	Do	11		Do	Do	11	Eastern Bengal	Do	Do	11	Northern Bengal	Do	Do
12	British Burma	Do	Do	12		Do	Do	12	Bengal & North-Western	Do	Do	12	Northern Bengal	Do	Do
13	North-Western Provinces and Oudh.	Do	Do	13		Do	Do	13	Bengal & North-Western	Do	Do	13	Northern Bengal	Do	Do
14	Bengal	Do	Do	14		Do	Do	14	Bengal & North-Western	Do	Do	14	Northern Bengal	Do	Do
15		Do	Do	15		Do	Do	15	Bengal & North-Western	Do	Do	15	Northern Bengal	Do	Do
16		Do	Do	16		Do	Do	16	Bengal & North-Western	Do	Do	16	Northern Bengal	Do	Do
17		Do	Do	17		Do	Do	17	Bengal & North-Western	Do	Do	17	Northern Bengal	Do	Do
18		Do	Do	18		Do	Do	18	Bengal & North-Western	Do	Do	18	Northern Bengal	Do	Do
19		Do	Do	19		Do	Do	19	Bengal & North-Western	Do	Do	19	Northern Bengal	Do	Do
20		Do	Do	20		Do	Do	20	Bengal & North-Western	Do	Do	20	Northern Bengal	Do	Do
21		Do	Do	21		Do	Do	21	Bengal & North-Western	Do	Do	21	Northern Bengal	Do	Do
22		Do	Do	22		Do	Do	22	Bengal & North-Western	Do	Do	22	Northern Bengal	Do	Do
23		Do	Do	23		Do	Do	23	Bengal & North-Western	Do	Do	23	Northern Bengal	Do	Do
24		Do	Do	24		Do	Do	24	Bengal & North-Western	Do	Do	24	Northern Bengal	Do	Do
25		Do	Do	25		Do	Do	25	Bengal & North-Western	Do	Do	25	Northern Bengal	Do	Do
26		Do	Do	26		Do	Do	26	Bengal & North-Western	Do	Do	26	Northern Bengal	Do	Do
27		Do	Do	27		Do	Do	27	Bengal & North-Western	Do	Do	27	Northern Bengal	Do	Do
28		Do	Do	28		Do	Do	28	Bengal & North-Western	Do	Do	28	Northern Bengal	Do	Do
29		Do	Do	29		Do	Do	29	Bengal & North-Western	Do	Do	29	Northern Bengal	Do	Do
30		Do	Do	30		Do	Do	30	Bengal & North-Western	Do	Do	30	Northern Bengal	Do	Do
31		Do	Do	31		Do	Do	31	Bengal & North-Western	Do	Do	31	Northern Bengal	Do	Do
32		Do	Do	32		Do	Do	32	Bengal & North-Western	Do	Do	32	Northern Bengal	Do	Do
33		Do	Do	33		Do	Do	33	Bengal & North-Western	Do	Do	33	Northern Bengal	Do	Do
34		Do	Do	34		Do	Do	34	Bengal & North-Western	Do	Do	34	Northern Bengal	Do	Do
35		Do	Do	35		Do	Do	35	Bengal & North-Western	Do	Do	35	Northern Bengal	Do	Do
36		Do	Do	36		Do	Do	36	Bengal & North-Western	Do	Do	36	Northern Bengal	Do	Do
37		Do	Do	37		Do	Do	37	Bengal & North-Western	Do	Do	37	Northern Bengal	Do	Do
38		Do	Do	38		Do	Do	38	Bengal & North-Western	Do	Do	38	Northern Bengal	Do	Do
39		Do	Do	39		Do	Do	39	Bengal & North-Western	Do	Do	39	Northern Bengal	Do	Do
40		Do	Do	40		Do	Do	40	Bengal & North-Western	Do	Do	40	Northern Bengal	Do	Do
41		Do	Do	41		Do	Do	41	Bengal & North-Western	Do	Do	41	Northern Bengal	Do	Do
42		Do	Do	42		Do	Do	42	Bengal & North-Western	Do	Do	42	Northern Bengal	Do	Do
43		Do	Do	43		Do	Do	43	Bengal & North-Western	Do	Do	43	Northern Bengal	Do	Do
44		Do	Do	44		Do	Do	44	Bengal & North-Western	Do	Do	44	Northern Bengal	Do	Do
45		Do	Do	45		Do	Do	45	Bengal & North-Western	Do	Do	45	Northern Bengal	Do	Do
46		Do	Do	46		Do	Do	46	Bengal & North-Western	Do	Do	46	Northern Bengal	Do	Do
47		Do	Do	47		Do	Do	47	Bengal & North-Western	Do	Do	47	Northern Bengal	Do	Do
48		Do	Do	48		Do	Do	48	Bengal & North-Western	Do	Do	48	Northern Bengal	Do	Do
49		Do	Do	49		Do	Do	49	Bengal & North-Western	Do	Do	49	Northern Bengal	Do	Do
50		Do	Do	50		Do	Do	50	Bengal & North-Western	Do	Do	50	Northern Bengal	Do	Do
51		Do	Do	51		Do	Do	51	Bengal & North-Western	Do	Do	51	Northern Bengal	Do	Do
52		Do	Do	52		Do	Do	52	Bengal & North-Western	Do	Do	52	Northern Bengal	Do	Do
53		Do	Do	53		Do	Do	53	Bengal & North-Western	Do	Do	53	Northern Bengal	Do	Do
54		Do	Do	54		Do	Do	54	Bengal & North-Western	Do	Do	54	Northern Bengal	Do	Do
55		Do	Do	55		Do	Do	55	Bengal & North-Western	Do	Do	55	Northern Bengal	Do	Do
56		Do	Do	56		Do	Do	56	Bengal & North-Western	Do	Do	56	Northern Bengal	Do	Do
57		Do	Do	57		Do	Do	57	Bengal & North-Western	Do	Do	57	Northern Bengal	Do	Do
58		Do	Do	58		Do	Do	58	Bengal & North-Western	Do	Do	58	Northern Bengal	Do	Do
59		Do	Do	59		Do	Do	59	Bengal & North-Western	Do	Do	59	Northern Bengal	Do	Do
60		Do	Do	60		Do	Do	60	Bengal & North-Western	Do	Do	60	Northern Bengal	Do	Do
61		Do	Do	61		Do	Do	61	Bengal & North-Western	Do	Do	61	Northern Bengal	Do	Do
62		Do	Do	62		Do	Do	62	Bengal & North-Western	Do	Do	62	Northern Bengal	Do	Do
63		Do	Do	63		Do	Do	63	Bengal & North-Western	Do	Do	63	Northern Bengal	Do	Do
64		Do	Do	64		Do	Do	64	Bengal & North-Western	Do	Do	64	Northern Bengal	Do	Do
65		Do	Do	65		Do	Do	65	Bengal & North-Western	Do	Do	65	Northern Bengal	Do	Do
66		Do	Do	66		Do	Do	66	Bengal & North-Western	Do	Do	66	Northern Bengal	Do	Do
67		Do	Do	67		Do	Do	67	Bengal & North-Western	Do	Do	67	Northern Bengal	Do	Do
68		Do	Do	68		Do	Do	68	Bengal & North-Western	Do	Do	68	Northern Bengal	Do	Do
69		Do	Do	69		Do	Do	69	Bengal & North-Western	Do	Do	69	Northern Bengal	Do	Do
70		Do	Do	70		Do	Do	70	Bengal & North-Western	Do	Do	70	Northern Bengal	Do	Do
71		Do	Do	71		Do	Do	71	Bengal & North-Western	Do	Do	71	Northern Bengal	Do	Do
72		Do	Do	72		Do	Do	72	Bengal & North-Western	Do	Do	72	Northern Bengal	Do	Do
73		Do	Do	73		Do	Do	73	Bengal & North-Western	Do	Do	73	Northern Bengal	Do	Do
74		Do	Do	74		Do	Do	74	Bengal & North-Western	Do	Do	74	Northern Bengal	Do	Do
75		Do	Do	75		Do	Do	75	Bengal & North-Western	Do	Do	75	Northern Bengal	Do	Do
76		Do	Do	76		Do	Do	76	Bengal & North-Western	Do	Do	76	Northern Bengal	Do	Do
77		Do	Do	77		Do	Do	77	Bengal & North-Western	Do	Do	77	Northern Bengal	Do	Do
78		Do	Do	78		Do	Do	78	Bengal & North-Western	Do	Do	78	Northern Bengal	Do	Do
79		Do	Do	79		Do	Do	79	Bengal & North-Western	Do	Do	79	Northern Bengal	Do	Do
80		Do	Do	80		Do	Do	80	Bengal & North-Western	Do	Do	80	Northern Bengal	Do	Do
81		Do	Do	81		Do	Do	81	Bengal & North-Western	Do	Do	81	Northern Bengal	Do	Do
82		Do	Do	82		Do	Do	82	Bengal & North-Western	Do	Do	82	Northern Bengal	Do	Do
83		Do	Do	83		Do	Do	83	Bengal & North-Western	Do	Do	83	Northern Bengal	Do	Do
84		Do	Do	84		Do	Do	84	Bengal & North-Western	Do	Do	84	Northern Bengal	Do	Do
85		Do	Do	85		Do	Do	85	Bengal & North-Western	Do	Do	85	Northern Bengal	Do	Do
86		Do	Do	86		Do	Do	86	Bengal & North-Western	Do	Do	86	Northern Bengal	Do	Do
87		Do	Do	87		Do	Do	87	Bengal & North-Western	Do	Do	87	Northern Bengal	Do	Do
88		Do	Do	88		Do	Do	88	Bengal & North-Western	Do	Do	88	Northern Bengal	Do	Do
89		Do	Do	89		Do	Do	89	Bengal & North-Western	Do	Do	89	Northern Bengal	Do	Do
90		Do	Do	90		Do	Do	90	Bengal & North-Western	Do	Do	90	Northern Bengal	Do	Do
91		Do	Do	91		Do	Do	91	Bengal & North-Western	Do	Do	91	Northern Bengal	Do	Do
92		Do	Do	92		Do	Do	92	Bengal & North-Western	Do	Do	92	Northern Bengal	Do	Do
93		Do	Do	93		Do	Do	93	Bengal & North-Western	Do	Do	93	Northern Bengal	Do	Do
94		Do	Do	94		Do	Do	94	Bengal & North-Western	Do	Do	94	Northern Bengal	Do	Do
95		Do	Do	95		Do	Do	95	Bengal & North-Western	Do	Do	95	Northern Bengal	Do	Do
96		Do	Do	96		Do	Do	96	Bengal & North-Western	Do	Do	96	Northern Bengal	Do	Do
97		Do	Do	97		Do	Do	97	Bengal & North-Western	Do	Do	97	Northern Bengal	Do	Do
98		Do	Do	98		Do	Do	98	Bengal & North-Western	Do	Do	98	Northern Bengal	Do	Do
99		Do	Do	99		Do	Do	99	Bengal & North-Western	Do	Do	99	Northern Bengal	Do	Do
100		Do	Do	100		Do	Do	100	Bengal & North-Western	Do	Do	100	Northern Bengal	Do	Do

A. G. BEGBIE, Major, R.E.,  
Offg. Accountant General, P. W. Dept.

SIMLA,  
The 10th May 1886.

**DIRECTOR GENERAL OF RAILWAYS.****NOTIFICATIONS.—ESTABLISHMENT.***Simla, the 5th May 1886.*

**No. 42.**—Mr. A. Morse, Assistant Engineer, 1st Grade, passed the Departmental Standard Examination in Hindustani on 19th April 1886.

*The 10th May 1886.*

**No. 43.**—Mr. E. N. Homan, Class III of the Superior Revenue Establishment of State Railways, Stores Department, is transferred, in the interests of the public service, from the Sind-Pishin State Railway, Northern Section, to the Bellary-Kistna State Railway.

F. S. STANTON, *Colonel, R.E.,**Director General of Railways.*
**Statement of Silver Balance in the Calcutta Mint for the week ending 12th May 1886.**

	R	R
Value of silver held in the Mint on account of the Currency Department on the evening of the 5th May 1886 . . . . .	8,92,654	
Value of Government silver in the Mint on the same date . . . . .	6,84,486	15,77,140
<b>ADD—</b>		
Silver received by the Mint during the week on account of the Currency Department	453	
Ditto ditto Government	211	664
<b>DEDUCT—</b>		
New coin paid to Reserve Treasury during the week . . . . .	1,93,000	15,77,804
Petty items issued for miscellaneous purposes . . . . .	...	1,93,000
Balance on the evening of the 12th May 1886 . . . . .	...	13,84,804
<b>The Balance comprises—</b>		
Silver held on account of the Currency Department . . . . .	6,25,329	
Ditto ditto Government	7,59,475	13,84,804
<b>There is in addition awaiting assay—</b>		
Bullion belonging to Private Individuals . . . . .	9,077	
Ditto ditto Currency Department . . . . .	55,85,350	55,94,427

A. W. BAIRD, *Major, R.E.,**Offg. Master of the Mint.*

CALCUTTA MINT,

*The 13th May 1886.***CURRENCY NOTES.**

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is

warned to communicate at once with the undersigned :—

**Allahabad Circle.****NOTE WHOLLY LOST OR DESTROYED.**

Regt. No.	No. of Note.	Value.	Name of Claimant.
		R	
6	N 4—17554	50	Madan Mohan, Allahabad.
	ALLAHABAD,		
	<i>The 12th May 1886.</i>		

H. J. BRERETON,

*Asst. Accountant Genl.,**In charge of Paper Currency Office.***Lahore Circle.****NOTES WHOLLY LOST OR DESTROYED.**

Regt. No.	No. of Notes.	Value.	Name of Claimant.
		R	
6	E 26—26187*	100	Chiman Lal and Kidar Nath,
	.. —26188*	100	Kurnal.
	* Sent to Agency No. 1, Rawalpindi.		

LAHORE,

*The 8th May 1886.*

W. H. EGERTON,

*for Deputy Commissioner of Currency.*
**GOVERNMENT ENGINEERING COLLEGE, SEEBPORE.**

Candidates for admission to the Engineer Department should apply to the Principal before the 25th May 1886. The session begins on Monday, the 7th June 1886. Candidates must furnish proof that they have passed the Calcutta University Entrance Examination, and that they are under 19 years of age. This limit will be raised to 21 years of age in the case of candidates who have passed the F. A. Examination of the University.

Ten scholarships will be awarded to students entering the Engineer Department not being already holders of Junior Scholarships. The scholarships will be awarded with general reference to the place taken by candidates at the Entrance Examination.

Students who have passed the University Entrance Examination in April are eligible for admission to the Mechanical Apprentice Department up to the 7th June 1886. They must send in their applications before 25th May 1886.

Every applicant before admission to the College will be examined by the College Surgeon as to his physical strength, fitness for manual labour, and eye-sight.

Further particulars will be supplied on application to the Principal.

S. F. DOWNING,

*Principal Govt. Engineering College.*

SEEBPORE,

*The 22nd April 1886.*
**FOR SALE AT THE PATNA OPIUM FACTORY SAW MILLS, GOOLZARBAUGH.**

Two Armstrong's patent dovetailing machines adapted for cabinet makers and builders and packing-case makers.

They are of one inch pitch capable of dovetailing planking 15 inches wide and  $1\frac{1}{4}$  inches thick and will cut the dovetails at the rate of 20 feet of planking per minute.

Each machine is arranged for cutting ordinary and blind dovetails and dovetails on the angle and is easy to work. The discs being set to the proper angle, the board is fastened on the travelling table by a cramp which on being set in motion travels along the front face of the saws.

The machines are similar in construction to the one exhibited by Messrs. Robinson and Sons of Rachdale, England, at the Calcutta Exhibition of 1883-84.

Each machine cost £106 12s. 8d.

Landing in Calcutta plus }  
for carriage to Patna. } R43-13-0

These machines are perfectly new and are sold merely because they are not of the required specifications.

Offers are invited.

Apply to DR. H. WHITWELL,

Principal Assistant to Opium  
Agent, Behar, Patna

## POST OFFICE.

### NOTIFICATIONS.

Simla, the 13th April 1886.

On and after the 1st May next the four descriptions of embossed envelopes described below will be available for sale to the public at Post Offices or by licensed stamp vendors at the prices stated:—

HALF-ANNA SQUARE ENVELOPES.			R s. p
Any number less than 16	each		0 0 8
Packets of 16	per packet		0 10 6

Example—

3 envelopes cost		0 2 0
6 „ „		0 4 0
12 „ „		0 8 0

ONE-ANNA SQUARE ENVELOPES.			R s. p
Any number less than 8	each		0 1 2
Packets of 8	per packet		0 9 3

Example—

3 envelopes cost		0 3 6
6 „ „		0 7 0

REGISTRATION ENVELOPES, SMALL SIZE.			R s. p
Any number less than 16	each		0 2 2
Packets of 16	per packet		2 2 6

Example—

3 envelopes cost		0 6 6
6 „ „		0 13 0
12 „ „		1 10 0

REGISTRATION ENVELOPES, LARGE SIZE.			R s. p
Any number less than 8	each		0 2 8
Packets of 8	per packet		1 5 3
„ of 16	„ „		2 10 6

Example—

3 envelopes cost		0 5 0
6 „ „		1 0 0

2. The new half-anna and one-anna envelopes are larger in size than those now in use, and the quality of paper is also superior in the case of the new envelopes.

3. The existing half-anna and one-anna embossed envelopes will still be offered for sale at the value denoted upon them.

4. The registration envelopes of both sizes are now introduced into India, for the first time they are recommended for use in connection with registered letters as providing security against damage in transit and against tampering. It should be borne in mind that the embossed stamp on the registration envelopes represents the registration fee only, and that when using these envelopes postage stamps to the required amount should be affixed in the usual way in payment of ordinary postage.

5. An adhesive stamp of the value of  $4\frac{1}{2}$  annas will also be available for sale to the public by the 1st May or shortly afterwards. This stamp is intended for use on letters addressed to the United Kingdom and to countries served through the United Kingdom.

The 6th May 1886.

With immediate effect, parcels will be received at any Indian Post Office for transmission *via* the United Kingdom to the Barbadoes and the Leeward Islands (Antigua, Dominica, Montserrat, Nevis, St. Kitts and Tortola).

2. The rate of postage for parcels addressed to the places named above will be one rupee per pound.

3. The limit of weight for such parcels will be seven pounds.

4. The conditions as to size, contents, value, customs declarations and manner of posting generally will be the same as those prescribed for parcels addressed to the United Kingdom and intended for delivery through the British Post Office.

L. G. WAIT,

Asst. Director General of the Post Office of India.

The 5th May 1886.

No. 1808.—Lala Debiprasad is appointed to officiate as Superintendent, Post Master General's Office, Allahabad.

G. J. HYNES,

for Director General of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 13th May 1886.

Fletcher, Mrs. Gairty, A.	Morton, Mrs. A. Schulze, W.	Smith, Mrs. Brooker, Wybergh, Rev. E. L.
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Letters marked "Care of Post Office."

Aman, A.	Gilbert, Mrs. M.	Pre-ston, R. C. Cumpben
Bates, J. N.	Goodall, Miss.	Pyle, Mrs. C. L.
Biggs, Mon. E.	Gow, J. P.	Randall, T.
Booth, P.	Grant, Mrs. M.	Rice, W. G. I.
Bose, P. N.	Grovesman, Sgt. L.	Richardson, H. W.
Bowers, S.	Guerrier, H. J.	Rishworth, B. J.
B. R.	Gustave, Esq.	R. M. E., Miss.
Brammer, Baron de.	Hutton, Lt. Col.	Salten, Miss M.
Brunton, Mrs. J.	Imman, Capt. C.	Schmid, Otto
Capel, Lt.-Col.	Imman, J. mes.	Sharpe, Capt. A.
C. B. H.	Johanson, J. J. D.	Shaw, H. J.
Chetacacy, G. F.	Kelly, Mrs. G.	Simpson, Percy.
Chelton, H.	K. T. M.	Smallwood, Geo.
Clarke, F. G.	Kirkbride, J.	Smart, Mrs. R. B.
Cohen, Mr.	Lea, Jay.	Smith, J. M.
Crawford, J.	Lemaitre, A.	Sole, Rev. A. B.
D. C. J. E.	M. O.	Speer, A. E.
Desa, H. T.	Manfield, J. J.	Standards, Walter.
Dimmock, Basil.	McDonald, Miss.	Stone, Mrs. F.
D'Mello, Jose.	McGrath, Edwin.	Storey, A.
Dodd, C. B. N.	McLaughlin, John.	Strow, Mrs. R.
Drury, Surgeon F. J.	Müller, Capt. John C.	Swonger, Mrs. C.
Dukes, Mrs.	Minnick, Mr.	Tams, J.
Dundas, Mrs.	Morris, Paul.	Thompson, G.
Dwarris, J. H.	Nellie, Miss N.	Thompson, R. D.
Earl, T. S.	Norville, Mrs. L.	Walker, G. A.
Easton, Percy H.	Olsen, J.	Walker, F. C.
Ellis, Mrs. Jua.	Parker, Mrs. A. H.	Ward, Lieut. B. R.
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**Registered Letters.**

Anderson, James, Grogan, H. C. Steruzilica, David.  
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Agan, H.                      Fowell, W.                      Pearson, Rev. A. C.  
Arrakiel, M.                  Hart, E. H.                      Riddall, W.  
Barnett, L.                      Hart, H.                      Secy. to Agricultural  
Berant, H. Commander      Hobson, E. A.                  Show  
Charter, Mrs. C.                  Joubert, C. H.                  Smith, W.  
Charter, C.                      Landale, T.                      Thomas, Major C. F.  
Charters, Mrs. W.                  McLaugh,                      Todd, Miss  
DeMount, F.                      Nicholls, J.                      Wardsley, Mrs.  
Doyle, A. C.                      Owen, M. S.

E. HUTTON,

Presidency Postmaster, Calcutta.

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Ditto ditto ditto	22nd "	Ditto.
Ditto Book Post and Pattern Packets	17th "	Ditto.
Ditto ditto ditto	21st "	Ditto.
Zanzibar, Mozambique, and East Coast of Africa generally, Delagoa Bay, Natal and Cape Colonies by B. I. Steamers from Aden to Zanzibar and thence by the Castle Mail Packets	18th "	Ditto.
Ditto ditto ditto	22nd "	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bangkok (Siam), Philippine Islands, China and Japan	25th "	Ditto.
Australia, New Zealand and Tasmania	25th "	Ditto.
Madras, Pondicherry, Ceylon, Batavia, Singapore and China	17th "	Per French Str.
Straits and Hong-Kong	17th "	Per Str. Tai-sang
Rangoon and Moulemein	19th "	Per Str. Patna.
Akyah, Kyauk Phyo, and Rangoon	19th "	Per Str. Mah-ratta

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# The Gazette of India.

PUBLISHED BY AUTHORITY.

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CALCUTTA, SATURDAY, MAY 15, 1886

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**Separate paging is given to this Part in order that it may be filed as a separate compilation.**

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### BRITISH BURMA.

#### NOTICE.

DEPUTY COMMISSIONER'S COURT,  
DISTRICT THONEGWA.

*The 4th February 1886.*

CIVIL SIDE MISCELLANEOUS CASE  
NO 4 OF 1885.

IN THE MATTER OF THE ESTATE OF  
G. J. ROBERTS, DECEASED.

Whereas G. J. Roberts, late Manager, Government Tobacco Plantation Maubin, Thonegwa District, died intestate on the 5th January 1885, Notice in pursuance of the 7th Section of Regulation V of 1799 is hereby given to all persons claiming to have any interest in the property and credits of the said G. J. Roberts, deceased, to appear in the said matter (if they think fit so to do) either personally or by a duly authorized agent, on the 15th May 1886, when the Court will proceed upon all the claims and pronounce judgment in the matter.

Dated Maubin, the 6th February 1886.

W. W. PEMBERTON,

*District Judge, Thonegwa.*

### PROMISSORY NOTES.

#### Stolen.

The upper half of the Government Promissory Note, No 174407, of the 4 per cent loan of 1st May 1865, for £500, originally standing in the name of the Bank of Madras, and lastly endorsed by Mr Rajagopala Chary to V. Thavasumuthu Nadar, the proprietor, by whom it was never endorsed to any other person, was stolen with the proprietor's writing-box, which contained it, on the night of 1st October 1885, from the Abkary Office at Tirandram. The transfer endorsements are only on the upper half of the Promissory Note and not on the lower half. Payment of the above note and of the interest thereupon have been in consequence stopped at the Loan Office, and application is about to be made to Government for the issue of a duplicate note in favour of the proprietor.

V. THAVASUMUTHU NADAR,

*Abkary Contractor, residing at Peravali,  
near Tranganore.*

QUERON.

*The 25th October 1885.*





SUPPLEMENT TO  
**The Gazette of India.**

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No. 20. }

CALCUTTA, SATURDAY, MAY 15, 1886.

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**OFFICIAL PAPERS.**

*A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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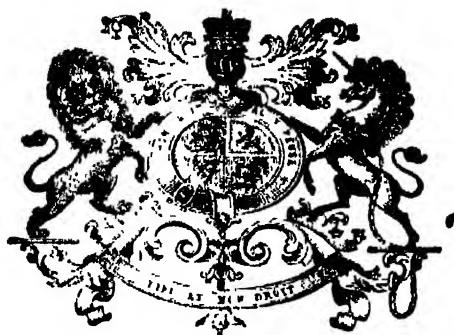
GOVERNMENT OF INDIA,  
DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENTS OF PRICES CURRENT (RETAIL) OF FOOD-GRAINS FOR THE 2nd HALF OF FEBRUARY AND 2nd HALF OF MARCH 1886, PUBLISHED IN PAGES 719, 720 AND 771 OF THE SUPPLEMENT TO THE 'GAZETTE OF INDIA' DATED 27th MARCH AND 24th APRIL 1886.

PROVINCE.	DISTRICT.	QUANTITIES PER RUPEE IN MEERS OF 50 FATHOMS.																REMARKS.
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
RAJPOOTANA.	2nd half of February 1886.	Wheat.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
		Barley.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
		Rice, best sort.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
		Rice, common.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
		Jowar or 'Joham' (Sorghum vulgare).	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
	2nd half of March 1886.	Bahar or 'Lumbini' (Pennisetum typhoides).	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
		Marua or Kauri (Pennisetum canum).	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
		Kanuri or Kakun, Indian millet (Setaria italica).	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
		Gram, Chennay, (holia, Kudalav or Sunaga (rice or vegetation).	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
		Maize (Zea Mays).	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
KARNATAKA.	2nd half of February 1886.	Wheat.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
	2nd half of March 1886.	Wheat.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	

DEPARTMENT OF FINANCE AND COMMERCE,  
(Statistical Branch).

D. BARBOUR,  
Secretary to the Government of India.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 21. }

SIMLA, SATURDAY, MAY 22, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## CONTENTS.

**PART I.**—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations.

**PART II.**—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

**PART III.**—Advertisements and Notices by private individuals and Corporations.

**PART IV.**—Acts of the Governor-General's Council assented to by the Governor-General:—

*Nothing for publication.*

**PART V.**—Bills introduced into the Council of the Governor-General for making Laws and Regulations, or published under Rule 22:—

The Indian Bankruptcy Bill, 1886.

**SUPPLEMENT No. 21.**

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### LEGISLATIVE DEPARTMENT.

#### NOTIFICATION.

*Simla, the 21st May, 1886.*

**No. 9.**—His Excellency the Governor-General, under the authority vested in him by the Statute 24 and 25 Vic., Cap. 67, Section 10, has been pleased to nominate Rana Shankar Bakhsh Singh Bahadur, C.I.E., Talukdar of Khajurgaon, Rae Bareilly District, Oudh, to be an Additional Member of the Council of the Governor-General for the purpose of making Laws and Regulations.

S. HARVEY JAMES,

*Offg. Secretary to the Government of India.*

### HOME DEPARTMENT.

#### NOTIFICATIONS.—ESTABLISHMENTS.

*Simla, the 18th May, 1886.*

**No. 161.**—*Appointment.*—Lieutenant P. R. T. Gurdon, B.S.C., to be a Supernumerary Assistant Commissioner of the 3rd Grade in Assam.

*The 19th May, 1886.*

**No. 164.**—*Appointment.*—Mr. C. G. Bayne, C.S., Assistant Commissioner of the 4th Grade in British Burma, is appointed Junior Secretary to the Chief Commissioner, with effect from the 2nd March, 1886.

#### ARCHÆOLOGY.

*The 18th May, 1886.*

**No. 171.**—The services of Mr. J. F. Fleet, C.S., C.I.E., Epigraphist to the Government of India, are replaced at the disposal of the Government of Bombay, with effect from the 1st June, 1886.

#### PATENTS.

*The 15th May, 1886.*

**No. 569.**—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a

fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 130 of 1885.—Mark Amos, Engineer, of Westbury-on-Trym, in the County of Gloucester, Kingdom of Great Britain and Ireland, for improvements in apparatus for cramping or compressing, applicable also for other purposes.

No. 137 of 1885.—Andrew Charles Guy Thompson, Engineer, "Windsor" Tea Estate, Darjeeling, at present residing at "Kobira" Tea Estate, Mungeldve, Assam, for reducing tea and other analogous substances into kinds or qualities.

No. 14 of 1886.—John Elliott, of No. 31, Vernon Road, Leeds, Yorkshire, in the Kingdom of England, Railway Agent, for Railway keys.

No. 33 of 1886.—Johannes Spiel, of Berlin, in the Empire of Germany, Engineer, for improvements in petroleum and gas engines.

No. 43 of 1886.—William Belby Avery, of 123, Digbeth, Birmingham, in the County of Warwick (England), Machine maker, for improvements in beam scales.

No. 53 of 1886.—The Acme Manufacturing Company of Wilmington in the County of New Hanover, and State of North Carolina, United States of America, a Corporation chartered by the legislature of the State of North Carolina, United States of America, Manufacturers, for Fibre rubbing machine.

No. 71 of 1886.—Paul Onolle, of Nantes, France, Engineer, for improvements in, and in apparatus for, distilling water.

#### FORESTS.

*The 20th May, 1886.*

No. 416 F.—Mr. A. Watson, officiating Assistant Conservator of Forests of the 3rd Grade, in the Central Provinces, is appointed substantively *pro tempore* to be an Assistant Conservator of the 3rd Grade, with effect from the 14th January, 1886.

A. P. MACDONNELL,

*Offg. Secretary to the Government of India.*

#### REVENUE AND AGRICULTURAL DEPARTMENT.

##### NOTIFICATION.—SURVEYS.

*Simla, the 21st May, 1886.*

No. 449-83 S.—Consequent on the departure on furlough of Mr. F. R. Mallet, Superintendent of the Geological Survey of India, the following officiating appointments are made, with effect from the 5th instant.—

Mr. T. W. Hughes, Deputy Superintendent, 1st Grade, to officiate as Superintendent.

Mr. C. A. Hacket, Deputy Superintendent, 2nd Grade, to officiate in the 1st Grade, *vice* Mr. Hughes.

Mr. E. J. Jones, Assistant Superintendent, 3rd Grade, to officiate as Deputy Superintendent,

2nd Grade, *vice* Mr. Hacket. Mr. Jones will also act as Curator of the Museum, *vice* Mr. Mallet.

C. J. LYALL,

*Offg. Secretary to the Government of India.*

#### FOREIGN DEPARTMENT.

##### NOTIFICATIONS.—GENERAL.

*Simla, the 19th May, 1886.*

No. 1035 G.—Surgeon-Major A. Deane, M.D. F.R.C.S., L., Civil Surgeon of Benares, is appointed to be Residency Surgeon in Kashmir, with effect from date of joining.

No. 1039 G.—Lieutenant J. A. Bell, Adjutant of the Deoli Irregular Force, is appointed to officiate temporarily as Wing Commander and 2nd-in-Command, Merwara Battalion, with effect from date of joining, during the absence on furlough of Major P. W. Smith, or until further orders.

Lieutenant G. G. J. S. Jones, attached to the Deoli Irregular Force, is appointed to officiate temporarily as Wing Officer and Adjutant, *vice* Lieutenant J. A. Bell.

No. 1042 G.—Surgeon P. Mullane, Medical Officer, 10th Regiment, Bengal Native Infantry, is appointed to the medical charge of the Bundelkhand Political Agency, in addition to his other duties, with effect from the 26th April, 1886, *vice* Surgeon-Major D. P. Macdonald, M.D., 11th (P. W.'s O.) Bengal Lancers, resigned.

#### EXTERNAL.

No. 922 E.—Colonel H. C. B. Tanner, Deputy Superintendent, Survey of India Department, is placed on special duty under the Foreign Department from the date on which he is relieved of his appointment in the Survey Department.

No. 923 E.—Mr. R. D. Oldham, Deputy Superintendent, Geological Survey of India Department, is placed on special duty under the Foreign Department from the date on which he is relieved of his appointment in the Geological Survey Department.

*The 20th May, 1886.*

No. 942 E.—Mr. J. H. Bernard, C.S., Assistant Magistrate and Collector, Bengal, is appointed temporarily to be Personal Assistant to the Chief Commissioner of Burma, with effect from the date of assuming charge.

No. 945 E.—Mr. H. St. G. Tucker, C.S., Deputy Commissioner of the 3rd Grade in the Punjab, is appointed to special duty in Upper Burma, with effect from date of joining.

No. 949 E.—Surgeon-Major D. D. Cunningham, M.B., Professor of Physiology, Medical College, Calcutta, is placed on special duty under the Foreign Department from the date on which he is relieved of his appointment under the Government of Bengal.

H. M. DURAND,

*Secretary to the Government of India.*



# DEPARTMENT OF FINANCE AND COMMERCE.

## NOTIFICATIONS.

### ACCOUNTS AND FINANCE.

*Simla, the 20th May, 1886.*

**No. 900.**—In continuation of Notification No. 1470 of 26th March, 1886, His Excellency the Governor-General in Council is pleased to declare that sub-section (1) of Section 7 of the Indian Securities Act, 1886, applies to the following public Office:—

Office of Managers of State Railways.

## LEAVE AND APPOINTMENTS.

*The 20th May, 1886.*

**No. 884.**—Mr. H. F. Clogstoun, Accountant-General and Commissioner of Paper Currency, Madras, having been granted privilege leave for one month and twenty-seven days, and the following appointments having been made during his absence,—

(1) Mr. W. Donald to officiate as Accountant-General and Commissioner of Paper Currency, Madras, and

(2) Mr. H. S. Groves to officiate as Deputy Accountant-General, Madras,

Mr. Clogstoun made over and Mr. Donald received charge of the duties of Accountant-General and Commissioner of Paper Currency, Madras, and Mr. Groves received charge of the office of Deputy Accountant-General, Madras, after noon on Saturday, the 8th May, 1886.

## CODES.

*The 21st May, 1886.*

**No. 921.**

### CIVIL LEAVE CODE.

PAGE 211.

Section 161 (b).

For Rule 1 under this Section, substitute the following:—

1. Payment is made at the Home Treasury as follows:

In respect of Civil Officers, on or after January 1st, April 1st, July 1st, and October 1st, for the quarters ending respectively on December 31st, March 31st, June 30th, and September 30th; and in respect of Military Officers, on or after February 1st, May 1st, August 1st, and November 1st, for the quarters ending respectively on January 31st, April 30th, July 31st, and October 31st—

To the Officer, on his personal application;

or

To his Banker or other Agent, duly authorised under Power of Attorney, on production of a Life Certificate filled up and executed in the manner directed thereon (except in cases where proof of existence is not required owing to the Banker having guaranteed the Secretary of State against loss consequent on his dispensing with the production of such proof);

or

on presentation of a draft duly filled up and signed by the Officer, in a form which, with the requisite form of Life Certificate attached, may be obtained from the India Office, London, on the Officer's written application.

## PAPER CURRENCY.

*The 18th May, 1886.*

**No. 914.**—Abstract of the Accounts of the Department of Issue of Paper Currency on the 30th April, 1886, published as required by Section 27 of the Indian Paper Currency Act, XX of 1882.

CIRCLES OF ISSUE.	Whole amount of Notes, in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	Total.
	Rs.	Rs.	Rs.	Rs.
Calcutta	5,77,11,225	84,73,228	71,60,683	1,56,33,911
Allahabad	67,81,200	27,71,315	...	27,71,315
Lahore	83,09,085	4,60,585	...	4,60,585
Bombay	3,00,17,225	2,33,31,71	61,04,398	2,94,36,109
Kurrachee	60,50,515	57,45,700	25,100	57,68,000
Madras	1,50,80,070	1,58,13,330	3,70,000	1,61,03,130
Calcutt	17,33,790	13,00,715	...	13,00,715
Rangoon	12,01,250	10,60,055	...	10,60,055
<b>Total</b>	<b>13,77,94,000</b>	<b>6,44,38,819</b>	<b>1,26,60,181</b>	<b>7,80,99,000</b>
Deduct the amount received at Calcutta but not paid at Kurrachee . . . . .				3,00,000
<b>Net Total</b> . . . . .				<b>7,77,99,000</b>
Price paid for Government Securities of the nominal value of Rs. 6,23,21,700 held under Section 19 of the Act . . . . .				5,00,05,000
<b>GRAND TOTAL</b> . . . . .				<b>13,77,94,000</b>

D. M. BARBOUR,

Secretary to the Government of India.

## MILITARY DEPARTMENT.

*Simla, the 21st May, 1886.*

### APPOINTMENTS.

#### DIVISIONAL STAFF.

**No. 322.**—Brigadier-General P. A. Carnegie, Madras S. C., to command the Hyderabad Subsidiary Force, temporarily, *vice* Major-General W. A. Gib, C.B., on furlough. Dated 6th May, 1886.

**No. 323.**—Brigadier-General T. E. Gordon, C.B., C.S.I., Honorary Aide-de-Camp to the Viceroy, to the Divisional Staff of the Army, temporarily, *vice* Major-General Sir C. J. S. Gough, K.C.B., V.C., on furlough. Dated 13th May, 1886.

#### BRIGADE STAFF.

Colonel F. B. Norman, C.B., Bengal S. C., to the Brigade Staff of the Army, temporarily, with the rank of Brigadier-General, *vice* Brigadier-General T. E. Gordon, C.B., C.S.I. Dated 12th May, 1886.

**No. 325.—JUDGE ADVOCATE GENERAL'S DEPARTMENT—**

Major A. K. Macpherson, Bengal S. C., Cantonment Magistrate, Umballa, to officiate as Deputy Judge Advocate, *vice* Colonel C. R. Mathews, Deputy Judge Advocate, officiating as Deputy Judge Advocate-General. Dated 13th May, 1886.

**No. 326.—ORDNANCE DEPARTMENT—**

Major A. F. Fletcher, R.A., Commissary of Ordnance, 2nd class, and Assistant to the Inspector-General of Ordnance, Bombay Circle, to be Commissary of Ordnance, 1st class, *vice* Colonel C. Cowie, R.A., Commissary of Ordnance, 1st class, appointed Deputy Inspector-General of Ordnance, Bengal Circle. Dated 6th April, 1886.

Lieutenant-Colonel F. J. Mortimer, R.A., to be Commissary of Ordnance, 1st class, *vice* Major Fletcher, seconded. Dated 6th April, 1886.

**No. 327.—PUNJAB FRONTIER FORCE—**

*No. 3 (Peshawur) Mountain Battery.*

Lieutenant P. W. D. Brockman, R.A., to be 3rd Subaltern, *vice* Lieutenant F. A. L. Powell, appointed to the Ordnance Department. Dated 3rd April, 1886.

**No. 328.—STAFF CORPS—**

Lieutenant John Alfred Hudson Woodward, Border Regiment, Wing Officer, 38th Bengal Infantry, is admitted to the Bengal Staff Corps from the 18th December, 1884, subject to the confirmation of the Secretary of State for India.

**VOLUNTEER CORPS.**

*Dehra Dun Mounted Rifles.*

**No. 329.**—Mr James Macpherson, C.S., to be Captain-Commandant, *vice* Captain F. Baker, who vacates the appointment on transfer.

*Calcutta Volunteer Rifle Corps.*

**No. 330.**—Dr. William Coulter, M.D., to be Surgeon, to complete the establishment.

*East Indian Railway Volunteer Rifle Corps.*

**No. 331.**—Mr. Lawrence Porter to be Lieutenant, *vice* Lieutenant G. Watts, deceased.

Mr. John Thomson Hornett to be Lieutenant, *vice* Lieutenant J. Higby, who has resigned that appointment.

*Cawnpore Volunteer Rifle Corps.*

**No. 332.**—Mr. Arthur Stanley Betts Chapman to be Lieutenant, *vice* Lieutenant S. M. Johnson, who has resigned that appointment.

**FURLOUGH AND LEAVE.**

**No. 333.**—Captain F. D. Welchman, Bengal S. C., Wing Commander and 2nd-in-Command, 4th Infantry, Hyderabad Contingent, is granted leave within Indian limits, (m. c.) for 182 days, under rule X of the regulations of 1875.

G. G. O. No. 62 of 1886 is cancelled.

**No. 334.**—Captain C. P. Triscott, R.A., Commissary of Ordnance, 3rd class, is granted general leave from the 3rd May to the 2nd August, 1886.

**No. 335.**—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India :—

Colonel O. Barnes, Bengal S.C., (m. c.) for four months.

Major C. E. Hallett, Bengal S.C., (m. c.) for six months.

Major F. S. Carr, General List, Infantry, (m. c.) for four months.

**No. 336.**—Sub-Conductor C. Wiltshire, Commissariat Department, was on leave from 6th September, 1885, to 6th December, 1885, under rule X of the regulations of 1875.

**LONDON GAZETTE.**

**No. 337.**—The following extracts are published for general information :—

*"London Gazette," dated the 20th April, 1886, page 1900.*

"WAR OFFICE ;

*Pall Mall, 20th April, 1886.*

**MEMORANDA.**

\* \* \*

The undermentioned Lieutenant-Colonels to be Colonels :—

Elborough Martin Woodcock, Bombay Staff Corps. Dated 4th February, 1886.

Richard Samuel Roberts, Madras Staff Corps. Dated 20th February, 1886.

\* \* \*

\* \* \*

Assistant Commissary and Honorary Lieutenant Patrick Leahy, retired, Bengal Establishment, to have the honorary rank of Captain. Dated 11th May, 1885."

**PROMOTIONS.**

**No. 338.**—The following promotion is made, subject to Her Majesty's approval :—

*To be Colonel in the Army.*

Lieutenant-Colonel Edward Temple, Bengal S. C.,—15th May, 1886.

**No. 339.—MISCELLANEOUS LIST—**

The promotion of Conductor Cary Clavering and Sub-Conductor Robert Wilson (since remanded to regimental duty) is antedated to the 1st May, 1885, consequent on the transfer of Conductor R. Burton to the establishment of the Public Works Department.

Sub-Conductor John Sheehan to be Conductor, and Sergeant Thomas Richard Mundy to be Sub-Conductor, with effect from the 20th September, 1885, *vice* Conductor J. Moorhead, promoted.

Sergeant Douglas McIntosh to be Sub-Conductor, with effect from the 16th March, 1886, *vice* Sub-Conductor R. Wilson, remanded to regimental duty.

Sergeant Gustavus Sheridan Newbold to be Sub-Conductor, with effect from the 15th April, 1886, *vice* Sub-Conductor W. Anderson, remanded to regimental duty.

**No. 340.—NATIVE ARMY—***5th Bengal Cavalry.*

Kot-Duffadar Mukhram Singh to be Jemadar, on augmentation, with effect from the 15th April, 1886.

*17th Bengal Cavalry.*

Ressaidar Bhaic Khan to be Ressaidar;  
Jemadar Sar Buland Khan to be Ressaidar;  
Jemadar Saadat Khan to be Ressaidar Woordie-Major;  
Kot-Duffadar Kazi Latif to be Jemadar,—  
with effect from the 1st March, 1886, to complete establishment.

*18th Bengal Cavalry.*

Ressaidar Mahbub Ali to be Ressaidar, *vice* Ressaidar Jagat Singh, Sirdar Bahadur, transferred to the 16th Bengal Cavalry;  
Jemadar Jalal Khan to be Ressaidar Woordie-Major, *vice* Woordie-Major Nur Khan, who returns to duty as Ressaidar;  
Kot-Duffadar Shah Walli Khan to be Jemadar, *vice* Jemadar Jalal Khan, promoted,—  
with effect from the 24th October, 1885.

*10th Bengal Infantry.*

Jemadar Nagina to be Subadar, *vice* Subadar Ramsoobhoge Singh, invalided, with effect from the 19th April, 1886.

**No. 341.—PUNJAB FRONTIER FORCE—***4th Sikh Infantry.*

Havildar Amir Ali to be Jemadar, *vice* Jemadar Shaik Mahomed Baksh, invalided;

Havildar Harnam Singh to be Jemadar, *vice* Jemadar Panjaba, invalided;  
Havildar Fazl Khan to be Jemadar, *vice* Jemadar Jowahir Singh, invalided,—  
with effect from the 1st May, 1886.

*5th Goorkha Regiment.*

Jemadar Karm Singh Negi to be Subadar,  
Havildar Him Lal Nagarkoti to be Jemadar, *vice* Subadar Durgadat Jaisi, invalided, with effect from the 13th April, 1886.

**RESIGNATIONS.**

**No. 342.**—Surgeon Robert James Taaffe, M.B., is permitted to resign the service, with effect from the 18th May, 1886, subject to Her Majesty's approval.

**No. 343.**—Sub-Assistant Apothecary Favor Hancobe, Subordinate Medical Department, is permitted to resign the service.

**RETIREMENTS.****No. 344.—VOLUNTEER CORPS—***2nd Punjab (Simla) Volunteer Rifle Corps.*

Lieutenant B. E. French is permitted to retain his rank and wear the uniform of his corps on retirement.

O. R. NEWMARCH, *Colonel,*  
*Offg. Secretary to the Government of India.*

**MILITARY DEPARTMENT.****NOTIFICATION.**

*Simla, the 21st May, 1886.*

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned commissioned officers, on the dates specified, were received in the Military Department between the 15th and the 21st May, 1886:

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Devonshire Regiment ...	Honorary-Captain and Paymaster J. L. J. Gordon.	7th May, 1886	Naini Tal ...	...	
Norfolk Regiment ...	Lieutenant E. A. Haddock ...	10th May, 1886	Sitapur ...	...	

O. R. NEWMARCH, *Colonel,*  
*Offg. Secretary to the Government of India.*

**PUBLIC WORKS DEPARTMENT.****NOTIFICATIONS.**

*Simla, the 15th May, 1886.*

**No. 132.**—Mr. T. G. Moreton, Sub-Engineer, 3rd Grade, and Honorary Assistant Engineer, State Railways, is transferred from the Establishment under the Director General of Railways to that under the Chief Commissioner of British Burma.

*The 18th May, 1886.*

**No. 133.**—In continuation of Public Works Department Notification No. 91, dated 26th March, 1886, the following sanction by the Right Hon'ble the Secretary of State to a project to be constructed from funds not provided from Revenue, is published for general information :

	SANCTION BY SECRETARY OF STATE.		SANCTION AS, SUBSEQUENTLY REVISED BY GOVERNMENT OF INDIA.		DESPATCH OF SECRETARY OF STATE CONVEYING SANCTION TO CLASSIFICATION OF WORK AS PRODUCTIVE, PUBLIC WORKS.		Remarks.
	Direct outlay.	Indirect charges.	Direct outlay.	Indirect charges.	No.	Date.	
	Rs.	Rs.	Rs.	Rs.			
MADRAS. Periyar Project ...	61,85,000	2,54,913	...	...	53 P. W.	18th September, 1884.	

*The 20th May, 1886.*

**No. 135.**—Mr. W. B. Carter, Executive Engineer, 1st Grade, State Railways, is permitted to retire from the service under Sections 106 and 113 (a) of the Civil Pension Code.

**No. 136.**—Mr. G. A. Anderson, Executive Engineer, 4th Grade, State Railways, is appointed to officiate as Deputy Consulting Engineer for Railways, Bombay.

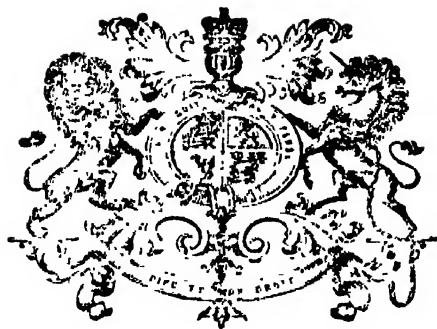
TELEGRAPH.

*The 19th May, 1886.*

**No. 134.**—In continuation of Public Works Department Notification No. 127, dated 12th May, 1886, Mr. A. B. Larkins, Assistant Superintendent, 1st Grade, and officiating Superintendent, 4th Grade, is permanently promoted to Superintendent, 5th Grade, with effect from the 17th March, 1886.

This cancels that portion of the Notification above quoted which relates to Mr. Larkins.

W. S. TREVOR, *Colonel,*  
*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, MAY 22, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th May, 1886, and was referred to a Select Committee—

NO. 6 OF 1886.

### THE INDIAN BANKRUPTCY BILL, 1886.

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THE THIRD SCHEDULE.—ENACTMENTS REPEALED.

*A Bill to Amend and consolidate the Law of Bankruptcy and Insolvency in British India.*

WHEREAS it is expedient to amend and consolidate the law relating to bankruptcy and insolvency; It is hereby enacted as follows:—

*Preliminary.*

Short title, extent and commencement.

- 1. (1) This Act may be cited as the Indian Bankruptcy Act, 1886.

(2) It shall extend to the whole of British India, and shall apply to all British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, whether in the service of the Government of India or otherwise, and to all Native Indian subjects of Her Majesty in any place beyond the limits of British India.

(3) It shall, except as by this section otherwise provided, come into force on such date as the Governor-General in Council may, by notification in the official Gazette, fix in this behalf, which date is in this Act referred to as the commencement of this Act.

(4) Any power conferred by this Act to make rules may be exercised at any time after the passing of this Act; but a rule so made shall not take effect till the commencement of this Act.

## PART I.

## PROCEEDINGS FROM ACT OF BANKRUPTCY TO DISCHARGE.

*Acts of Bankruptcy.*

- 2. (1) A debtor commits an act of bankruptcy in each of the following cases:—

- (a) if in British India or elsewhere he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally;
- (b) if in British India or elsewhere he makes a fraudulent conveyance, gift, delivery or transfer of his property, or of any part thereof;
- (c) if in British India or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon, which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged bankrupt;
- (d) if with intent to defeat or delay his creditors he does any of the following things, namely, departs out of British India, or,



*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 3-6.)*

being out of British India, remains out of British India, or departs from his dwelling-house, or otherwise absents himself, or begins to keep house, or closes his place of business, or suffers himself to be arrested or taken in execution for a debt not due, or submits collusively or fraudulently to an adverse decree, or procures himself, or his property, moveable or immovable, to be attached or taken in execution;

(e) if he files in the Court a declaration of his inability to pay his debts or presents a bankruptcy petition against himself;

(f) if he gives notice that he has suspended, or that he is about to suspend, payment of his debts;

(g) if he makes to any of his creditors an offer of a composition in satisfaction of any of his debts, or a proposal for a scheme of arrangement of his affairs;

(h) if he is imprisoned in execution of a decree or order of a Civil Court for a longer period than twenty-one days for making default in payment of a sum of money.

*Receiving Order.*

3. Subject to the conditions specified in this Act, if a debtor has committed an act of bankruptcy, the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order, in this Act called a receiving order, for the protection of the estate.

Jurisdiction to make receiving order.

4. (1) The Court shall not have jurisdiction to make a receiving order unless—

(a) the debtor is, at the time of the presentation of the bankruptcy petition, in prison within the local limits of the jurisdiction of the Court, under an order of a Civil Court, for making default in payment of a sum of money; or

(b) the debtor, or, if he is a member of a firm, his partner or one of his partners, has, within a year before the date of the presentation of the bankruptcy petition, ordinarily resided or had a dwelling-house or place of business within those limits;

Provided as follows:—

(i) in any case where an application for declaring a debtor insolvent has been made under section 344 of the Code of Civil Procedure to any Court subordinate to the Court, and the Court is of opinion that the proceedings may be more advantageously conducted before itself and under this Act, the Court, on the application of the debtor or of any of his creditors, or of its own motion, may withdraw the proceedings from the subordinate Court, if competent so to do under its Letters Patent or section 25 of the Code of Civil Procedure, and may then make a receiving order under this Act in supersession of all or any of the proceedings which may have been previously taken under the said Code;

(ii) the Court may in any prescribed class of cases make a receiving order on a bankruptcy petition notwithstanding the restrictions imposed by clauses (a) and (b) of this sub-section.

(2) The application of the provisions of this Act to a case withdrawn under proviso (i) to sub-section (1) shall be subject to such modifications, if any, of those provisions as may be prescribed.

5. (1) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

(a) the debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to the several petitioning creditors, amounts to five hundred rupees; and

(b) the debt is a liquidated sum, payable either immediately or at some certain future time; and

(c) the act of bankruptcy on which the petition is grounded has occurred within three months before the presentation of the petition.

(2) If the petitioning creditor is a secured creditor, he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated, in the same manner as if he were an unsecured creditor.

6. (1) A creditor's petition shall be verified by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and be served in the prescribed manner.

(2) At the hearing the Court shall require proof of—

(a) the debt of the petitioning creditor,

(b) the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, some one of the alleged acts of bankruptcy, and,

(c) if the debtor does not appear, the service of the petition;

and, if satisfied with the proof, may make a receiving order in pursuance of the petition.

(3) If the Court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts, or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(4) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court, on such security (if any) being given as the Court may require for payment to the petitioner of any debt which may be established against the debtor in due course of law, and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be required for trial of the question relating to the debt.

(5) Where proceedings are stayed, the Court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make a receiving order on the petition of some other creditor, and shall thereupon dismiss,

[11 & 12 Vic.  
c. 21, s. 9.]

[L. R. 13  
Q. B. D. C. A.  
471, and  
Law Journal,  
September  
21st, 1885.]

[46 & 47 Vic.  
c. 52, s. 5.]

[16 & 47 Vic.  
c. 52, s. 6 (1),  
clause (d).]

XIV of 1882

XIV of 1882.

[11 & 12 Vic.  
c. 21, ss. 8 & 9.  
46 & 47 Vic.  
c. 52, s. 6.]

46 & 47 Vic.  
c. 52, s. 7.

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 7-14.)*

on such terms as it thinks just, the petition on which proceedings have been stayed as aforesaid.

(6) A creditor's petition shall not, after presentation, be withdrawn without the leave of the Court.

7. (1) A debtor's petition shall allege that the debtor is unable to pay his debts, and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts; and, if the debtor proves that he is entitled to present the petition, the Court shall thereupon make a receiving order, unless, in its opinion, the proceedings ought to have been taken before some other Court having jurisdiction under this Act.

(2) A debtor's petition shall not, after presentation, be withdrawn without the leave of the Court.

8. (1) On the making of a receiving order the official assignee shall be thereby constituted receiver of the property of the debtor, and the debtor, if in prison, shall be released, and thereafter, except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any suit or other legal proceeding unless with the leave of the Court and on such terms as the Court may impose.

(2) But this section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed.

9. (1) The Court may, if it is shown to be necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition and before a receiving order is made, appoint the official assignee to be interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

(2) The Court may at any time after the presentation of a bankruptcy petition stay any suit or other legal proceeding pending before any Judge or Judges of the Court or in any other Court in British India against the property or person of the debtor, and any Court in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just.

10. Where the Court makes an order staying any suit or other legal proceeding, or staying proceedings generally, the order may be served by sending a copy thereof, under the seal of the Court, by prepaid letter addressed to the Court before which the proceeding is pending and registered under Part III of the Indian Post Office Act, 1866.

11. (1) If in any case the official assignee, having regard to the nature of the debtor's estate or business or to the interests of the

creditors generally, is of opinion that a special manager of the estate or business other than the official assignee ought to be appointed, he may appoint a manager thereof accordingly to act until the property vests in the official assignee, or, if a special assignee is appointed as hereinafter provided, until that appointment takes effect, and to have such powers of the official assignee himself as may be entrusted to him by the official assignee.

(2) The debtor may be appointed special manager.

(3) The special manager shall give security and furnish accounts in such manner as the official assignee, subject to the control of the Court, may direct, and shall receive such remuneration as the official assignee may, within limits prescribed and subject to that control, determine.

12. Notice of every receiving order, stating the name, address and description of the debtor, the date of the order, the Court by which the order is made and the date of the petition, shall be published in the prescribed manner.

13. If in any case where a receiving order has been made on a bankruptcy petition it appears to the Court by which the order was made, upon an application by the official assignee, or by any creditor or other person interested, that by reason of the residence of the majority of the creditors in number or value, or the situation of the property of the debtor, in some part of British India or of Her Majesty's dominions elsewhere, beyond the limits within which the Court ordinarily exercises civil jurisdiction, or from any other cause, his estate and effects ought to be administered by some other Court having jurisdiction under this Act or under the Bankruptcy or Insolvency Laws or some other part of Her Majesty's dominions, the Court, after such enquiry as to it may seem fit, may rescind the receiving order and stay all proceedings on, or discontinue, the petition upon such terms, if any, as the Court may think fit.

*Proceedings consequent on Order.*

14. (1) When a receiving order is made against a debtor, he shall prepare and submit to the official assignee a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and shewing the particulars of the debtor's assets, debts and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official assignee may require.

(2) The statement shall be so submitted within the following time, namely:

- (i) if the order is made on the petition of the debtor, within seven days from the date of the order;
- (ii) if the order is made on the petition of a creditor, within fourteen days from the date of the order.

But the Court may, in either case, for special reasons, extend the time.

(3) If the debtor fails to comply with the requirements of this section, the official assignee may, at the expense of the estate, cause a statement of affairs to be prepared in manner prescribed,

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 15-18.)*

and, if the default of the debtor was in the opinion of the Court without reasonable excuse, the Court may, on the application of the official assignee, or of any creditor, adjudge him bankrupt.

(4) Any person stating himself in writing to be a creditor of the bankrupt may, personally or by agent, inspect the statement prepared under sub-section (1) or sub-section (3) at all reasonable times, and take any copy thereof or extract therefrom; but any person untruthfully so stating himself to be a creditor shall be punished, on the complaint of the official assignee, with imprisonment which may extend to three months, or with fine, or with both.

[Now, cf. 46 & 47 Vic., c. 52, s. 15.]

15. The debtor may within the time limited for the submission of the statement of his affairs, or, with the permission of the Court, at any time before he has been adjudged bankrupt, submit to the official assignee a proposal for a composition in satisfaction of the debts due to his creditors or a proposal for a scheme of arrangement of his affairs.

*Public Examination of Debtor.*

[46 & 47 Vic., c. 52, s. 17.]

16. (1) Where the Court makes a receiving order it shall hold a public sitting, on a day to be appointed by the Court, for the examination of the debtor, and the debtor shall attend thereat, and shall be examined as to his conduct, dealings and property.

(2) The examination shall be held as soon as conveniently may be after the expiration of the time for the submission of the debtor's statement of affairs.

(3) The Court may adjourn the examination from time to time.

(4) Any creditor who has tendered a proof, or a legal practitioner authorised by him in this behalf, may question the debtor concerning his affairs and the causes of his failure.

(5) The official assignee shall take part in the examination, and for the purpose thereof may, subject to such directions as may be given by the Court, employ a legal practitioner.

(6) The Court may put such questions to the debtor as it may think expedient.

(7) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him.

(8) Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be open to the inspection of any creditor at all reasonable times.

(9) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but that order shall not preclude the Court from directing a further examination of the debtor as to his conduct, dealings or property whenever it may see fit to do so.

*Composition or Scheme of Arrangement.*

[Now, cf. 46 & 47 Vic., c. 52, s. 15.]

17. (1) Where a debtor has submitted a proposal for a composition in satisfaction of the debts due to his creditors or a proposal for a scheme of arrangement of his affairs, the official assignee

shall, unless the Court otherwise directs, communicate the proposal in manner prescribed to each creditor mentioned in the debtor's statement of affairs and either summon him to attend a meeting to be held for the consideration of the proposal, or cause a notice to be served on him in manner prescribed requiring him, within a time to be specified in the notice, to notify in writing to the official assignee whether or not he accepts the proposal.

(2) The Court may at any time direct, and one-fourth in value of the creditors mentioned in the debtor's statement of affairs may, within the time specified in the notice served under sub-section (1), by requisition in writing, require, that a meeting of the creditors shall be held for the consideration of the proposal.

(3) With respect to the summoning of and proceedings at a meeting convened under this section, or any subsequent meeting of creditors, the rules in the first schedule shall be observed.

(4) Where the official assignee issues a notice under sub-section (1), requiring a creditor to notify whether or not he accepts a proposal, he shall send with the notice a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official assignee may think fit to make.

18. (1) The composition or scheme proposed by the debtor shall not be deemed to be accepted by the creditors unless—

(a) where a meeting has been convened under the last foregoing section, the creditors who have proved resolve, by special resolution passed at that meeting or an adjournment thereof, that the proposal shall be accepted, or,

(b) where a meeting has not been convened under that section, a majority in number representing three-fourths in value of the creditors who have proved notify in writing to the official assignee their acceptance of the proposal.

(2) The composition or scheme shall not be binding on the creditors unless, after its acceptance by them, it is approved by the Court.

(3) The debtor or the official assignee may, after the conclusion of the public examination of the debtor, apply to the Court to approve any composition or scheme which has been accepted by the creditors, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(4) The Court shall, before approving a composition or scheme, hear a report of the official assignee as to the terms of the composition or scheme and as to the conduct of the debtor, and any objections which may be made by or on behalf of any creditor.

(5) If the Court is of opinion that the terms of the composition or scheme are not reasonable, or are not calculated to benefit the general body of creditors, or in any case in which the Court is required under this Act where the debtor is adjudged bankrupt to refuse his discharge, the Court shall, or if any such facts are proved as would under this Act justify the Court in refusing, qualifying or suspending the debtor's discharge, the Court

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 19-22.)*

may in its discretion, refuse to approve the composition or scheme.

(6) If the Court approves the composition or scheme, the approval shall be testified in the prescribed manner.

(7) A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in bankruptcy.

(8) A certificate of the official assignee that a composition or scheme has been duly accepted and approved shall, in the absence of fraud, be conclusive as to its validity.

(9) The provisions of a composition or scheme under this section may be enforced by the Court on application by any person interested, and an order of the Court made on the application may be executed as if it were a decree.

(10) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court, on satisfactory evidence, that the composition or scheme cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any creditor, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this subsection, any debt provable in other respects, which has been contracted before the date of the adjudication, shall be provable in the bankruptcy.

(11) If, under or in pursuance of a composition or scheme, the official assignee or a special assignee is appointed to administer the debtor's property or manage his business, Part IV or Part V of this Act, as the case may be, and such other portions of the Act as may be prescribed, shall apply to the assignee as if he were an assignee in a bankruptcy, and as if the terms "bankruptcy," "bankrupt" and "order of adjudication" included respectively a composition or scheme of arrangement, a compounding or arranging debt and an order approving the composition or scheme.

(12) Part III of this Act shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto, the same interpretation being given to the words "assignee," "bankruptcy," "bankrupt" and "order of adjudication" as in the last preceding subsection.

(13) A composition or scheme shall not be approved by the Court unless it provides for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt.

(14) The acceptance by a creditor of a composition or scheme shall not release any person who under this Act would not be released by an order of discharge if the debtor had been adjudged bankrupt.

19. Notwithstanding the acceptance and approval of a composition or scheme, the composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the

debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents to the composition or scheme.

*Adjudication of Bankruptcy.*

20. (1) At the time of making a receiving order, or at any time thereafter, the Court may, on the application of the debtor himself, adjudge him bankrupt. The application may be made orally and without notice. [Bankruptcy Rules, 1885, para. 155.]

(2) Where a receiving order is made against a debtor, then, if a composition or scheme is not accepted and approved in pursuance of this Act within fourteen days after the conclusion of the examination of the debtor or such further time as the Court may allow, the Court shall adjudge the debtor bankrupt. [46 & 47 Vic., c. 52, s. 20.]

(3) When a debtor is adjudged bankrupt his property shall become divisible among his creditors and shall vest in the official assignee. [11 & 12 Vic., c. 21, s. 7 & 11.]

(4) Notice of every order adjudging a debtor bankrupt, stating the name, address and description of the bankrupt, the date of the adjudication and the Court by which the adjudication is made, shall be published in the prescribed manner, and the date of the order shall, for the purposes of this Act, be the date of the adjudication. [11 & 12 Vic., c. 21, s. 35.]

21. (1) Where a debtor is adjudged bankrupt the creditors may, if they think fit, at any time after the adjudication, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them under the bankruptcy, or for a scheme of arrangement of the bankrupt's affairs; and thereupon the same proceedings shall be taken and the same consequences shall ensue as in the case of a composition or scheme accepted before adjudication. [46 & 47 Vic., c. 52, s. 23.]

(2) If the Court approves the composition or scheme, it may make an order annulling the bankruptcy and vesting the property of the bankrupt in him or in such other person as the Court may appoint, on such terms, and subject to such conditions, if any, as the Court may declare.

(3) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any person interested, adjudge the debtor bankrupt and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made, or thing duly done, under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this subsection, all debts, provable in other respects, which have been contracted before the date of such adjudication shall be provable in the bankruptcy.

*Control over Person and Property of Debtor.*

22. (1) Every debtor against whom a receiving order is made shall, unless prevented by sickness or other sufficient cause, attend any meeting of his creditors which the official assignee may require him to attend, and shall submit to such examination and give such information as the meeting may require. [46 & 47 Vic., c. 52, s. 24.]

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(2) He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, wait at such times and places on the official assignee or special manager, execute such powers-of-attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the official assignee or special manager or may be prescribed by general rules, or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the official assignee or special manager, or any creditor or person interested.

(3) He shall, if adjudged bankrupt, aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds amongst his creditors.

(4) If a debtor wilfully fails to perform the duties imposed on him by this section, or to deliver up possession of any part of his property which is divisible amongst his creditors under this Act, and which is for the time being in his possession or under his control, to the official assignee or to any person authorised by the Court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

46 & 47 Vic.,  
c. 52, s. 25.] **23.** (1) The Court may, by warrant addressed to any police-officer or prison-officer, cause a debtor to be arrested, and any books, papers, money and goods in his possession to be seized, and him and them to be safely kept as prescribed until such time as the Court may order, under the following circumstances:—

(a) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he has absconded or is about to abscond with a view of avoiding service of a bankruptcy petition or of avoiding appearance to any such petition or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or embarrassing proceedings in bankruptcy against him;

(b) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he is about to remove his property with a view of preventing or delaying possession being taken of it by the official assignee, or that there is probable reason for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings, which may be of use to his creditors in the course of his bankruptcy;

(c) if, after service of a bankruptcy petition on him, or after a receiving order is made against him, he removes any property in his possession above the value of fifty rupees without the leave of the official assignee;

(d) if, without good cause shown, he fails to attend any examination ordered by the Court.

(2) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of this Act relating to fraudulent preferences.

**24.** Where a receiving order is made against a debtor, the Court, on the application of the official assignee, may, from time to time, order that for such time, not exceeding three months, as the Court thinks fit, post letters and telegrams addressed to the debtor at any place or places mentioned in the order for redirection shall be re-directed, sent or delivered by the Postal and Telegraph authorities in British India to the official assignee, or otherwise as the Court directs; and the same shall be done accordingly.

**25** (1) The Court may, on the application of the official assignee, or of any creditor who has proved his debt, at any time after a receiving order has been made against a debtor, summon before it the debtor or any person known or suspected to have in his possession any property belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property; and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant, cause him to be apprehended and brought up for examination.

(3) The Court may examine on oath, either by word of mouth or by written interrogatories, any person so brought before it concerning the debtor, his dealings or property.

(4) If on the examination of any such person it appears to the Court that he is indebted to the debtor, the Court may, on the application of the official assignee, order him to pay to the official assignee, at such time and in such manner as to the Court seems expedient, the amount in which he is indebted, or any part thereof, either in full discharge of the whole amount or not, as the Court thinks fit, with or without costs of the examination.

(5) If on the examination of any such person it appears to the Court that he has in his possession any property belonging to the debtor, the Court may, on the application of the official assignee, order him to deliver to the official assignee that property, or any part thereof, at such time, in such manner and on such terms as to the Court may seem just.

*Discharge of Bankrupt.*

**26.** (1) A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until

[11 & 12  
Vic., c. 21,  
47 & 48-51,  
46 & 47  
Vic.  
c. 52, s. 28.]

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 27-23.)*

the public examination of the bankrupt is concluded. The application shall be heard in open Court.

(2) On the hearing of the application the Court shall take into consideration a report of the official assignee as to the bankrupt's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his after-acquired property:

Provided that the Court shall refuse the discharge in all cases where the bankrupt has committed any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, and shall, on proof of any of the facts hereinafter mentioned, either refuse the order, or suspend the operation of the order for a specified time, or grant an order of discharge subject to such conditions as aforesaid.

(3) The facts hereinbefore referred to are—

- (a) that the bankrupt, if a trader, has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy or within such shorter period immediately preceding that event as the Court may deem reasonable in the circumstances of the case;
- (b) that the bankrupt has continued to trade after knowing himself to be insolvent;
- (c) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it;
- (d) that the bankrupt has brought on his bankruptcy by rash and hazardous speculations or unjustifiable extravagance in living;
- (e) that the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any suit or other legal proceeding properly brought against him;
- (f) that the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they become due, given an undue preference to any of his creditors;
- (g) that the bankrupt has on any previous occasion been adjudged bankrupt or made under any enactment in force in any part of Her Majesty's dominions a composition or arrangement with his creditors;
- (h) that the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4) For the purposes of this section the report of the official assignee shall be *prima facie* evidence of the statements therein contained.

(5) Notice of the appointment by the Court of the day for hearing the application for discharge shall be published in the prescribed manner and sent one month at least before the day so appointed to each creditor who has proved, and the Court may hear the official assignee, and may

also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it may think fit.

(6) The Court may, in making an order of discharge, pass a decree against the debtor in favour of the official assignee for any balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge; but in that case the decree shall not be executed without leave of the Court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available for payment of his debts.

(7) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the official assignee may require in the realization and distribution of such of his property as is vested in the official assignee, and if he fails to do so he shall be guilty of a contempt of Court; and the Court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done subsequent to the discharge, but before its revocation.

(8) Where the Court refuses the discharge of the bankrupt, it may, after such time and in such circumstances as may be authorised by general rules, permit him to renew his application for an order of discharge.

27. In either of the following cases, that is to say:—

- (1) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement, or
- (2) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife),

if the settlor is adjudged bankrupt or compounds or arranges with his creditors, and it appears to the Court that the settlement, covenant or contract was made in order to defeat or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court may refuse or suspend an order of discharge or grant an order subject to conditions or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

28. (1) An order of discharge shall not release the bankrupt from any debt on a recognisance, or from any debt with which the bankrupt may be chargeable at the suit of the Crown or of any person for any offence against an enactment relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail-bond entered into for the appearance of any person prosecuted for any such offence; and the bankrupt shall not be discharged from these excepted debts unless the Government certifies in writing its consent to his being discharged therefrom.



*The Indian Bankruptcy Bill, 1885.**(Part II.—Disqualifications of Bankrupt.—Part III.—Administration of Property.—Sections 29-32.)*

(2) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, or from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party.

(3) An order of discharge shall release the bankrupt from all other debts provable in bankruptcy.

(4) An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein; and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

[11 & 12 Vic. c. 21, s. 59 & 60.] (5) An order of discharge shall not release any person who at the date of the receiving order was a partner or co-trustee with the bankrupt, or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him.

## PART II.

## DISQUALIFICATIONS OF BANKRUPT.

[16 & 17 Vic. c. 52, s. 32 & 34.] 29. (1) Where a debtor is adjudged bankrupt, he shall, subject to the provisions of this section, be disqualified for—

- (a) being appointed or acting as a Member of any Legislative Council constituted under the Indian Councils Act, 1861;
- (b) being appointed or acting as a Justice of the Peace, Judge or Magistrate;
- (c) being appointed or acting as a member of any local authority.

(2) The disqualifications to which a bankrupt is subject under this section shall be removed and cease if and when—

- (a) the adjudication of bankruptcy against him is annulled; or
- (b) he obtains from the Court his discharge with a certificate to the effect that his bankruptcy was caused by misfortune without any misconduct on his part.

The Court may grant or withhold the certificate, as it thinks fit, but a refusal of the certificate shall be subject to appeal.

(3) If a person is adjudged bankrupt whilst holding the office of Member of a Legislative Council, Justice of the Peace, Judge, Magistrate or member of a local authority, his office shall thereupon become vacant.

## PART III.

## ADMINISTRATION OF PROPERTY.

*Proof of Debts.*

[11 & 12 Vic. c. 21, s. 41 & 47 Vic. c. 52, s. 37.] 30 (1) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise or breach of trust shall not be provable in bankruptcy.

(2) A person having notice of any act of bankruptcy available against the debtor shall not prove under the receiving order for any debt or liability

contracted by the debtor subsequently to the date of his so having notice.

(3) Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the receiving order, or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order, shall be deemed to be debts provable in bankruptcy.

(4) An estimate shall be made by the official assignee of the value of any debt or liability provable as aforesaid which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

(5) Any person aggrieved by any estimate made by the official assignee as aforesaid may appeal to the Court.

(6) If, in the opinion of the Court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy.

(7) If, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed before the Court itself, and may give all necessary directions for this purpose, and the amount of the value when assessed shall be deemed to be a debt provable in bankruptcy.

(8) "Liability" shall for the purposes of this Act include any compensation for work or labour done, and any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether the breach does or does not occur, or is or is not likely to occur or capable of occurring before the discharge of the debtor, and generally it shall include any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of, money, or money's worth, whether the payment is, as respects amount, fixed or unliquidated; as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation, capable of being ascertained by fixed rules, or as matter of opinion.

31. Where there have been mutual credits, mutual debts or other mutual dealings between a debtor against whom a receiving order is made under this Act and any other person proving or claiming to prove a debt under the receiving order, an account shall be taken by, or under the orders of, the Court of what is due from the one party to the other in respect of those mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a debtor in any case where he had at the time of giving credit to the debtor notice of an act of bankruptcy committed by the debtor and available against him.

[11 & 12 Vic. c. 21, s. 39. & 46 & 17 Vic. c. 52, s. 38.]

32. With respect to the mode of proving debts, the right of proof by secured and other creditors, the admission and valuation of

Rules as to proof of debts.



*The Indian Bankruptcy Bill, 1886.*  
(Part III.—Administration of Property.—Sections 33-37.)

proofs, and the other matters referred to in the second schedule, the rules in that schedule shall be observed.

**33. (1)** In the distribution of the property of a bankrupt there shall be paid in priority to all other debts—

- (a) all revenue, taxes, cesses and rates, whether payable to Her Majesty, to any local authority or otherwise, due from the bankrupt at the date of the receiving order, and having become due and payable within twelve months next before that date;
- (b) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees for each clerk or servant; and
- (c) all wages of any labourer or workman, not exceeding five hundred rupees for each, whether payable for time or piece-work, in respect of services rendered to the bankrupt during four months before the date of the receiving order.

(2) The foregoing debts shall rank equally among themselves, and shall be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions among themselves.

(3) In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts, and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates, it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate, it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

(4) Subject to the provisions of this Act, all debts proved in the bankruptcy shall be paid *per passu*.

(5) If there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the receiving order at the rate of six per centum per annum on all debts proved in the bankruptcy.

**34. (1)** Where at the time of the presentation of a petition for the bankruptcy of any person is apprenticed or is an artieled clerk to the bankrupt, the adjudication of bankruptcy shall, if either the bankrupt or the apprentice or clerk gives notice in writing to the official assignee to that effect, be a complete discharge of the contract of apprenticeship or articles of agreement; and, if any money has been paid by or on behalf of the apprentice or clerk to the bankrupt as a fee, the official assignee may, on the application of the apprentice or clerk, or of some person on his behalf, pay such sum as the official assignee, subject to an appeal to the Court, thinks reasonable, out of the bankrupt's property to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the contract or articles before the commencement of the bankruptcy, and to the

(2) Where it appears expedient to the official assignee, he may, on the application of any apprentice or artieled clerk to the bankrupt, or any person acting on behalf of the apprentice or artieled clerk, instead of acting under the preceding provisions of this section, transfer the contract of apprenticeship or articles of agreement to some other person.

**35. (1)** The landlord or other person to whom any rent is due from the bankrupt may, at any time, either before or after the commencement of the bankruptcy, exercise his right of distress (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if the distress for rent be levied after the commencement of the bankruptcy it shall be available only for three months' rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

(2) For the purposes of this section the term "order of adjudication" shall be deemed to include an order for the administration of the estate of a deceased person who dies insolvent.

*Property available for Payment of Debts.*

**36.** The bankruptcy of a debtor, whether the same takes place on the debtor's own petition or upon that of a creditor or creditors, shall be deemed to have relation back to, and to commence at, the time of the act of bankruptcy being committed on which a receiving order is made against him, or, if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to, and to commence at, the time of the first of the acts of bankruptcy proved to have been committed by the bankrupt within three months next preceding the date of the presentation of the bankruptcy petition; but a bankruptcy petition, receiving order or adjudication shall not be rendered invalid by reason of any act of bankruptcy anterior to the debt of the petitioning creditor.

**37.** The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:—

- (1) property held by the bankrupt on trust for any other person;
- (2) the tools (if any) of his trade and the necessary wearing apparel, bedding and other such necessities of himself, his wife and children, to a value, exclusive of tools and apparel and the other things aforesaid, not exceeding two hundred rupees in the whole;

But it shall comprise the following particulars:—

- (3) all such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy or may be acquired by or devolve on him before his discharge;
- (4) the capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as

*The Indian Bankruptcy Bill, 1886.*  
(Part III.—Administration of Property.—Sections 38-43.)

rupt for his own benefit at the commencement of his bankruptcy or before his discharge; and

[11 & 12 Vic.,  
c. 21, s. 23.]

(b) all moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof: Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

*Effect of Bankruptcy on antecedent Transactions.*

Cf. Act XIV  
of 1882, s.  
95.  
6 & 47 Vic.,  
c. 52, s. 45.]

38. (1) Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the official assignee, except in respect of assets realized in the course of the execution by sale or otherwise before the date of the receiving order, and before notice of the presentation of any bankruptcy petition by or against the debtor, or of the commission of any available act of bankruptcy by the debtor, has been given to the Court executing the decree.

(2) Nothing in this section shall affect the rights of a mortgagee or incumbrancer of property against which a decree is executed.

46 & 47 Vic.,  
c. 52, s. 46.]

39. (1) Where execution of a decree has issued against any property of a debtor which is saleable in execution, and before the sale thereof notice is given to the Court executing the decree that a receiving order has been made against the debtor, the Court shall, on application, direct the property to be delivered to the official assignee, but the costs of the execution shall be a charge on the property so delivered, and the official assignee may sell the property or an adequate part thereof for the purpose of satisfying the charge.

(2) A person who in good faith purchases the property of a debtor under a sale in execution shall in all cases acquire a good title to it against the official assignee.

46 & 47 Vic.,  
c. 52, s. 47.]

40. (1) Any settlement of property not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of the settlement, be void against the official assignee, and shall if the settlor becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the official assignee unless the parties claiming under the settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement and that the interest of the settlor in the property had passed to the trustee of the settlement on the execution thereof.

(2) Any covenant or contract made in consideration of marriage, for the future settlement on or for the settlor's wife or children of any money or

property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent in possession or remainder, and not being money or property of or in right of his wife, shall, on his becoming bankrupt before the money or property has been actually paid or transferred pursuant to the covenant or contract, be void against the official assignee.

(3) "Settlement" shall for the purposes of this section include any conveyance or transfer of property.

41. (1) Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving that creditor a preference over the other creditors, shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the official assignee.

Avoidance of preferences in certain cases.

[11 & 12 Vic.  
c. 21, s. 21.  
46 & 47 Vic.  
c. 52, s. 48.]

(2) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.

42. Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy on an execution and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate in the case of a bankruptcy—

- (a) any payment of the bankrupt to any of his creditors,
- (b) any payment or delivery to the bankrupt,
- (c) any conveyance or assignment by the bankrupt for valuable consideration, or
- (d) any contract, dealing or transaction by or with the bankrupt for valuable consideration:

Provided that both the following conditions are complied with, namely:—

(1) the payment, delivery, conveyance, assignment, contract, dealing or transaction, as the case may be, takes place before the date of the receiving order; and

(2) the person (other than the debtor) to, by or with whom the payment, delivery, conveyance, assignment, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, contract, dealing or transaction, notice of any available act of bankruptcy committed by the bankrupt before that time.

*Realisation of Property*

43. (1) The official assignee shall, as soon as he may be, take possession of the deeds, books and documents of the bankrupt, and all other parts of his property capable of manual delivery.

Possession of property by assignee.

[11 & 12 Vic.  
c. 21, s. 21.  
46 & 47 Vic.  
c. 52, s. 50.]

*The Indian Bankruptcy Bill, 1886.*  
(Part III.—Administration of Property.—Sections 44-47.)

(2) The official assignee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed under section 503 of the Code of Civil Procedure, and shall have such of the powers conferable on a receiver under that section as may be prescribed; and the Court may on his application enforce such acquisition or retention accordingly.

(3) Where any part of the property of the bankrupt consists of stock, shares in ships, shares or any other property transferable in the books of any company, office or person, the official assignee may exercise the right to transfer the property to the same extent as the bankrupt might have exercised it if he had not become bankrupt.

(4) Where any part of the property of the bankrupt consists of things in action, those things shall be deemed to have been duly assigned to the official assignee.

(5) Any treasurer or other officer, or any banker, attorney or agent of a bankrupt, shall pay and deliver to the official assignee all money and securities in his possession or power, as such officer, banker, attorney or agent, which he is not by law entitled to retain as against the bankrupt or the official assignee. If he does not, he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the official assignee.

44. Any person acting under warrant of the Court may seize any part of the property of a bankrupt in the custody or possession of the bankrupt or of any other person, and with a view to the seizure thereof may break open any house, building or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and, where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place not belonging to him, the Court may, if it think fit, grant a search-warrant to any police-officer or officer of the Court, who may execute it according to its tenor.

45. (1) Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian marine service, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, the official assignee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as, subject to the provisions of section 266 of the Code of Civil Procedure, the Court, on the application of the official assignee, may, by order under section 268 of that Code, direct.

(2) Where a bankrupt is in the receipt of a salary or income other than as aforesaid, the Court, on the application of the official assignee, shall from time to time, subject to the provisions of section 266 of the said Code and of the Pensions Act, 1871, make such order as it think just for the payment of the salary or income, or of any part thereof, to the official assignee, to be applied by him in such manner as the Court may direct.

(3) Nothing in this section shall take away or abridge any power of the chief officer of any public department to dismiss a bankrupt.

46. The property of a debtor who has been adjudged bankrupt shall pass from official assignee to official assignee, and shall vest in the official assignee for the time being during his continuance in office, without any conveyance, assignment or transfer whatever.

47. (1) Where any part of the property of the bankrupt consists of any tenancy burdened with onerous covenants, of shares or stock in companies, of unprofitable contracts, or of any other property that is unsaleable, or not readily salable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the official assignee, notwithstanding that he has endeavoured to sell or has taken possession of the property, or exercised any act of ownership in relation thereto, but subject to the provisions of this section, may, by writing signed by him, at any time within three months after the adjudication of bankruptcy, disclaim the property:

Provided that, where any such property has not come to the knowledge of the official assignee within one month after the adjudication, he may disclaim the property at any time within two months after he first became aware thereof.

(2) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interests and liabilities of the bankrupt and his property in or in respect of the property disclaimed, and shall also discharge the official assignee from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of releasing the bankrupt and his property and the official assignee from liability, affect the rights or liabilities of any other person.

(3) The official assignee shall not be entitled to disclaim a tenancy without the leave of the Court, except in any cases which may be prescribed by general rules; and the Court may, before or on granting the leave, require such notices to be given to persons interested, and impose such terms as a condition of granting leave, and make such orders with respect to fixtures, tenant's improvements and other matters arising out of the tenancy, as the Court thinks just.

(4) The official assignee shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to him by any person interested in the property requiring him to decide whether he will disclaim or not, and he has for a period of twenty-eight days after the receipt of the application, or such extended period as may be allowed by the Court, declined or neglected to give notice whether he disclaims the property or not; and, in the case of a contract, if the official assignee, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

(5) The Court may, on the application of any person who is, as against the official assignee, entitled to the benefit or subject to the burden of a contract made with the bankrupt, make an order rescinding the contract on such terms as to payment by or to either party of damages for the non-performance of the contract, or otherwise, as to

*The Indian Bankruptcy Bill, 1886.*  
(Part III.—Administration of Property.—Sections 48-50.)

the Court may seem equitable; and any damages payable under the order to any such person may be proved by him as a debt under the bankruptcy.

(6) The Court may, on application by any person either claiming any interest in any disclaimed property, or being under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the Court thinks just; and, on any such vesting order being made, the property comprised therein shall vest accordingly in the person therein named in that behalf without any conveyance or assignment for the purpose:

Provided always that, where the property disclaimed is a tenancy, the Court shall not make a vesting order in favour of any person claiming under the bankrupt, whether as under-tenant or as mortgagee by demise, except upon the terms of making that person subject to the same liabilities and obligations as the bankrupt was subject to under the tenancy in respect to the property at the date when the bankruptcy petition was filed, and any under-tenant or mortgagee declining to accept a vesting order upon these terms shall be excluded from all interest in and security upon the property; and if there is no person claiming under the bankrupt who is willing to accept an order upon these terms, the Court shall have power to vest the bankrupt's estate and interest in the property in any person bound either personally or in a representative character, and either alone or jointly with the bankrupt, to discharge the tenant's liabilities and obligations, freed and discharged from all estates, incumbrances and interests created therein by the bankrupt.

(7) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the bankrupt to the extent of the injury, and may accordingly prove the same as a debt under the bankruptcy.

48. (1) Subject to the provisions of this Act, Powers exercisable by the official assignee may do the following things:—

(a) sell all or any part of the property of the bankrupt (including the goodwill of his business, if any, and the book debts due or growing due to him) by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels;

(b) give receipts for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof;

(c) prove, rank, claim and draw a dividend in respect of any debt due to the bankrupt;

(d) exercise any powers the capacity to exercise which is vested in the official assignee under this Act, and execute any powers of attorney, deeds and other instruments for the purpose of carrying into effect the provisions of this Act;

(e) deal with any property to which the bankrupt is beneficially entitled as tenant

in tail or other owner of an estate of inheritance less than an estate in fee-simple in the same manner as the bankrupt might have dealt with it.

(2) Any dealing by an official assignee under clause (c) of sub-section (1) with any property to which the bankrupt is before his discharge entitled as in that clause mentioned shall, although the bankrupt be dead at the time of that dealing, be as valid and have the same operation as if the bankrupt were then alive.

49. The official assignee may, subject to any Powers exercisable by general or special orders of the Court, do all or any of the following things:—

(1) carry on the business of the bankrupt, so far as may be necessary for the beneficial winding up of the same;

(2) bring, institute or defend any suit or other legal proceeding relating to the property of the bankrupt;

(3) employ a legal practitioner or other agent to take any proceedings or do any business;

(4) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as he thinks fit;

(5) mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;

(6) refer any dispute to arbitration, and compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, on the receipt of such sums, payable at such times, and generally on such terms as may be agreed on;

(7) make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy;

(8) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the official assignee by any person or by the official assignee on any person;

(9) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

*Distribution of Property.*

50. (1) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the official assignee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

(2) The first dividend, if any, shall be declared and be payable within six months after the adjudication, unless the official assignee satisfies the

*The Indian Bankruptcy Bill, 1886.*  
(Part IV.—Official Assignees.—Sections 51-58.)

Court that there is sufficient reason for postponing the declaration to a later date.

(3) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and be payable at intervals of not more than six months.

(4) Before declaring a dividend the official assignee shall cause notice of his intention to do so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the bankrupt's statement who has not proved his debt.

(5) When the official assignee has declared a dividend he shall send to each creditor who has proved a notice showing the amount of the dividend and when and how it is payable, and a statement in the prescribed form as to the particulars of the estate.

**51.** (1) Where one partner of a firm is adjudged bankrupt, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

(2) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of the official assignee or any person interested, be declared together; and the expenses of and incident to those dividends shall be fairly apportioned by the official assignee between the joint and separate properties, regard being had to the work done for and to the benefit received by each property.

**52.** In the calculation and distribution of a dividend the official assignee shall make provision for debts payable in bankruptcy appearing from the bankrupt's statement, or otherwise, to be due to persons resident in places so distant from the place where the official assignee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts payable in bankruptcy the subject of claims not yet determined. He shall also make provision for any disputed proofs or claims, and for the expenses necessary for the administration of the estate or otherwise, and, subject to the foregoing provisions, he shall distribute as dividend all money in hand.

**53.** Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any money for the time being in the hands of the official assignee any dividend or dividends he may have failed to receive before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

**54.** When the official assignee has realized all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly

protracting the proceedings in bankruptcy, he shall, with the leave of the Court, declare a final dividend; but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified to him, but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the Court within a time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or, if the Court on application by any such claimant grants him further time for establishing his claim, then on the expiration of that further time, the property of the bankrupt shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons.

**55.** No suit for a dividend shall lie against the official assignee, but if the official assignee refuses to pay any dividend the Court may, if it thinks fit, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application. [11 & 12 Vic. c. 21, s. 45. 46 & 47 Vic. c. 52, s. 63.]

**56.** (1) The official assignee may appoint the bankrupt himself to superintend the management of the property of the bankrupt or of any part thereof, or to carry on the trade (if any) of the bankrupt for the benefit of his creditors, and in any other respect to aid in administering the property in such manner and on such terms as the official assignee may direct. [46 & 47 Vic. c. 52, s. 64.]

(2) The official assignee may, from time to time, make such allowance as he thinks just to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate, but the Court may reduce any such allowance and limit the time for which it may be made. [11 & 12 Vic. c. 21, s. 47.]

**57.** The bankrupt shall be entitled to any surplus remaining after payment in full of his creditors, with interest, as by this Act provided, and of the costs, charges and expenses of the proceedings under the bankruptcy petition. [46 & 47 Vic. c. 52, s. 65.]

## PART IV.

### OFFICIAL ASSIGNEES.

#### *Appointment and Removal.*

**58.** (1) The Chief Justice of each of the High Courts of Judicature at Fort William, Madras and Bombay may from time to time appoint such persons as he thinks fit to the office of official assignee of debtors' estates for that Court, and may, with the concurrence of a majority of the other Judges of the Court, remove the person for the time being holding that office for any of the following causes, namely, unwillingness to act, removal from out of the jurisdiction of the Court, incapacity or misconduct. [11 & 12 Vic. c. 21, s. 14. 46 & 47 Vic. c. 52, s. 66 (1)]

(2) The Local Government may in like manner appoint such person as it thinks fit to the office of official assignee of debtors' estates for any other Court having bankruptcy jurisdiction under this Act, and may remove the person for the time being holding that office.

*The Indian Bankruptcy Bill, 1886.*  
(Part IV.—Official Assignees.—Sections 59-64.)

(3) Notwithstanding anything in sub-sections (1) and (2), the persons substantively or temporarily holding the office of official assignee immediately before the commencement of this Act in the Courts for the Relief of Insolvent Debtors at Calcutta, Madras and Bombay under the 11 & 12 Vic., cap. 21 (*an Act to consolidate and amend the Laws relating to Insolvent Debtors at India*), and in the Court of the Recorder of Rangoon under that statute as applied by the Burma Courts Act, 1875, shall, with all further appointment for that purpose, become the official assignees, substantive or temporary, as the case may be, under this Act in the High Courts at Fort William, Madras and Bombay and in the Court of the Recorder of Rangoon, respectively.

VII of 1875.

*Duties.*

6 & 17 Vic.,  
52, s. 68.]

59. (1) The duties of an official assignee shall have relation both to the conduct of the debtor and to the administration of his estate.

(2) An official assignee may, for the purpose of affidavits verifying proofs, petitions or other proceedings under this Act administer oaths.

3 & 47 Vic.,  
52, s. 69.]

60. As regards the debtor, it shall be the duty of the official assignee—  
Duties of official assignee as regards the debtor's conduct.

(1) to investigate the conduct of the debtor and to report to the Court, stating whether there is reason to believe that the debtor has committed any act which constitute an offence under this Act or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, or which would justify the Court in refusing, suspending or qualifying an order for his discharge;

(2) to make such other reports concerning the conduct of the debtor as the Court may direct or as may be prescribed;

(3) to take such part as may be directed by the Court in the public examination of the debtor; and

(4) to take such part and give such assistance in relation to the prosecution of any fraudulent debtor as the Court may direct or as may be prescribed;

6 & 17 Vic.,  
52, s. 70.]

61. (1) As regards the estate of a debtor it shall be the duty of the official assignee—  
Duties of official assignee as to debtor's estate.

(a) where a special assignee has not been appointed, to act as receiver of the debtor's estate, and, where a special manager has not been appointed, as manager thereof;

(b) to authorise the special manager to raise money or make advances for the purposes of the estate in any case where, in the interests of the creditors, it appears necessary so to do;

(c) to summon and preside at the meeting mentioned in section 17;

(d) to report to the creditors as to any proposal which the debtor has made with respect to the mode of liquidating his affairs;

(e) to advertise the receiving order, the date of the debtor's public examination, and such other matters as it may be necessary to advertise.

(2) For the purpose of his duties as interim receiver or manager the official assignee shall have such of the powers conferable on a receiver appointed under section 503 of the Code of Civil Procedure as may be prescribed.

(3) The official assignee shall account to the Court and pay over all moneys and deal with all securities in such manner as, subject to the provision of this Act, the Court, from time to time, directs.

*Remuneration.*

62. (1) The remuneration to be paid to the official assignee shall be fixed by general rules.  
Remuneration of official assignee.

(2) The rules shall express what expenses the remuneration is to cover, and no liability shall attach to the bankrupt's estate, or to the creditors, in respect of any expenses which the remuneration is expressed to cover.

(3) No remuneration whatever beyond that referred to in sub-section (1) shall be received by an official assignee as such.

*Costs.*

63. (1) No payment shall be allowed in the accounts of the official assignee or manager in respect of the performance by any other person of the ordinary duties which are required by this Act or the rules made under this Act to be performed by himself.  
Allowance and taxation of costs.

(2) All bills and charges of legal practitioners, managers, accountants, auctioneers, brokers and other persons shall be taxed by the prescribed officer, and no payments in respect thereof shall be allowed in the accounts of the official assignee without leave of the Court given after the bills and charges have been taxed.

(3) Every such person shall, on request by the official assignee (which request the official assignee shall make a sufficient time before declaring a dividend), deliver his bill of costs or charges to the prescribed officer, and if he fails to do so within seven days after receipt of the request, or such further time as the Court, on application, may grant, the official assignee shall declare and distribute the dividend without regard to any claim by him, and thereupon any such claim shall be forfeited as well against the official assignee personally as against the estate.

*Receipts, Payments, Accounts and Audit.*

64. (1) Two accounts, called respectively the Bankruptcy Estates Account and the Bankruptcy Dividends Account, shall be kept by the Court with such Government treasury, and in accordance with such rules, as the Governor General in Council may from time to time prescribe.  
Bankruptcy Estates Account and Bankruptcy Dividends Account.

(2) Subject to those rules, the Bankruptcy Estates Account shall be an account of money held by the Court for estates in bankruptcy, and the Bankruptcy Dividends Account shall be an account of declared dividends remaining unclaimed or undistributed.

(3) The said accounts shall be opened as soon as may be after the passing of this Act.

(4) The official assignee shall, in such manner and at such times as the Court, with the sanction



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(Part IV.—Official Assignees.—Sections 65-71.)

of the Governor General in Council, directs, pay the money received by him on account of estates in bankruptcy into the Court for credit to the Bankruptcy Estates Account, and the Court shall furnish him with a certificate of receipt of the money so paid.

(5) If an official assignee at any time retains for more than ten days a sum exceeding five hundred rupees, or such other sum as the Court in any particular case authorizes him to retain, then, unless he explains the retention to the satisfaction of the Court, he shall pay interest on the amount so retained in excess at the rate of twenty per centum per annum, and shall be liable to pay any expenses occasioned by reason of his default, and to submit to such other consequences as may be prescribed.

(6) All payments out of money standing to the credit of the Bankruptcy Estates Account or the Bankruptcy Dividends Account shall be made by the treasury in the prescribed manner on the order of the prescribed officer.

65. An official assignee shall not pay any sums received by him as official assignee into his private banking account.

66. (1) Whenever the balance standing to the credit of an estate in the Bankruptcy Estates Account exceeds ten thousand rupees, the Court may order such part thereof as is not required for the time being to answer demands in respect of the estate, or for transfer to the Bankruptcy Dividends Account in respect of dividends declared, to be invested in Government securities.

(2) When the Court has made an order under sub-section (1), it shall notify the order to such officer as the Governor General in Council may appoint in this behalf, and pay over to the officer the sum which it has ordered to be invested or any part thereof as the officer may require, and the officer may invest the said sum or part thereof in Government securities to be placed to the credit of the estate.

(3) Whenever any part of the money so invested is, in the opinion of the Court, required to answer any demands in respect of the estate or for transfer to the Bankruptcy Dividends Account, the Court shall notify to the officer the amount so required and the officer shall thereupon repay to the Court such sum as may be required to the credit of the estate, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(4) Interest on investments under this section shall be paid to the Bankruptcy Estates Account to the credit of the estate.

67. (1) Every official assignee shall, at such times as may be prescribed, but not less than twice in each year during his tenure of office, submit to the Court, or as it directs, an account of his receipts and payments as such official assignee.

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a declaration in the prescribed form.

(3) The Court shall cause the accounts so submitted to be audited, by such officer as the Gov-

ernor General in Council may appoint in this behalf, and for the purposes of the audit the official assignee shall furnish the officer with such vouchers and information as the officer may require, and the officer may at any time require the production of and inspect any books or accounts kept by the official assignee.

(4) When any such account has been audited, a copy thereof shall be filed in the Court, and shall be open to the inspection of any creditor, or of the bankrupt, or of any person interested.

68. The official assignee shall, whenever required by any creditor so to do, and on payment by the creditor of the prescribed fee, furnish and transmit to the creditor by post a list of the creditors, showing in the list the amount of the debt due to each of the creditors. [46 & 47 Vic., c. 52, s. 79.]

69. The official assignee shall keep, in manner prescribed, proper books, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed; and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent, inspect any such books. [46 & 47 Vic., c. 52, s. 80.]

70. (1) Every official assignee shall, from time to time, as may be prescribed, and not less than once in every year, during the continuance of the bankruptcy, submit to the Court a statement showing the proceedings in the bankruptcy up to the date of the statement, containing the prescribed particulars, and made out in the prescribed form. [46 & 47 Vic., c. 52, s. 81.]

(2) The Court shall cause the statement so submitted to be examined, and shall call the official assignee to account for any misfeasance, neglect or omission which may appear on the statement or in his accounts or otherwise, and may require the official assignee to make good any loss which the estate of the bankrupt may have sustained by reason of the misfeasance, neglect or omission.

#### Release.

71. (1) When the official assignee has realized all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly protracting the proceedings in bankruptcy, and distributed a final dividend, if any, or has ceased to act by reason of a composition having been approved, or has resigned, or has vacated or been removed from his office, the Court shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Court, shall take into consideration the report, and any objection which may be urged by any creditor or person interested against the release of the official assignee, and shall either grant or withhold the release accordingly. [46 & 47 Vic., c. 52, s. 82.]

(2) Where the release of an official assignee is withheld, the Court may, on the application of any creditor or person interested, make such order as it thinks just, charging the official assignee with the consequences of any act or default which he may have done or made contrary to his duty.

(3) An order of the Court releasing the official assignee shall discharge him from all liability in



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(Part V.—Special Assignees.—Sections 72-77.)

respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as official assignee, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

*Official Name.*

[46 & 47 Vic., c. 52, s. 83.] **72.** The official assignee may sue and be sued by the name of "the official assignee of the property of a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description, make contracts, enter into any engagements binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

*Vacation of Office on Insolvency.*

[46 & 47 Vic., c. 52, s. 85.] **73.** If a receiving order is made against an official assignee, he shall thereby vacate the office of official assignee.

*Control.*

[46 & 47 Vic., c. 52, s. 89.] **74.** (1) Subject to the provisions of this Act, the official assignee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by any resolution of the creditors at a meeting.

(2) The official assignee may, from time to time, summon meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution at any meeting, or the Court may direct, or whenever requested in writing to do so by one-fourth in value of the creditors.

(3) The official assignee may apply to the Court in manner prescribed for directions in relation to any particular matter arising under the bankruptcy.

(4) Subject to the provisions of this Act, the official assignee shall use his own discretion in the management of the estate and its distribution among the creditors.

[46 & 47 Vic., c. 52, s. 90.] **75.** If the bankrupt or any of the creditors, or any other person, is aggrieved by any act or decision of the official assignee, he may apply to the Court, and the Court may confirm, reverse or modify the act or decision complained of, and make such order in the premises as it thinks just.

[46 & 47 Vic., c. 52, s. 91.] **76.** (1) In the event of any official assignee not faithfully performing his duties and duly observing all the requirements imposed on him by any enactment, rules or otherwise, with respect to the performance of his duties, or in the event of any complaint being made to the Court by any creditor in regard thereto, the Court shall enquire into the matter and take such action thereon as may be deemed expedient.

(2) The Court may at any time require any official assignee to answer any inquiry made by it in relation to any bankruptcy in which he is

engaged, and may examine him or any other person on oath concerning the bankruptcy.

(3) The Court may also direct a local investigation to be made of the books and vouchers of the official assignee.

PART V.

SPECIAL ASSIGNEES.

**77.** (1) If any creditor desires that any person other than the official assignee be appointed as assignee of the bankrupt's estate, he may, at any time after the debtor has been adjudged bankrupt, apply to the Court to summon a meeting of the creditors for the purpose of considering the appointment of a special assignee.

(2) The Court may in any case, and shall if the creditor, or he and other creditors applying with him, represent one-fourth in value of the creditors, cause a meeting to be summoned for that purpose.

(3) At the meeting convened under sub-section (2) the creditors may, by ordinary resolution, appoint a special assignee of the property of the bankrupt.

(4) If a special assignee is appointed, he shall give security in manner prescribed to the satisfaction of the Court; and the Court, if satisfied with the security, shall certify that his appointment has been duly made, unless it disapproves of the appointment on the ground that it has not been made in good faith by a majority in value of the creditors voting, or that the person appointed is not fit to act as assignee, or that his connection with or relation to the bankrupt or his estate or any particular creditor makes it difficult for him to act with impartiality in the interests of the creditors generally.

(5) The appointment of a special assignee shall take effect as from the date of the certificate.

(6) If the Court disapproves of the appointment made at the meeting summoned under sub-section (2), it shall cause a further meeting of the creditors to be summoned for the purpose of appointing some other person to be special assignee.

(7) If either at the meeting summoned under sub-section (2) or at the further meeting summoned under sub-section (6) the creditors do not, by ordinary resolution, appoint a special assignee, or if at the further meeting they make an appointment of which the Court disapproves on any of the grounds mentioned in sub-section (4), the official assignee shall be the assignee throughout the bankruptcy.

(8) Subject to the provisions of this Act with respect to security and the approval of the Court, the creditors, if they think fit, may, by ordinary resolution, appoint more persons than one to the office of special assignee; and, where more persons than one are appointed, the creditors shall declare whether any act required or authorised to be done by the special assignee is to be done by all or any one or more of those persons, all of whom are in this Act included under the term "special assignee," and shall be joint-tenants of the property of the bankrupt with right of survivorship.

(9) Where the Court disapproves of the appointment of any one of more persons than one

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appointed to the office of special assignee, it shall be deemed, subject to the next following sub-section, to disapprove of the appointment of all of them. •

(10) Provided, with respect to sub-sections (6), (7), (8) and (9), that, where the creditors resolve to appoint a special assignee, or more persons than one to the office of special assignee, they may appoint one or more persons to be substituted in succession in the place of the person first named, or of one or more of the persons first named, in the event of his or their declining to accept the office of special assignee, or failing to give security, or not being approved of by the Court.

(11) The creditors may, by ordinary resolution, at a meeting specially called for that purpose, of which seven days' notice has been given, remove a special assignee appointed by them, and may, at the same or any subsequent meeting, appoint another person to fill the vacancy as hereinafter provided in the case of a vacancy in the office of special assignee.

(12) If the Court is of opinion that a special assignee appointed by the creditors is guilty of misconduct, or fails to perform his duties under this Act, the Court may remove him from his office.

(13) If a vacancy occurs in the office of special assignee, the creditors at a meeting may appoint a person to fill the vacancy, and thereupon the same proceedings shall be taken as in the case of a first appointment.

(14) The official assignee shall, on the requisition of any creditor, summon a meeting for the purpose of filling any such vacancy.

(15) If the creditors do not within four weeks after the occurrence of a vacancy appoint a person to fill the vacancy, the official assignee shall be the assignee during the remainder of the bankruptcy.

(16) During any vacancy in the office of special assignee the official assignee shall act as assignee.

78. Where a special assignee has been appointed, the status of special pointed under the last foregoing section, the property of the bankrupt shall vest in the special assignee without any conveyance or assignment for the purpose; and, save as provided by any general rules and any general or special orders of the Court, all the foregoing provisions of this Act referring to an official assignee shall, so far as may be, be construed as referring to the special assignee, subject to the following provisions, namely:—

(a) the references to the official assignee in sections 8, 9, 11 and 13 to 18 (both inclusive), section 20, sub-section (3), section 26, sub-sections (2), (4) and (6), sections 58 to 62 (both inclusive), and section 77, apply to the official assignee only;

(b) the special assignee shall not do any of the things mentioned in section 49 without the permission of the Court, or, if the Court so directs, of the prescribed officer, given on an application to the Court or to the prescribed officer, as the case may be, for permission to do the particular thing or things in the specified case or cases stated in the application;

(c) with his application to the Court for leave to declare a final dividend under section 54, the special assignee shall, when he has not realised all the property of the

bankrupt, submit a report by the prescribed officer as to the sufficiency of the grounds for his opinion that he has realised so much of the property of the bankrupt as can be realised without needlessly protracting the proceedings in bankruptcy;

(d) the special assignee shall not, without the [46 & 47 Vic., c. 52, s. 64.] previous sanction of the Court, or, if the Court so directs, of the prescribed officer, appoint the bankrupt himself to discharge any of the duties mentioned in sub-section (1) of section 56, or make any allowance to the bankrupt under sub-section (2) of that section;

(e) the remuneration, if any, of the special [46 & 47 Vic., c. 52, s. 72.] assignee shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realised, after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend, and it shall be fixed by the creditors, by ordinary resolution, at the meeting at which he is appointed, but may be reduced by the Court, and shall be so adjusted that the expense of administration by a special assignee shall not exceed the expense of administration by the official assignee;

(f) the special assignee shall not, under any [46 & 47 Vic., c. 52, s. 72.] circumstances whatever, make any arrangement for or accept from the bankrupt, or any legal practitioner, auctioneer or any other person that may be employed about the bankruptcy, any gift, remuneration or pecuniary or other consideration or benefit whatever beyond the remuneration fixed by the creditors and payable out of the estate, nor shall he make any arrangement for giving up, or give up, any part of the remuneration payable to him in any capacity, to the bankrupt or to any legal practitioner or other person that may be employed about the bankruptcy;

(g) when no remuneration has been voted to [46 & 47 Vic., c. 52, s. 72.] the special assignee, he shall be allowed out of the bankrupt's estate such proper costs and expenses incurred by him in or about the proceedings of the bankruptcy as the prescribed officer may allow;

(h) the special assignee shall supply the official [46 & 47 Vic., c. 52, s. 68.] assignee with such information, and give him such access to, and facilities for inspecting, the bankrupt's books and documents, and generally shall give him such aid, as may be requisite for enabling the official assignee to perform his duties under this Act;

(i) where the special assignee has not previously [46 & 47 Vic., c. 52, s. 82.] resigned or vacated or been removed from his office, his release under section 71 shall operate as a removal of him from his office;

(j) the vote of the special assignee, or of his [46 & 47 Vic., c. 52, s. 88.] partner, clerk, legal practitioner or legal practitioner's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the special assignee.

*The Indian Bankruptcy Bill, 1886.**(Part VI.—Constitution, Procedure and Powers of Court.—Sections 79-87.)*

## PART VI.

## CONSTITUTION, PROCEDURE AND POWERS OF COURT.

*Jurisdiction.*

[46 & 47 Vic.,  
c. 52, s. 92.] **79. (1)** The Courts having jurisdiction in bankruptcy under this Act shall be—

Courts having jurisdiction in bankruptcy.

(a) the High Courts of Judicature at Fort William, Madras and Bombay;

(b) the Court of the Recorder of Rangoon; and

(c) subject to any limitation which the Governor General in Council may impose with respect to the extent of the jurisdiction to be exercised, such other Civil Courts as the Local Government, with the previous sanction of the Governor General in Council, may, from time to time, appoint in this behalf in the territories administered by it.

[New.]

**80.** For the purposes of this Act the local limits of the jurisdiction of the said Courts shall, subject to the provisos to section 4, sub-section (1), be the following, namely:—

Local limits of their jurisdiction.

(a) the local limits of the jurisdiction of each of the said High Courts of Judicature shall be the local limits for the time being of its ordinary original civil jurisdiction;

(b) the local limits of the jurisdiction of the Court of the Recorder of Rangoon shall comprise the towns of Rangoon, Moulmein, Akyab and Bassein;

(c) the local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

11 & 12  
Vic., c. 21,  
s. 3.

16 & 47 Vic.,  
c. 52, s. 94(2).]

**81.** All matters in respect of which jurisdiction is given by this Act shall, where the Court consists of more than one Judge, be ordinarily transacted and disposed of by or under the direction of one of the Judges of that Court, and the Chief Justice or senior Judge shall, from time to time, assign a Judge for that purpose.

**82.** Any proceedings in bankruptcy pending in any Court appointed by the Local Government of a province under section 79 may, at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by the High Court of the province to itself or to any Court appointed as aforesaid in the province.

46 & 47 Vic.,  
c. 52, s. 97(2).]

Transfer of proceedings from Court to Court.

16 & 47 Vic.,  
c. 52, s. 97,  
(3).]

**83.** If any question of law arises in any bankruptcy proceeding in a Court appointed by the Local Government of a province under section 79, and all the parties to the proceeding desire, or one of them and the Judge of the Court desire, to have the question determined in the first instance in the High Court of the province, the Judge shall state the facts, in the form of a special case, for the opinion of that High Court. The special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

Power to state special case.

**84.** Subject to the provisions of this Act and to general rules, the Judge of a Court exercising jurisdiction in bankruptcy may exercise in chambers the whole or any part of his jurisdiction.

Exercise of jurisdiction in chambers.

**85. (1)** Subject to general rules limiting the powers conferred by this section, the High Court of Judicature at Fort William, Madras or Bombay may, from time to time, direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, an officer of the Court or Judge of the Presidency Small Cause Court appointed by it in this behalf shall have all or any of the powers in this section mentioned; and any order made or act done by such officer or Judge in the exercise of the said powers shall be deemed the order or act of the High Court.

(2) The powers referred to in sub-section (1) are the following, namely:—

(a) to hear bankruptcy petitions, and to make receiving orders and adjudications thereon;

(b) to hold the public examination of debtors;

(c) to grant orders of discharge;

(d) to approve compositions or schemes of arrangement;

(e) to make interim orders in any case of urgency;

(f) to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers;

(g) to hear and determine any unopposed or *ex parte* application;

(h) to summon and examine any person known or suspected to have in his possession effects of the debtor, or to be indebted to him, or to be capable of giving information respecting the debtor, his dealings or property.

**86.** The Court of the Recorder of Rangoon, and any Court appointed by a Local Government under section 79, shall, for the purposes of its bankruptcy jurisdiction, in addition to its ordinary powers, have all the powers and jurisdiction possessed by any of the said High Courts of Judicature; and the orders of the Court may be enforced accordingly in manner prescribed.

Powers of Court of Recorder of Rangoon and Court appointed by Local Government.

**87. (1)** Subject to the provisions of this Act, every Court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, which may arise in any case of bankruptcy coming within the cognizance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

(2) A Court having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

General powers of Bankruptcy Courts.

*The Indian Bankruptcy Bill, 1886.**(Part VI.—Constitution, Procedure and Powers of Court.—Sections 83-95.)*

(3) Where a receiving order has been made in any Court having jurisdiction in bankruptcy under this Act, and that Court consists of more Judges than one, the Judge by whom the order was made, or, where the order was made by an authority empowered in that behalf under section 85, the Judge assigned under section 81 for the transaction and disposal of matters in bankruptcy, shall have power, if he sees fit, without any further consent, to order the transfer to himself of any suit or other proceeding by or against the bankrupt pending before any other Judge or Judges of the Court.

(4) Where default is made by an assignee, debtor or other person in obeying any order or direction given by the Court or by an official assignee or any other officer of the Court under any power conferred by this Act, the Court may, on the application of the official assignee or other duly authorised person, or of its own motion, order the defaulting assignee, debtor or person to comply with the order or direction so given; and the Court may also, if it thinks fit, upon any such application make an immediate order for the committal of the defaulting assignee, debtor or other person:

Provided that the power given by this sub-section shall be deemed to be in addition to and not in substitution for any other right or remedy in respect of the default.

*Appeals.*

47 Vic., s. 104.] 88. (1) Every Court having jurisdiction in bankruptcy under this Act may review, rescind or vary any order made by it under its bankruptcy jurisdiction.

(2) Orders in bankruptcy matters shall, at the instance of any person aggrieved, be subject to appeal as follows:—

(a) an appeal from an order made by an officer of the Court or Judge of a Presidency Small Cause Court empowered under section 85 shall lie to the Judge assigned under section 81 for the transaction and disposal of matters in bankruptcy;

(b) an appeal from an original order made by a single Judge or Bench of a High Court consisting of more Judges than one shall, if appeals lie to the High Court from orders passed by a single Judge or Bench thereof in exercise of its original civil jurisdiction, lie to the High Court in accordance with the rules applicable to those appeals;

(c) an appeal from an order of the Court of the Recorder of Rangoon shall lie to the Special Court;

(d) an appeal from an order of a Court appointed by a Local Government under section 79, not being a High Court to which clause (b) of this sub-section applies, shall lie, if the Court is not a High Court, to the High Court of the province, and, if the Court is a High Court, as the Governor General in Council may from time to time direct;

(e) no appeal shall be entertained except in conformity with such general rules as may for the time being be in force in relation to the appeal.

*Procedure.*

89. (1) Subject to the provisions of this Act [46 & 47 Vic. c. 52, s. 106.] and to general rules, the costs of and incidental to any proceeding in Court under this Act shall be in the discretion of the Court.

(2) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it thinks fit to impose.

(3) The Court may at any time amend any written process or proceeding under this Act upon such terms, if any, as it thinks fit to impose.

(4) Where by this Act or by general rules the time for doing any act or thing is limited, the Court may extend the time either before or after the expiration thereof, upon such terms, if any, as the Court thinks fit to impose.

(5) Subject to general rules, the Court may in any matter take the whole or any part of the evidence either *vis à vis* or by interrogatories, or upon affidavit, or by commission beyond the limits of British India.

(6) For the purpose of approving a composition or scheme by joint debtors, the Court may, if it thinks fit, and on the report of the official assignee that it is expedient so to do, dispense with the public examination of one of the joint debtors if he is unavoidably prevented from attending the examination by illness or absence abroad.

90. Where two or more bankruptcy petitions [46 & 47 Vic. c. 52, s. 106.] are presented against the same debtor or against joint debtors, the Court may consolidate the proceedings or any of them, on such terms as the Court thinks fit.

91. Where the petitioner does not proceed with due diligence on his petition, [46 & 47 Vic. c. 52, s. 107.] the Court may substitute as petitioner any other creditor to whom the debtor is indebted in the amount required by this Act in the case of the petitioning creditor, or may give the carriage of proceedings to the official assignee.

92. If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive. [46 & 47 Vic. c. 52, s. 108.]

93. The Court may, at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court thinks just. [46 & 47 Vic. c. 52, s. 109.]

94. Any creditor whose debt is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others. [46 & 47 Vic. c. 52, s. 110.]

95. Where there are more respondents than one to a petition, the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them. [46 & 47 Vic. c. 52, s. 111.]

*The Indian Bankruptcy Bill, 1886.**(Part VII.—Small Bankruptcies.—Part VIII.—Fraudulent Debtors and Creditors.—Sections 96-102.)*[46 & 47 Vic.,  
c. 52, s. 112.]

**96.** Where a receiving order has been made on a bankruptcy petition against property of partners to be vested in same or by one member of a partnership, any other bankruptcy petition against or by a member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution; and, if an assignee is acting in respect of the property of the first-mentioned member of the partnership, the same assignee shall, unless the Court otherwise directs, act in respect of the property of the last-mentioned member, and the Court may give such directions for consolidating the proceedings under the petitions as it thinks just.

[46 & 47 Vic.,  
c. 52, s. 113.]

**97.** Where a member of a partnership is adjudged bankrupt, the Court may authorise the assignee to commence and prosecute any suit or other legal proceeding in the names of the assignee and of the bankrupt's partner; and any release by the partner of the debt or demand to which the proceeding relates shall be void; but notice of the application for authority to commence the proceeding shall be given to him, and he may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the proceeding, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the Court directs.

[46 & 47 Vic.,  
c. 52, s. 114.]

**98.** Where a bankrupt is a contractor in respect of any contract jointly with any other person, that other person may sue or be sued in respect of the contract without the pender of the bankrupt.

[46 & 47 Vic.,  
c. 52, s. 115.]

**99.** Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm; but in that case the Court may, on application by any person interested, order the names of the persons who are partners in the firm, or the name of the person carrying on business under a partnership name, to be disclosed in such manner, and verified on oath or otherwise, as the Court may direct.

*Annulment of Adjudication.*[11 & 12 Vic.,  
c. 21, ss. 8 & 9.  
46 & 47 Vic.,  
c. 52, s. 35.]

**100.** (1) Where in the opinion of the Court a debtor ought not to have been adjudged bankrupt, or where it is proved to the satisfaction of the Court that the debts of the bankrupt are paid in full, or where in some part of British India, or of Her Majesty's dominions elsewhere, beyond the limits within which the Court ordinarily exercises civil jurisdiction, proceedings are pending for the distribution of the estate and effects of the bankrupt among his creditors under this Act or under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions, and it appears to the Court that the distribution ought to take place in that part of British India or of Her Majesty's dominions elsewhere, the Court may, on the application of any person interested, by order, annul the adjudication.

(2) Where an adjudication is annulled under this section, all sales and dispositions of property and payments duly made, and all acts theretofore

done, by the assignee or other person acting under his authority, or by the Court, shall be valid, but the property of the debtor who was adjudged bankrupt shall vest in such person as the Court may appoint, or, in default of any such appointment, revert to the debtor for all his estate or interest therein on such terms and subject to such conditions, if any, as the Court may declare by order.

(3) Notice of the order annulling an adjudication shall be forthwith published in the prescribed manner.

(4) For the purposes of this section any debt disputed by a debtor shall be considered as paid in full if the debtor enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into Court.

## PART VII.

## SMALL BANKRUPTCIES.

**101.** When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official assignee reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications, namely:—

- (a) if the debtor is adjudged bankrupt, the official assignee shall be the assignee in the bankruptcy;
- (b) no appeal shall lie from any order of the Court, except by order of the Court;
- (c) the estate shall, where practicable, be distributed in a single dividend;
- (d) such other modifications may be made in the provisions of this Act as may be prescribed with the view of saving expense and simplifying procedure; but nothing in this section shall permit the modification of the provisions of this Act relating to the examination or discharge of the debtor.

## PART VIII.

## FRAUDULENT DEBTORS AND CREDITORS.

**102.** (1) "The Court" in this Part means the Court before which an accused person is tried and, with respect to matters which it is the duty of a jury to decide or determine, includes the jury where the trial of the accused is by jury.

(2) Nothing in this Part shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Part, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Part:

Provided that a person shall not be punished twice for the same offence.

New.]



*The Indian Bankruptcy Bill, 1886.*  
(Part VIII.—*Fraudulent Debtors and Creditors.*—Sections 103-104.)

**103.** Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with imprisonment which may extend two years, or with fine, or with both; that is say—

- (a) if he does not, to the best of his knowledge and belief, fully and truly discover to the assignee administering his estate for the benefit of his creditors all his property, and how, and to whom, and for what consideration, and when, he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expenses of his family; unless the Court is satisfied that he had no intent to defraud;
- (b) if he does not deliver up to that assignee, or as he directs, all such part of his property as is in his custody or under his control, and which he is required by law to deliver up, unless the Court is satisfied that he had no intent to defraud;
- (c) if he does not deliver up to that assignee, or as he directs, all books, documents, papers and writings in his custody or under his control relating to his property or affairs, unless the Court is satisfied that he had no intent to defraud;
- (d) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he conceals any part of his property to the value of one hundred rupees or upwards, or conceals any debt due to or from him, unless the Court is satisfied that he had no intent to defraud;
- (e) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he fraudulently removes any part of his property of the value of one hundred rupees or upwards;
- (f) if he makes any material omission in any statement relating to his affairs, unless the Court is satisfied that he had no intent to defraud;
- (g) if, knowing or believing that a false debt has been proved by any person under the bankruptcy, he fails for the period of one month to inform the assignee aforesaid thereof;
- (h) if, after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;
- (i) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he conceals, destroys, mutilates or falsifies, or is privy to the concealment, destruction, mutilation or falsification of, any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;
- (j) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;
- (k) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he fraudulently parts with, alters or makes any omission in, or is privy to the fraudulently parting with, altering or making any omission in, any document affecting or relating to his property or affairs;
- (l) if, after the presentation of a bankruptcy petition by or against him, or at any meeting of his creditors within four months next before the presentation thereof, he attempts to account for any part of his property by fictitious losses or expenses;
- (m) if while undischarged he obtains credit to the extent of two hundred rupees, or upwards from any person without informing that person that he is an undischarged bankrupt: [46 & 47 Vic., c. 52, s. 31.]
- (n) if, within four months next before the presentation of a bankruptcy petition by or against him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same;
- (o) if, within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, obtains, under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the Court is satisfied that he had no intent to defraud;
- (p) if, within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, pawns, pledges or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless the Court is satisfied that he had no intent to defraud;
- (q) if he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy.

**104.** If, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, any person against whom a receiving order is made under this Act quits British India and takes with him, or attempts or makes preparation to quit British India and to take with him, any part of his property to the amount of two hundred rupees or upwards, which ought by law to be divided amongst his creditors, he shall (unless the Court is satisfied that he had no intent

Penalty for absconding with property.

[32 & 33 Vic., c. 62, s. 12.  
46 & 47 Vic., c. 52, s. 163.]

*The Indian Bankruptcy Bill, 1886.*  
(Part IX.—Supplemental Provisions.—Sections 105-112.)

to defraud) be punished with imprisonment which may extend to two years, or with fine, or with both.

[32 & 33 Vic.,  
c. 62, s. 13.]

**105.** Any person shall in each of the cases following be punished with imprisonment which may extend to one year, or with fine, or with both; that is to say—

- (a) if in incurring any debt or liability he has obtained credit under false pretences or by means of any other fraud;
- (b) if he has, with intent to defraud his creditors, or any of them, made, or caused to be made, any gift, delivery or transfer of or any charge on his property;
- (c) if he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied decree or order for payment of money obtained against him.

[32 & 33 Vic.,  
c. 62, s. 14.]

**106.** If any creditor, in any bankruptcy composition or arrangement with creditors wilfully and with intent to defraud makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be punished with imprisonment which may extend to one year, or with fine, or with both.

[32 & 33 Vic.,  
c. 62, s. 15.]

**107.** Where a debtor makes any composition or arrangement with his creditors, he shall remain liable for the unpaid balance of any debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting dividends.

[32 & 33 Vic.,  
c. 62, s. 16.  
46 & 47 Vic.,  
c. 52, s. 161.]

**108.** Where the assignee reports to any Court exercising jurisdiction in bankruptcy that in his opinion a debtor against whom a receiving order has been made under this Act has been guilty of any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, or where any such Court is satisfied upon the representation of any creditor that there is ground to believe that the debtor has been guilty of any offence as aforesaid, that Court shall, if it appears to it that there is a reasonable probability that the debtor may be convicted, order the assignee to prosecute him for the offence.

[46 & 47 Vic.,  
c. 52, s. 167.]

**109.** Where a debtor has been guilty of any offence he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

## PART IX.

### SUPPLEMENTAL PROVISIONS.

#### *Application of Act.*

[46 & 47 Vic.,  
c. 52, s. 162.  
45 & 46 Vic.,  
c. 75, s. 1 (b).  
Act III of 1874, s. 8.]

**110.** A married woman shall, in respect of her separate property (if any), be subject to this Act in the same way as if she were unmarried.

**111.** A receiving order shall not be made against any corporation, or against any partnership, association or company registered under any enactment relating to companies for the time being in force.

**112 (1)** Any creditor of a deceased debtor in whose debt would have been sufficient to support a bankruptcy petition against the debtor, had he been alive, may present to the Court a petition in the prescribed form praying for an order for the administration of the estate of the deceased debtor according to the law of bankruptcy.

(2) Upon the prescribed notice being given to the executor, administrator or other legal representative of the deceased debtor, the Court may in the prescribed manner, upon proof of the petitioner's debt, unless the Court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in bankruptcy of the deceased debtor's estate, or may upon cause shown dismiss the petition with or without costs.

(3) An order of administration under this section shall not, in cases where a grant of probate or administration is required to establish a title as legal representative, be made until the expiration of two months from the date of the grant of probate or letters of administration, unless with the concurrence of the legal representative of the deceased debtor, or unless the petitioner proves to the satisfaction of the Court that the debtor committed an act of bankruptcy within three months prior to his decease.

(4) A petition for administration under this section shall not be presented to the Court after proceedings have been commenced in any Court of Justice for the administration of the deceased debtor's estate; but that Court may, in that case, on the application of any creditor, and on proof that the estate is insufficient to pay its debts, transfer the proceedings to the Court exercising jurisdiction in bankruptcy; and thereupon the last-mentioned Court may, in the prescribed manner, make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(5) Upon an order being made for the administration of a deceased debtor's estate under this section, the property of the debtor shall vest in the official assignee of the Court, and he shall forthwith proceed to realize and distribute the same in accordance with the provisions of this Act.

(6) With the modifications hereinafter mentioned, all the provisions of Part III of this Act, relating to the administration of the property of a bankrupt, shall, so far as the same are applicable, apply to the case of an administration order under this section in like manner as to an order of adjudication under this Act.

(7) In the administration of the property of the deceased debtor under an order of administration, the official assignee shall have regard to any claims by the legal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and about the debtor's estate; and those claims shall be deemed a preferential debt under the order, and be



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(Part IX.—Supplemental Provisions.—Sections 113-119.)

payable in full, out of the debtor's estate, in priority to all other debts.

(8) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the official assignee after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of bankruptcy, the surplus shall be paid over to the legal representative of the deceased debtor's estate, or dealt with in such other manner as may be prescribed.

(9) Notice to the legal representative of a deceased debtor of the presentation by a creditor of a petition under this section shall, in the event of an order for administration being made thereon, be deemed to be equivalent to notice of an act of bankruptcy, and after the notice no payment or transfer of property made by the legal representative shall operate as a discharge to him as between himself and the official assignee. Save as aforesaid nothing in this section shall invalidate any payment made or act or thing done in good faith by the legal representative before the date of the order for administration.

(10) Unless the context otherwise requires, "Court," in this section, means the Court exercising jurisdiction in bankruptcy within the local limits of the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his decease; and "creditor" means one or more creditors qualified to present a bankruptcy petition as in this Act provided.

(11) General rules, for carrying into effect the provisions of this section, may be made in the same manner and to the like effect and extent as in bankruptcy.

*General Rules.*

113. (1) The High Court of a province may, from time to time, with the concurrence of the Governor General in Council, make, revoke and alter general rules for carrying into effect the objects of this Act.

(2) All general rules made under the foregoing provisions of this section shall be judicially noticed, and shall have effect as if enacted by this Act.

(3) After the commencement of this Act no general rule under the provisions of this section shall come into operation until the expiration of one month after the same has been made and issued.

*Fees.*

114. The High Court of a province, with the previous sanction of the Governor General in Council, may from time to time make rules prescribing the fees and percentages to be charged for or in respect of proceedings under this Act, and the fees to be charged for or in respect of proceedings instituted under Chapter XX of the Code of Civil Procedure in any Court having jurisdiction under this Act, and may direct by whom and in what manner the same are to be collected and accounted for, and to what account they shall be paid.

*Evidence.*

115. (1) A copy of the *Gazette of India*, or of the *Gazette of a Local Government*, containing any

or the rules made under this Act, shall be evidence of the facts stated in the notice.

(2) The production of a copy of the *Gazette* containing any notice of a receiving order, or of an order adjudging a debtor bankrupt, shall be conclusive proof in all legal proceedings of the order having been duly made, and of its date.

116. (1) A minute of proceedings at a meeting of creditors under this Act, signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

117. Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate made by any Court having jurisdiction in bankruptcy, any instrument, affidavit or document or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings, or other proceedings had under this Act, shall, if it appears to be sealed with the seal of any Court having jurisdiction in bankruptcy, or purports to be signed by any Judge thereof, or is certified as a true copy by any Registrar thereof, be receivable in evidence in all legal proceedings whatever.

118. Subject to general rules, any affidavit may be used in a Bankruptcy Court if it is sworn—

(1) in British India, before—

(a) any Court or Magistrate,

(b) any officer whom the High Court of a province may appoint in this behalf; or

(c) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf;

(2) in England, before any person authorised to administer oaths in Her Majesty's High Court of Justice, or in the Court of Chancery of the County Palatine of Lancaster, or before any Registrar of a Bankruptcy Court, or before any officer of a Bankruptcy Court authorised in writing in that behalf by the Judge of the Court;

(3) in Scotland or in Ireland, before a Judge Ordinary, Magistrate or Justice of the Peace; and

(4) in any other place, before a Magistrate or Justice of the Peace or other person qualified to administer oaths in that place (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid, by a British Minister or British Consul or British Political Agent or by a notary public).

119. In case of the death of the debtor, or of a witness whose evidence has been received by any Court in any proceeding under this Act the

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(Part IX.—Supplemental Provisions.—Sections 120-130.)

deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

[11 & 12 Vic., c. 21, s. 4.] **120.** Every Court having jurisdiction in bankruptcy under this Act shall have a seal describing the Court in such manner as may be directed by order of the High Court of the province, and judicial notice shall be taken in all legal proceedings of the seal, and of the signature of the Judge or Registrar of any Court having that jurisdiction.

[46 & 47 Vic., c. 52, s. 138.] **121.** A certificate of the Court, that a person has been appointed or is an assignee under this Act, shall be conclusive proof of his having been appointed or being such assignee.

*Time.*

[46 & 47 Vic., c. 52, s. 141.] **122.** (1) Where by or under this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day, and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a day on which the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

(2) Where by or under this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a day on which the Court does not sit, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

*Notices.*

[46 & 47 Vic., c. 52, s. 142.] **123.** All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

*Formal Defects.*

[46 & 47 Vic., c. 52, s. 143.] **124.** (1) No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity unless the Court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of that Court.

(2) No defect or irregularity in the appointment of an assignee shall vitiate any act done by him in good faith.

*Bankrupt Trustee.*

XVII of 1866. [46 & 47 Vic., c. 52, s. 147.] **125.** Where a bankrupt is a trustee within the Indian Trustee Act, 1866, section 35 of that Act shall have effect so as to authorize the appointment of a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

*Corporations, Firms and Lunatics.*

**126.** For all or any of the purposes of this Act, [46 & 47 c. 52, s. 1] a corporation may act by any of its officers authorised in that behalf under the seal of the corporation; a firm may act by any of its members; and a lunatic may act by his committee, curator bonis or manager, or, when the matter is one in respect of which a Court of Wards has superintendence, by that Court or such person as it may appoint in this behalf.

*Construction of former Acts, &c.*

**127.** Whereby any enactment or instrument [46 & 47 c. 52, s. 1] reference is made to the 11 & 12 Vic., cap. 21 (an Act to consolidate and amend the Laws relating to Insolvent Debtors in India), the enactment or instrument shall, so far as may be, be construed and have effect as if reference were made therein to the corresponding provisions of this Act.

**128.** The provisions of this Act relating to the [46 & 47 c. 52, s. 15] remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge shall bind the Crown.

**129.** Nothing in this Act, or in any transfer of [11 & 12 Vic., c. 21, s. 46 & 47 Vic., c. 52, s. 15] jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had immediately before the commencement of this Act; and all attorneys or other persons who had the right of audience before the Courts for the Relief of Insolvent Debtors shall have the like right of audience in bankruptcy matters in the High Courts of Judicature at Fort William, Madras and Bombay, respectively.

*Unclaimed Funds or Dividends.*

**130.** (1) Where an assignee under any bank- [46 & 47 c. 52, s. 162] ruptcy, composition or scheme pursuant to this Act has under his control any unclaimed dividend which has remained unclaimed for more than six months, or where, after making a final dividend, he has in his hands or under his control any unclaimed or undistributed money arising from the property of the debtor, or where, after the passing of this Act, any unclaimed or undistributed fund or dividend in the hands or under the control of an assignee under the 11 & 12 Vic., c. 21 (An Act to consolidate and amend the Laws relating to Insolvent Debtors in India) has remained or remains unclaimed or undistributed for six months after the same became claimable or distributable, or in any other case for two years after the receipt thereof by the assignee, the assignee shall forthwith pay it into the Court for credit, if it is held for an estate, to the Bankruptcy Estates Account of that Court, or, if it is held as a dividend for a creditor, to the Bankruptcy Dividends Account of that Court.

(2) In the case of an assignee under the Statute aforesaid in the Court for the Relief of Insolvent Debtors at Calcutta, Madras or Bombay, or in the Court of the Recorder of Rangoon, "the Court" in sub-section (1) means the High Court of Judicature at Fort William, Madras or Bombay, or the Court of the Recorder of Rangoon, as the case may be.

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(Part IX.—Supplemental Provisions.—Sections 131-135.)

(3) The Court, with the concurrence of the Governor General in Council, may, from time to time, appoint a person to collect and get in all such unclaimed or undistributed moneys, funds or dividends; and for the purposes of this section the Court shall have, and at the instance of the person so appointed or of its own motion may exercise, all the powers conferred by this Act with respect to the discovery and realization of the property of a debtor, and the provisions of Part I of this Act with respect thereto shall, with any necessary modifications, apply to proceedings under this section.

(4) The provisions of this section shall not, except as expressly declared herein, deprive any person of any larger or other right or remedy to which he may be entitled against the assignee.

of 131. Moneys transferred to the credit of the Bankruptcy Dividends Account which are not paid within six years from the date of their transfer to that account shall be carried to the account and credit of the Government of India, unless the Court, on the motion of a person interested, otherwise directs.

c. 12. 132. Any person claiming to be entitled to any moneys paid into the Bankruptcy Estates Account or the Bankruptcy Dividends Account pursuant to section 130, or carried to the account and credit of the Government of India pursuant to section 131, may apply to the Court for an order for payment to him of the same; and the Court, if satisfied that the person claiming is entitled, shall make an order for payment to him of the sum due:

Provided that, before making an order for the payment of a sum which has been carried to the account and credit of the Government of India, the Court shall cause a notice to be served on such officer as the Governor General in Council may appoint in this behalf, calling on the officer to show cause, within one month from the date of the service of the notice, why the order should not be made.

133. (1) Where in the books of the official assignee of the Court for the Relief of Insolvent Debtors at Calcutta, Madras or Bombay, or of the Court of the Recorder of Rangoon, a dividend in respect of the claim of a person who has been named in a schedule as a creditor of an insolvent in proceedings under the 11 & 12 Vic., c. 21 (*An Act to consolidate and amend the Laws relating to Insolvent Debtors in India*), but has not established his title to the dividend, has been standing to the credit of the estate of the insolvent for a longer period than six years from the date of the declaration of the dividend, the official assignee of the High Court of Judicature at Fort William, Madras or Bombay, or of the Court of the Recorder of Rangoon, as the case may be, shall, at the prescribed time and in the prescribed form, file an account of it in Court, and publish the account in two successive issues of the local official Gazette.

(2) If the dividend is not claimed within six months from the date of the second publication of the account in the Gazette, it shall, after deduction therefrom of the cost of preparing, filing and publishing the account, be divided rateably

among the creditors of the estate who have proved their debts or demands.

*Debtor's Books.*

134. (1) No person shall, as against the assignee, be entitled to withhold possession of the books of accounts belonging to the debtor or to set up any lien thereon. [Bankruptcy Rules, 1885, para. 259.]

(2) Any creditor of the bankrupt may, subject to the control of the Court, inspect at all reasonable times, personally or by agent, any such books in the possession of the assignee. [New.]

*Interpretation.*

Interpretation. 135. (1) In this Act, unless the context otherwise requires,— [46 & 47 Vic., c. 52, s. 168.]

- (1) "province" means the territories under the administration of a Local Government:
- (2) "High Court of the province" and "High Court of a province" mean the highest Civil Court of appeal for a province:
- (3) "the Court" (except in Part VIII) means the Court having jurisdiction in bankruptcy under this Act:
- (4) "affidavit" includes declarations under any legislative enactment, affirmations, and attestations on honour:
- (5) "assignee" means an official assignee or special assignee:
- (6) "available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made:
- (7) "debt provable in bankruptcy" or "provable debt" includes any debt or liability by this Act made provable in bankruptcy:
- (8) "general rules" includes forms:
- (9) "Government treasury" includes a bank which conducts treasury business for the Government:
- (10) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund:
- (11) "oath" includes affirmation, declaration under any legislative enactment, and attestation on honour:
- (12) "ordinary resolution" means a resolution decided by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution:
- (13) "prescribed" means prescribed by general rules within the meaning of this Act:
- (14) "property" includes money, goods, things in action, land and every other description of property, whether moveable or immoveable; also, obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined:
- (15) "schedule" means a schedule to this Act:

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(Part IX.—Supplemental Provisions.—Section 136.)  
(The First Schedule.—Meetings of Creditors.)

- (16) "secured creditor" means a person holding a mortgage, charge or lien on the property of the debtor, or any part thereof, as a security for a debt due to him from the debtor :
- (17) "sheriff" includes any officer charged with the execution of a writ or other process :
- (18) "special resolution" means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution.

(2) The schedules to this Act shall be construed and have effect as part of the Act.

*Repeal.*

16 & 47 Vic., 52, s. 169.] **136.** (1) The enactments described in the third schedule are hereby repealed as from the commencement of this Act to the extent mentioned in that schedule.

(2) The repeal effected by this Act shall not affect—

- (a) anything done or suffered before the commencement of this Act under any enactment repealed by this Act ; or
- (b) any right or privilege acquired, or duty imposed, or liability or disqualification incurred, under any enactment so repealed ; or
- (c) any fine, forfeiture or other punishment incurred or to be incurred in respect of any offence committed or to be committed against any enactment so repealed ; or
- (d) the institution or continuance of any proceeding or other remedy, whether under any enactment so repealed or otherwise, for ascertaining any such liability or disqualification, or recovering or enforcing any such fine, forfeiture or punishment as aforesaid.

(3) Notwithstanding the repeal effected by this Act, all proceedings in any Court or before a Judge of any Court under any of the enactments repealed pending at the commencement of this Act shall, except so far as any provision of this Act expressly applies to pending proceedings, continue, and those enactments shall, except as aforesaid, apply thereto, as if this Act had not passed.

(4) The person for the time being holding the office of official assignee for any of the High Courts of Judicature at Fort William, Madras and Bombay, or for the Court of the Recorder of Rangoon, shall, for the purposes of any such proceedings pending before that Court or any Judge thereof, be deemed to have been appointed official assignee under the repealed enactment.

2. The official assignee shall also, as soon as practicable, send to each creditor mentioned in the debtor's statement of affairs a notice of the time and place of the meeting, accompanied by a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official assignee may think fit to make ; but the proceedings at the meeting shall not be invalidated by reason of any such notice or summary not having been sent or received before the meeting.

3. The meeting shall be held at such place as is in the opinion of the official assignee most convenient for the majority of the creditors.

4. The official assignee or the special assignee may at any time summon a meeting of creditors, and shall do so whenever so directed by the Court, or so requested in writing by one-fourth in value of the creditors.

5. Meetings subsequent to the meeting mentioned in section 17 shall be summoned by sending notice of the time and place thereof to each creditor at the address given in his proof, or, if he has not proved, at the address given in the debtor's statement of affairs; or at such other address as may be known to the person summoning the meeting.

6. The official assignee, or some person nominated by him, shall be the chairman at every meeting: Provided that, if the Court so directs, the chairman at any meeting subsequent to the meeting mentioned in section 17 shall be such person as the meeting by ordinary resolution appoint.

7. A person shall not be entitled to vote as a creditor at any meeting of creditors unless he has duly proved a debt provable in bankruptcy to be due to him from the debtor, and the proof has been duly lodged before the time appointed for the meeting.

8. A creditor shall not vote at any such meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

9. For the purpose of voting a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. If he votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

10. A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, as a security in his hands, and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof.

11. It shall be competent to the assignee, within twenty-eight days after a proof estimating the value of a security as aforesaid has been made use of in voting at any meeting, to require the creditor to give up the security for the benefit of the creditors generally on payment of the value

**THE FIRST SCHEDULE.**

(See section 17.)

**MEETINGS OF CREDITORS.**

1. The official assignee shall summon the meeting mentioned in section 17 by giving not less than seven days' notice of the time and place thereof in the prescribed manner.

*The Indian Bankruptcy Bill, 1886.*  
(The Second Schedule.—Proof of Debts.)

so estimated, with an addition thereto of twenty per centum: Provided that, where a creditor has put a value on the security, he may at any time before he has been required to give up the security as aforesaid correct the valuation by a new proof, and deduct the new value from his debt, but in that case the addition of twenty per centum shall not be made if the assignee requires the security to be given up.

12. If a receiving order is made against one partner of a firm, any creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt or the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat.

13. The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether the proof of a creditor should be admitted or rejected, he shall mark the proof as objected to and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

14. A creditor may vote either in person or by proxy.

15. Every instrument of proxy shall be in the prescribed form, and shall be issued by the official assignee, or, if a special assignee has been appointed, by the special assignee, and every instrument therein shall be in the handwriting of the person issuing the proxy.

16. A creditor may give a general proxy to his manager or clerk, or any other person in his regular employment. In that case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor.

17. A creditor may give a special proxy to any person to vote at any special meeting or adjournment thereof, for or against any specific resolution, or for or against any specified person as official assignee.

18. A proxy shall not be used unless it is deposited with the official assignee or special assignee before the meeting at which it is to be used.

19. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a special assignee in obtaining proxies, in procuring the special assignee's appointment, or the direction of a meeting of creditors, the Court shall have power, if it thinks fit, to order that remuneration shall be allowed to the person by whom or on whose behalf the solicitation has been exercised, notwithstanding any resolution of the creditors to the contrary.

20. A creditor may appoint the official assignee of the debtor's estate to act in manner prescribed by his general or special proxy.

21. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

22. A meeting shall not be competent to act for any purpose, except the election of a chairman and the adjournment of the meeting, unless there are present, or represented thereat, at least three creditors, or all the creditors if their number does not exceed three.

23. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be

adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

24. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up, and fairly entered in a book kept for that purpose, and the minutes shall be signed by him.

25. No person acting under either a general or a special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor rateably with the other creditors of the debtor: Provided that where any person holds special proxies to vote for the appointment of himself as special assignee, he may use the said proxies and vote accordingly.

### THE SECOND SCHEDULE.

(See section 32.)

[46 & 47 Vic.,  
c. 52, Sch. II.]

#### PROOF OF DEBTS.

##### *Proof in ordinary cases.*

1. Every creditor shall prove his debt as soon as may be after the making of a receiving order.

2. A debt may be proved by delivering or sending through the post in a prepaid letter to the official assignee, or, if a special assignee has been appointed, to the special assignee, an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement of account showing the particulars of the debt and shall specify the vouchers, if any, by which the same can be substantiated. The official assignee or special assignee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt, unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount, not exceeding five per centum on the net amount of his claim, which he may have agreed to allow for payment in cash.

##### *Proof by Secured Creditors.*

9. If a secured creditor realizes his security, he may prove for the balance due to him, after deducting the net amount realized.

10. If a secured creditor surrenders his security to the assignee for the general benefit of the creditors, he may prove for his whole debt.

11. If a secured creditor does not either realize or surrender his security, he shall, before ranking for dividend, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled



*The Indian Bankruptcy Bill, 1886.*  
(The Second Schedule.—Proof of Debts.)

to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. (a) Where a security is so valued the assignee may at any time redeem it on payment to the creditor of the assessed value.

(b) If the assignee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the assignee or as, in default of agreement, the Court may direct. If the sale is by public auction, the creditor, or the assignee on behalf of the estate, may bid or purchase.

(c) Provided that the creditor may at any time, by notice in writing, require the assignee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the assignee does not, within six months after receiving the notice, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it; and the equity of redemption, or any other interest in the property comprised in the security which is vested in the assignee, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

13. Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the assignee, or the Court, that the valuation and proof were made *bona fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor, and upon such terms as the Court shall order, unless the assignee shall allow the amendment without application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rule, the creditor shall forthwith repay any surplus dividend which he has received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he has failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realizes it, or if it is realized under the provisions of rule 12, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

16. If a secured creditor does not comply with the foregoing rules, he shall be excluded from all share in any dividend.

17. Subject to the provisions of rule 12, a creditor shall in no case receive more than sixteen annas in the rupee and interest as provided by this Act.

*Taking Accounts of Property mortgaged and Sale thereof.*

18. Upon application by motion by any person claiming to be a mortgagee of any part of the bank-

rupt's immoveable property, whether the mortgage is of a legal or equitable nature, the Court shall proceed to inquire whether the person is such mortgagee, and for what consideration and under what circumstances; and if it is found that the person is such mortgagee, and if no sufficient objection appears to the title of the person to the sum claimed by him under the mortgage, the Court shall direct such accounts and inquiries to be taken as may be necessary for ascertaining the principal, interest and costs due upon the mortgage, and the rents and profits, or dividends, interest or other proceeds received by the person, or by any other person by his order or for his use in case he has been in possession of the property over which the mortgage extends, or any part thereof; and the Court, if satisfied that there ought to be a sale, shall direct notice to be given in such Gazettes or newspapers as it thinks fit, when and where, and by whom and in what way, the property, or the interest therein so mortgaged, is to be sold, and that the sale be made accordingly, and that the assignee (unless it be otherwise ordered) shall have the conduct of the sale; but it shall not be imperative on any such mortgagee to make such application. At any such sale the mortgagee may bid and purchase.

19. All proper parties shall join in the conveyance to the purchaser, as the Court may direct.

20. The moneys arising from the sale shall be applied in the first place in payment of the costs, charges and expenses of the assignee, of and occasioned by the application to the Court and of attending the sale, and then in payment and satisfaction so far as the same will extend of what is found due to the mortgagee, for principal, interest and costs; and the surplus of the said moneys (if any) shall then be paid to the assignee. But in case the moneys arising from the sale are insufficient to pay and satisfy what is so found due to the mortgagee, then he shall be entitled to prove as a creditor for the deficiency, and receive dividends thereon rateably with the other creditors, but not so as to disturb any dividend then already declared.

21. For the better taking of such inquiries and accounts, and making a title to the purchaser, all parties may be examined by the Court upon interrogatories or otherwise as it may think fit, and shall produce before the Court upon oath all deeds, papers, books and writings in their respective custody or power relating to the estate or effects of the bankrupt, as the Court may direct.

*Proof in respect of Distinct Contracts.*

22. If a debtor was at the date of the receiving order liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of the contracts against the properties respectively liable on the contracts.

*Periodical Payments.*

23. When any rent or other payment falls due at stated periods, and the receiving order is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of

*The Indian Bankruptcy Bill, 1886.*  
*(The Third Schedule.—Enactments repealed.)*

the order as if the rent or payment grew due from day to day.

*Interest.*

24. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order and provable in bankruptcy, the creditor may prove for interest at a rate not exceeding six per centum per annum to the date of the order from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and, if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

*Debt payable at a future time.*

25. A creditor may prove for a debt not payable when the debtor committed an act of bankruptcy as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable according to the terms on which it was contracted.

*Admission or Rejection of Proofs.*

26. The assignee shall examine every proof and the grounds of the debt, and in writing admit or reject it in whole or in part, or require further evidence in support of it. If he rejects a proof, he shall state in writing to the creditor the grounds of the rejection.

27. If the assignee thinks that a proof has been improperly admitted, the Court may, on the application of the assignee, after notice to the creditor who made the proof, expunge the proof or reduce its amount.

28. If a creditor is dissatisfied with the decision of the assignee in respect of a proof, the Court

may, on the application of the creditor, reverse or vary the decision.

29. The Court may also expunge or reduce a proof upon the application of a creditor if the assignee declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

30. For the purpose of any of his duties in relation to proofs, the assignee may administer oaths and take affidavits.

THE THIRD SCHEDULE.

*(See section 136.)*

ENACTMENTS REPEALED.

*A.—Statute repealed.*

Year and chapter	Title.	Extent of repeal
11 & 12 Vic., c. 21.	An Act to consolidate and amend the Laws relating to Insolvent Debtors in India.	So much as has not been repealed.

*B.—Acts repealed.*

Number and year	Subject or title.	Extent of repeal.
XXVII of 1841.	An Act for appropriating the unclaimed Dividends on Insolvent Estates.	So much as has not been repealed.
XVII of 1875.	The Burma Courts Act, 1875.	Section 66.

STATEMENT OF OBJECTS AND REASONS.

THIS matter of the general amendment of the law of bankruptcy and insolvency in India has been frequently of late years pressed upon the attention of the Government of India.

There are at present two main bodies of insolvency law in force in British India—first, the Statute 11 & 12 Vic., cap. 21; and secondly, Chapter XX of the Code of Civil Procedure (XIV of 1882). Roughly speaking, the former constitutes the insolvency law for the three Presidency-towns and for the towns of Rangoon, Moultmein, Akyab and Bassora; the latter the law for the country outside those towns. It is, however, to be observed that the High Courts administer the insolvency chapter of the Civil Procedure Code concurrently with their ordinary insolvency jurisdiction. Besides these two main bodies of law, there is a special insolvency law for the Punjab under Act IV of 1872, sections 22 to 33; and there are special Acts that have been passed for the relief of indebted landowners in different parts of the country.

2. In the year 1870 Sir James Stephen introduced a Bill repealing the Statute of 1848, and substituting for it an insolvency law applicable to the whole of British India. It was taken mainly from the English Bankruptcy Act of 1869. The general opinion about it was that its provisions were too complicated for the Mufassal, and that the system of voluntary management by creditors, which was then the principle of the English Act, was unsuitable to India, and the measure was accordingly dropped. The Bill was possibly open to the objection that it was beyond the competency of the Indian legislature, but this point does not appear to have been taken at the time.



3. Sir Arthur Hobhouse did not attempt to touch the insolvency law of the Presidency-towns, but he paid a good deal of attention to what he described as "those seldom-used sections" of the Code of Civil Procedure "which do duty for an insolvency law" in the Mufassal.\* Speaking on the subject in 1875,† he re-

\* Legislative Proceedings, 1876, page 211.

† Legislative Proceedings, 1875, page 76. marked that the Code then contained the germ of an insolvency law, but nothing more than a germ. He believed that this part of the Code had been very little used, and he remarked that if this was so it was not surprising, as there was very small inducement to the debtor to avail himself of it. It seemed, however, he went on to say, to be the prevailing opinion that the judicial machinery in the Mufassal was hardly adapted to the working of any general and complete law of insolvency. At all events, he said, such a law should be treated as a separate measure, and not as part of the Code. It would probably, he added, be better for the present, and be likely to pave the way for some more complete measure in the future, if the Legislature were to make the law a little less rudimentary than it then was, and at all events to supplement it where it seemed to be broken off in its natural course; and he embodied in Chapter XX of the Code of 1877 certain provisions framed in accordance with these views.

4. By Act XII of 1879 (now superseded by the Code of Civil Procedure of 1882) several amendments were made in the insolvency chapter of the Code. The most important of these was the extension of the chapter to persons against whose property orders of attachment had been issued in execution of money decrees. In his speech on the passing of this Act, Mr. Whitley Stokes said that Chapter XX, even with all the improvements made by this Act, would still be incomplete; but that it went as far as most of the Committee with their present knowledge of the condition of the Mufassal Courts and the extent of India's indebtedness thought safe and wise. The Government of India in the Home Department, he said, either had issued, or was about to issue, a circular to the Local Governments, requesting their opinion as to the propriety of allowing debtors to a certain amount to apply for a declaration of insolvency, and if this were found possible the law would be altered accordingly.‡

‡ Abstract of Proceedings, 1879, page 202.

5. The circular referred to by Mr. Stokes was issued on the 22nd of September, 1879, and invited an expression of opinion on the suggestion that persons owing Rs. 200 and upwards should be allowed to apply to be adjudged insolvents, though they might not have been arrested or imprisoned, and though no order of attachment against their property had been made. The majority of the opinions received was adverse to the suggestion, and accordingly it was dropped.

6. In January, 1881, Mr. Pitt-Kennedy brought in a Bill for the amendment of the law relating to insolvent debtors in India. It was a short amending Bill of seven sections, and did not attempt to consolidate the law. Serious doubts were entertained whether some of the proposals of the Bill were not *ultra vires*, and it was therefore decided that the Bill should not be proceeded with. In the meantime, however, it had been circulated to Local Governments and Administrations for opinion; and among the comments and criticisms which were passed upon it the doubts were not infrequently expressed whether it was worth while to pass a mere amending Bill, and whether it would not be possible to re-cast completely the insolvency law for India.

7. It is clear further that, apart from any question of general revision, there are certain points in which the existing law stands in somewhat urgent need of emendation.

Thus, the Secretary of State, in a despatch dated the 21st October, 1880, requested the early consideration by the Government of India, in communication with the several High Courts, of the question whether the Insolvency Courts could not under the existing law order the charge for advertising notices of insolvency in the provincial Gazettes and in the *Local Government* to be delayed from the estates concerned, and suggested that, if necessary, recourse should be had to legislation to ensure the recovery from every estate of all costs, whether incurred in England or in India, attendant on the insolvency. The Local Government and High Courts were consulted on this question; and though the majority of them were of opinion that the point might be dealt with by an alteration of the statutory rules, yet the possibility of meeting the difficulty satisfactorily in this way does not appear to be altogether free from doubt.

8. Again, at Bombay, in consequence of the discovery some five or six years ago of serious defalcations on the part of the Official Assignee, it became necessary to re-organize the office of that functionary, and the High Court deemed it necessary—

- (1) to provide that the accounts of the Official Assignee should be regularly audited by a competent auditor; and
- (2) to appoint an Official Assignee of such position and character as might afford an effectual guarantee against misappropriation, and of such energy and legal knowledge as might ensure the most satisfactory and least expensive realization and distribution amongst creditors.

For these purposes additional funds were required, and the Court proposed to provide these funds mainly from unclaimed dividends. Accordingly, they framed certain new rules under the Insolvency Act of 1818, by which the unclaimed dividends were to be formed into a fund to be invested, with other money, in Government paper. The interest was to be

applied in paying an auditor, and in supplementing the remuneration of the Official Assignee. These rules have hitherto been acted on, but doubts have been suggested as to their validity, and the Bombay Government have been pressing the Government of India to introduce or sanction legislation for the purpose of validating them. It appears, however, to be doubtful whether they can be validated by anything short of Parliamentary legislation.

9. The insolvency law of the Presidency-towns is admittedly cumbrous, defective and out of date, and in some points of detail is, as has been shown, urgently in need of amendment. The proposals for its revision which have hitherto been submitted to the legislature have been objected to, not so much on the ground that they were undesirable, as on the ground that they were insufficient, and that, while it was desirable to re-cast the whole law and bring it into conformity with English law, it was expedient to postpone legislation for this purpose while proposals involving important amendments of the English law itself were under consideration. This objection has recently been removed by the passing of the English Bankruptcy Act of 1883. That Act may not be perfect; but at least it embodies the accumulated experience of the thirty-five years which elapsed since the passing of the Indian Insolvency Act; and in commercial law perfection of detail is less important than uniformity of principle. It is eminently desirable that the circumstances under which a debtor may be declared insolvent and under which he may obtain his discharge should be, as far as possible, the same in London and Calcutta.

10. The Government of India, therefore, after reference to the Secretary of State, came to the conclusion that the opportunity should be taken of repealing the Indian Insolvency Act and substituting a new Act conforming in general principles to the English Act of 1883, but adapted in details to Indian circumstances.

A Bill on these lines was prepared last year, and, having regard to the circumstance that an Indian Bankruptcy Act will have in some cases to be used by persons beyond the limits of British India, and to the advantage of having the decisions of the English Courts as a guide to its construction, it was thought well that its form and drafting should follow the English Act as closely as possible, except where there was some substantial reason for taking a different course. The result of the adoption of the English Act as a model then is that in some instances the phraseology of the present Bill, which is based on the draft of 1885, will be found to vary slightly from that ordinarily adopted in Acts of the Indian legislature, and in other it may be found to contain rules of interpretation and evidence, penal clauses and other provisions, which either cover ground already covered by parallel Indian enactments, or would be somewhat differently framed in a Bill intended only for this country.

11. The Bill which was prepared last year was submitted for opinion to the authorities most competent to advise on the subject of bankruptcy, and the further deviations from the scheme of the English Act which will be found in the present Bill are the outcome of the advice given by those authorities.

12. The first question which presents itself in connection with this measure is whether the new law should be applied to the whole of British India or only to specified towns.

There is something to be said in favour of having one, and only one, insolvency law for the whole of India. But, on the other hand, the difference between the circumstances of indebtedness in commercial seaports and in the interior appears to be such as to require, not indeed a different law, but different machinery. If Chapter XX of the Code of Civil Procedure were not in existence, it might be desirable to insert in a general Insolvency Act a chapter applying the law for the Presidency-towns, with modification and implications, to the Mufassal Courts. But under existing circumstances it is thought that the best course is to keep Chapter XX standing, to amend it where necessary, and to apply it generally to parts of the country and to forms of indebtedness to which a law framed principally with a view to commercial insolvencies is not applicable, the new law being applied in the first instance only to the three Presidency-towns, and to Rangoon, Moulmein, Akyab and Bassein, and a power being taken to extend it to other commercial centres, such as Karachi.

13. The Bill accordingly (section 73) constitutes by its direct operation only four Courts of Bankruptcy, namely, the High Courts of Judicature at Calcutta, Madras and Bombay and the Court of the Recorder of Rangoon, and confers upon the Local Governments power, with the previous sanction of the Governor General in Council, to constitute other Courts of Bankruptcy in the territories administered by them. The local limits of the jurisdiction of the Presidency High Courts when exercising bankruptcy jurisdiction are (section 80) defined to be the same as the local limits of their ordinary original civil jurisdiction, the local limits of the jurisdiction of the Recorder of Rangoon to comprise (as at present) the towns of Rangoon, Moulmein, Akyab and Bassein. The local limits of the Courts which may be constituted by Local Governments will be defined by those Governments with the previous sanction of the Governor General in Council.

14. The next question that presents itself is one as to the powers of the Governor General's Council. The present Indian insolvency law is contained in an Act of Parliament so framed as to operate throughout Her Majesty's dominions. Thus a vesting order made under it

vests in the assignee by its direct operation all the real and personal estate and effects of the insolvent in whatever part of those dominions they may be situated or accue. An order of discharge made under it has direct effect in every part of those dominions. And the subordinate provisions of the Act are, speaking generally, framed on similar lines. The Act is one of those which it is within the competency of the Legislative Council of the Governor General to modify or repeal; but if we were to undertake without the aid of Parliament to repeal and re-cast it in the manner above indicated, we should, owing to the limitation of our legislative powers, produce an enactment which would fall short of the present law in the important matter of its local extent and operation. Nor could we attain our object by any amendment of the existing Act. To say nothing of the impracticability, from the draftman's point of view, of effecting, by way of amendment, the multitude of alterations which are needed in details and in matters of form, it must be remembered that it would be beyond the powers of the Council to extend in any way or substantially modify any of those provisions which apply beyond the limits of British India. And it is apprehended that, even if we were content to forego all notion of directly interfering with these provisions, any extensive amendment of the Act would probably affect them in such a way that either they would be held to have lost their operation beyond British India, or our enactment would be held to be *ultra vires* so far as it affected them, or else some other confusion or difficulty would arise.

15. It is an apprehension of some such result as this that has deterred the Government from attempting certain amendments of the Insolvency Act which have been from time to time suggested, and which in themselves would appear to be of a most trifling description. It is true that if the Council were to repeal the existing Act and substitute for it an Act of its own, drawn on improved lines, the new law, though treated as a foreign bankruptcy law, would receive a certain amount of recognition, and would be given effect to in many cases in the United Kingdom and in British Colonies; but it is apprehended that this result would, as a rule, be attainable only indirectly and through the medium of further judicial proceedings, that in some cases those proceedings would give rise to perplexing questions of private international law, and that in other cases again the Indian law would obtain but partial recognition. It is believed, for example, that a vesting order passed by our Courts under such a law would be allowed no effect as regards immoveable property situate in another British jurisdiction, and that the cases in which effect would be given to an order of discharge so passed are not as yet completely defined. Such difficulties could, no doubt, be met by supplementary bankruptcy proceedings concurrently instituted in the United Kingdom or the Colony, but it is obvious that the necessity for this should, if possible, be avoided. The Government of India has no information as to the proportion of the cases that now come before our Insolvency Courts in this country in which a limitation of the local operation of the law, like that just referred to, would be felt as a serious impediment; but it is apprehended that it would be so felt in the more important cases of bankrupts engaged in business transactions extending to the United Kingdom or the Colonies.

16. For these reasons it is necessary that any legislation undertaken here should be supported by an Act of Parliament. The precise form which the Act of Parliament should take is still under consideration in communication with the Secretary of State, but the Government of India as at present advised is disposed to think that the Act should be a confirming Act following legislation here rather than an enabling Act preceding it. An enabling Act followed by an Indian Act would give rise to questions as to whether the Indian legislature had exceeded the powers given to it by the English Act.

17. As regards the provisions of the Bill itself, it will be observed that the most striking difference between them and those of the English Act is that the duties discharged in England by the Board of Trade and committees of inspection are by the Bill entrusted to the Bankruptcy Court. This was unavoidable, as there is no authority in this country outside the Courts which could undertake the duties of the Board of Trade with any prospect of success, and the opinion is almost unanimous that the superintendence of bankruptcy proceedings by committees of inspection is unsuited to India.

18. Opinion is also adverse to the application to India of some of the provisions of the English Act respecting meetings of creditors. It is proposed therefore that meetings shall be held only when they are deemed by the assignee or the Court or one-fourth in value of the creditors to be necessary.

19. The other points in the Bill which appear to require explanation will be referred to, as far as possible, in the order of the sections in which they occur.

20. The local extent of the Act (section 1) has been made as wide as the powers of the Indian legislature permit, and its operation can only be further extended by Parliament.

21. Several of the authorities who have recorded opinions on the draft of 1885, and among them a Committee of the Judges of the High Court at Fort William, have taken exception to the seizure and sale of the goods of a debtor under process of a Civil Court, and the failure of a debtor to comply with the requirements of a bankruptcy notice, being made acts of bankruptcy in India as they have been in England by section 4, sub-section (1), clauses (c) and (g), of the English Act. Those clauses therefore have been excluded from the Bill (section 2), but in their stead have been added clauses making it an act of bankruptcy for a debtor to offer a

composition to his creditors (L. R. 13 Q. B. D. 471), or to be lying in prison for a longer period than twenty-one days for making default in payment of money (11 & 12 Vic., c. 21, ss. 8 and 9).

22. By section 4 the jurisdiction of the Court is limited to cases in which the debtor is in prison within the local limits of the jurisdiction under an order of a Civil Court for default in payment of money, or in which the debtor, or, if he is a member of a firm, his partner, has within a year before the presentation of the bankruptcy petition ordinarily resided or had a dwelling-house or place of business within those limits. This differs from the corresponding provisions of the English Act, which place no restriction of this kind on a petition by a debtor, and which admit a petition against a debtor when, and only when, he "is domiciled in England, or, within a year before the date of the presentation of the petition, has ordinarily resided or had a dwelling-house or place of business in England."

It differs also from the corresponding provisions of the Indian Insolvency Act, which proceed on the distinction, now to be abolished, between traders and others, and the effect of which in all particulars it would be hazardous to attempt to state.

23. As regards the difference between the English Act and the Bill in this respect, it seems clear that the fact of the debtor being in prison within the jurisdiction should, in this country, continue to be, as it is under the present Insolvency Act, a ground of jurisdiction; and it seems almost equally clear, having regard to the conditions under which the present legislation is undertaken and to the circumstance that the local limits of the jurisdiction of each Court, however they may be fixed, must embrace only a part of British India, that domicile should be rejected here as a ground of jurisdiction.

24. Comparing the Bill with the existing Indian insolvency law as construed by the High Courts, it will be observed that Bankruptcy Courts will, under the Bill, continue to have jurisdiction in cases where the bankrupt has a house of business within the local limits, as *Pontfex, J.* held them, in the cases of *Taring, Clara Gith* (L. B. L. R., App. 26) and *Howard Brothers* (L. B. L. R. 251), to have under the existing law, but that a High Court will not have bankruptcy jurisdiction in respect of an out-country debtor merely by reason of his being personally subject to the jurisdiction of that Court. It will be remembered that opposite views have been taken as to the existence of a jurisdiction on this latter ground under the existing law—see *re Tietkus*, L. B. L. R., O. C., 81, on the one hand, and *re Buckwell*, 9 Bo. H. C. Rep. 151, and *re Rocks*, 3 Mal. H. C. Rep. 151, on the other.

25. It has, however, been provided (section 4), on the recommendation of the Committee of the Judges of the High Court at Fort William, that a Court exercising jurisdiction in bankruptcy under the proposed Act may transfer to itself any proceedings under Chapter XX of the Code of Civil Procedure and deal with them under the Act. It has also been provided (section 4) that in any prescribed class of cases the Court may make a receiving order on a bankruptcy petition notwithstanding the restrictions generally confining its jurisdiction to cases arising within certain local limits. Section 9 provides that, where concurrent proceedings have been instituted under the Bankruptcy Act and under the Code, the Court may stay the proceedings under the Code wherever they may be pending.

26. On the recommendation of the Chief Judge of the Bombay Court of Small Causes it is proposed (section 7) that a Bankruptcy Court may refuse to make a receiving order on a debtor's petition if in its opinion the petition ought to have been presented before some other Bankruptcy Court.

27. A receiving order made under section 6 or section 7 of the Bill will not have precisely the same effect as a vesting order under section 7 of the present Insolvency Act. It will transfer the possession of, but not the property in, the debtor's estate. The debtor will not be divested of his estate until he has been adjudged bankrupt (section 20).

28. When the receiving order has been made, the debtor, if in prison, will be released (section 8), but he will be under the control of the official assignee (section 22), to whom the carriage of proceedings may be given if the petitioner does not proceed with due diligence (section 91).

29. Sections 13 and 100 of the Bill give a Bankruptcy Court power to rescind a receiving order or annul an adjudication of bankruptcy when it considers that the debtor's estate would be more conveniently administered in some other part of British India or of Her Majesty's dominions elsewhere. When an adjudication is annulled under the latter section, anything done under it remains valid, and the Court is empowered to direct that the debtor's property shall vest in any person it may appoint. It is conceived that if similarly wide powers are conferred on the English Bankruptcy Courts the provisions regarding concurrent bankruptcies contained in sections 77 *et seq.* of the present Indian Insolvency Act may be dispensed with.

30. Section 58 protects existing interests of official assignees, and while it is proposed (section 62), in accordance with ordinary Indian practice, to leave the remuneration of official assignees to be determined by executive order, it is improbable that the existing mode of remuneration will be altered during the incumbency of present office-holders.

31. It was urged, among other objections to Sir J. Stephen's Bill, that it would generally be difficult to find among the creditors in this country persons qualified and willing to take a large share in the administration of a bankrupt's estate, and as a matter of fact the official element has always been prominent in administrations under the existing law. It is accordingly proposed, on the practically unanimous advice of all authorities conversant with the practice of bankruptcy in this country, that the official assignee shall discharge the functions of trustee in bankruptcy except when the creditors express a wish for the appointment of a special assignee (section 77).

32. By section 24 of the Bill the provisions of section 26 of the English Bankruptcy Act, respecting the re-direction of debtors' letters, have, on the advice of the Bombay Chamber of Commerce, been extended to debtors' telegrams.

33. The saving of section 5 of the Statute commonly known as Bovill's Act (28 & 29 Vic., c. 86) in section 40 (6) of the English Bankruptcy Act has been omitted from section 33 of the Bill, as there is no corresponding enactment in the law of British India.

34. It has been suggested by the Bengal Chamber of Commerce and the Calcutta Trades Association that the clause (section 37) respecting reputed ownership should be so drawn as to meet the contention of the Official Assignee in the case of *Gubboy v. Miller* (1. L. R. 6 Cal. 633). This suggestion raises a very difficult question, which has been left unsolved by the English Bankruptcy Act of 1883. The opinions of the authorities in India who specially considered the question in 1881, with reference to Mr. Pitt-Kennedy's Bill, may be summed up in the following remarks of Mr. Justice Pontifex on section 23 of 11 & 12 Vic., c. 21:—

"The fact is that the clause, though extremely valuable in particular cases, is one very dangerous to meddle with. As it stands, it is beneficial. To alter it as proposed would, in my opinion, be most mischievous. It is impossible with justice to make it apply to every case, and it would be hazardous to attempt to define with particularity to what cases it should apply. In my opinion it should be left as it now stands."

If further legislation is required, it must, in the opinion of the Government of India, take the form of a Bills of Sale Act.

35. Sections 45 and 46 of the English Bankruptcy Act, being framed with reference to English forms of execution, could not be adopted in the Bill without modification. It has been thought (sections 38 and 39 of the Bill) that the course most in harmony at the same time with those sections of the English Act and with the analogies presented by the Code of Civil Procedure would be to make the point of time at which the attaching creditor's title becomes complete against the assignee the same as that at which under section 295 of the Code it becomes complete against rival decree-holders. It is hoped that this will afford a simple and equitable settlement of a point regarding which there has been some difficulty in connection with the existing insolvency law.

36. On the suggestion of Mahājī Sir Jotendro Mohun Tagore and Bābū Doorga Churn Law the provisions of section 49 of the Bill, with respect to the appropriation of pay or pension, have been made subject to the provisions of the Code of Civil Procedure and the Pensions Act, 1871.

37. The difference between section 48 (1) (c) of the Bill, defining the trustee's powers in respect of property to which the bankrupt is entitled "as tenant in tail or other owner of an estate of inheritance less than an estate in fee-simple," and the corresponding provision of the English Bankruptcy Act is explained by the peculiar position in which the owners of such estates are placed by section 2 of Act XXXI of 1854. The simplicity of that position makes it possible to dispense with all the provisions of the Act for the abolition of fines and recoveries, which are incorporated by reference in the English Bankruptcy Act, with the exception of one, the substance of which, so far as it appears to be required, is embodied in sub-section (2) of section 49 of the Bill.

38. A Bankruptcy Court will have two entirely different kinds of money under its control, namely, (a) money held by it on account of estates before declaration of dividend, and (b) declared dividend awaiting distribution, the former being the property of estates and the latter the property of specific creditors. Section 64 recognises this distinction, and requires the Court to keep a Bankruptcy Estates Account and a Bankruptcy Dividends Account, the former being an account of money held for estates and the latter of money removed from that account on declaration of dividend and held for creditors till their dividends are paid to them or, through their default, to the Government (section 131).

Both the Accounts are to be kept by the Court with a Government treasury. It is considered desirable that, like moneys received by ordinary Civil Courts, money received on account of bankruptcy estates should be paid into a Government treasury, in order that there may be the security of the Government for safe custody, and that the safeguards against the occurrence of error provided by the rules of the Government regarding payments from Government treasuries may be brought into operation. The expression "Government treasury" is so defined in section 135 as to include a Presidency Bank conducting treasury business for the Government.

39. Under the English Act of 1883, dividends on investments of money belonging to estates in bankruptcy are credited to the Government, and the Lord Chancellor is required to have regard to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings. It has been urged, and the Government of India is of opinion, that in this country, where bankruptcy proceedings are often necessarily more protracted than in England, interest on investments should be paid to creditors. But in that case each investment must be made and held separately for each estate, any portion of the funds of which is invested, and investments should only be made when the sum available for investment is large enough to make the interest sensible in amount. Section 66 provides for investments being made on these conditions at the instance of the Court out of funds standing to the credit of estates in the Bankruptcy Estates Account. It is only under that Account that delay prejudicial to creditors can arise. After money has been transferred to the Bankruptcy Dividends Account, any person to whom a dividend is due has only to present his receipt to obtain it, and he should have no inducement, whether by the money lying at interest or in any other way, to postpone for a day his taking the money out of the custody of the Court.

40. Section 79, sub-section (1), clause (c), of the Bill has been so drawn that jurisdiction in bankruptcy may be conferred in a limited class of cases on Courts beyond the Presidency-towns, as, for instance, on the High Court of Judicature for the North-Western Provinces or the Chief Court of the Punjab, with respect to proceedings under Chapter XX of the Code of Civil Procedure, where, by reason of the sum involved or the difficulty of winding up the estate under the Code, the Court may see fit to withdraw the proceedings from the Court in which they are pending and deal with them under proviso (v) to section 1, sub-section (1).

41. Section 85 is based on the section of the English Act which permits the delegation of subordinate jurisdiction in certain matters to Registrars in bankruptcy. It seems that this jurisdiction may be most conveniently exercised by a Judge of the Small Cause Court in Madras and by officers of the High Court in Calcutta and Bombay.

42. Under section 88 of the Bill the appeal from a single Judge of a Presidency High Court and the Recorder of Rangoon exercising bankruptcy jurisdiction lies as at present. The appeal from any Mufassal Courts of Bankruptcy which may be established will in most cases lie to the High Court of the province.

43. Section 101 follows the English Act in fixing the limit for small bankruptcies at Rs. 3,000. But the opinion has been expressed by some of the authorities who have advised on the draft of last year that the limit should be raised to Rs. 5,000 or even to Rs. 10,000. The Government of India itself inclines to that opinion, but deems it advisable to adhere to the limit prescribed in the English Act until the matter can be further considered in the light of the criticisms on the present Bill.

44. Part VIII of the Bill is taken from the English Debtors' Act, 1869, as amended by the Bankruptcy Act, 1883. It embodies those full and strong powers for the arrest and punishment of fraudulent debtors and creditors which are the essential adjuncts of every proper law of bankruptcy. It is proposed, when a suitable occasion presents itself, to amend the Code of Criminal Procedure so as to give a Bankruptcy Court a power to commit offenders for trial similar to that which is conferred on the English Bankruptcy Courts by section 165 of the Act of 1883.

45. With respect to the suggestion that certain additional offences should be created by Part VIII of the Bill, it will be found that the Bill or the Indian Penal Code covers most, if not all, of the acts and omissions for which it has been proposed that further provision should be made.

46. Section 110 of the Bill provides that a married woman shall, in respect of her separate property (if any), be subject to the Act in the same way as if she were unmarried. The restriction in the corresponding provision, section 1 (5), of the English Married Women's Property Act, 1882, which confines it to the case of a woman carrying on a trade separately from her husband, has been omitted, because the vast majority of women to whom the Bill will be applicable stand either under sections 4 and 44 of the Indian Succession Act or under their personal laws on a footing altogether different from that of married women in England.

The phrase "separate property," it may be observed, is used in the wide sense in which it is used in the Indian Married Women's Property Act, 1874.

47. Section 130 provides, among other matters, for the payment into the Bankruptcy Courts of unclaimed dividends and other undistributed money remaining in the hands or under the control of assignees under the 11 & 12 Vic., c. 21, after the passing of the proposed Act.

The unclaimed dividends are of two classes, namely, dividends belonging to creditors who have proved their debts, and dividends reserved for creditors who have not done so.



With respect to dividends of the first class, they are, as the late Chief Justice of Bengal has said, the property of the creditors for whom they have been set apart, or of their representatives, just as much as money appropriated to a person interested in an administration-suit belongs to him or his representative.

The case of dividends of the second class is different, and it is proposed to provide for them by section 133 of the Bill. With respect to this class of dividends, Mr. Turner, the Official Assignee at Bombay, has observed as follows :—

“The other class of unclaimed dividends, which amounts probably to some two or more lakhs of rupees, has arisen in Bombay partly from there being no provision in the Act 11 & 12 Vic., c. 21, section 41 (similar to that

\* No unclaimed dividends of this class can arise under the proposed new Act (see section 51). in the present proposed Act, section 51), for the declaration of dividends, only among creditors who “have proved their debts.”

A practice therefore grew up in the office of the Official Assignee of declaring dividends calculated on the total amount entered in respect of claims, whether partially secured or not, and only adjusting the claims when creditors came to receive payment of the dividend declared. And it must be noticed that this practice had one great practical advantage, inasmuch as such partially secured creditors generally held goods on the way to Europe, and it could not be ascertained, till such goods were actually put on the European market, what the loss (if any) would be. And as creditors in their own interest as well as that of the estate would frequently hold such goods for a considerable time, it would have caused great delay in declaring dividends to wait until such creditors were in a position to adjust and prove their claims. But in many cases the result was that such creditors, when the account-sales were received, did not find it worth their while to prove their claims at all, and in such cases the dividend calculated on the whole original debt, as entered in the schedule, still remains unclaimed.

“Formerly, in the older estates, proceedings were taken under the old Act, XXVII of 1841, to strike such claims off the schedules, but of late years it has been considered that that process could not now be legally carried out.”

48. Section 134 is designed to meet the suggestion of the Acting Prothonotary and the Official Assignee of Bombay that the Act itself and not the rules under it, should disallow claims to any lien on debtors' books, and the suggestion of the Bombay Chamber of Commerce that the Act should provide for the furnishing of creditors to those books.

49. Section 136 (3) of the Bill provides that notwithstanding the repeal of the existing law all proceedings pending under it at the time when the new Act comes into operation shall be disposed of as if that Act had not been passed. This is the course taken in respect of pending proceedings by the English Act, and, having regard to the extent of the change to be made in the law, it seems the only practicable course.

50. Rules 18 to 21 of the Second Schedule, regarding the taking of mortgagees' accounts and the sale of mortgaged property, have been inserted on the suggestion of Mr. Macgregor, the Official Assignee at Calcutta. These rules, which are frequently followed in this country, are substantially the same as those issued by Lord Droughborough in 1794, and the fact that they have been retained, with slight alterations, under the many Bankruptcy Acts passed in England since that date, is strong evidence of their utility.

51. It has been suggested that certain privileges should be accorded to the Official Assignee as a party to legal proceedings. But he will be a public officer within the meaning of section 2 of the Code of Civil Procedure, and, as such, entitled to the protection given to public officers by Chapter XXVII of that Code.

52. It has been objected that in certain circumstances the time limited by the draft of 1885 for doing some acts and things under the proposed Act would be found to be inconveniently short. In some cases the time has now been extended, and it is believed that section 89, sub-section (1), will enable the Courts to prevent hardship in the exceptional cases to which the time as now limited may prove inapplicable.

*The 14th May, 1886.*

C. P. ILBERT.



# COLLECTION OF PAPERS REGARDING THE BANKRUPTCY BILL REFERRED TO IN THE STATEMENT OF OBJECTS AND REASONS.

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**Extract, paragraphs 1 to 10, of Despatch from the Government of India to Her Majesty's Secretary of State for India,—(dated the 12th June, 1885).**

With reference to Your Lordship's despatch No. 24 (Judicial), dated 14th of August last, we have the honour to submit herewith copies of a Bill (with the Objects and Reasons for the same) which has been prepared in our Legislative Department to adapt the English Bankruptcy Act, 1883, to Indian circumstances.

2. In exercise of the discretion left to us by paragraph 4 of Your Lordship's despatch, we have thought it well to make the measure applicable by its own vigour not only to the town of Rangoon but also to those of Bassein, Moultmein and Akyab, in which, as well as in Rangoon, the Presidency-town Insolvency Law has been for some years in force.

3. As regards the details of the measure, the material particulars in which it differs from the English Act are so fully explained in the Statement of Objects and Reasons that we deem it unnecessary to trouble Your Lordship with any further observations upon them.

4. As regards the form of the Parliamentary legislation required to give our Act operation in certain respects beyond the limits of British India, the proposal made in paragraph 27 of our despatch of the 5th May, 1884, was that we should pass our Act and that then an Act of Parliament should be passed extending such of its provisions as ought to apply beyond the limits of British India. On a further consideration of the point, however, we have come to the conclusion that the more convenient course—in fact, the only convenient course—would be that an Act of Parliament should be passed conferring upon the Governor General's Council the extended powers required for the object in view, and that our legislation should then proceed here in exercise of those powers. We are led to this conclusion, chiefly by the consideration that, if the course we originally proposed were adopted, we should, on almost every occasion on which a necessity for amending our Act arose, find ourselves beset by difficulties of a nature similar to those which present themselves in connection with the amendment of the present Indian Insolvency Act,\* and which are fully described in paragraph 25 of the despatch

\* 11 & 12 Vic., c. 21.

last referred to.

5. Assuming that Your Lordship will agree with us on this point, we have, as requested by Your Lordship, had prepared and forward herewith (annexed to the Objects and Reasons of the Bill) two drafts of enabling Acts of Parliament, either of which, we believe, would put the Governor General's Council in a position to deal with the subject in an adequate manner.

Of these we give the preference to that marked No. I, which, following more closely the precedents present-

† 17 & 18 Vic., c. 104.

‡ 17 & 18 Vic., c. 33.

ed by section 289 of the Merchant Shipping Act, 1854,† and the Indian Marine Act, 1885,‡ confers the requisite powers in wider terms, and has further the merit of being the shorter of the two; but if the generality of its provisions should be deemed an objection, we should be prepared to accept an Act framed on the lines of the draft No. II. This latter attempts to specify with some particularity the several matters in respect of which extended powers are conferred on the Indian legislature; and though we have every hope that it would accomplish its purpose, we need hardly observe that a draft in this form cannot be so confidently relied on as one conceived in more general terms.

6. On collating either of these drafts with the draft Bill which we propose to introduce here, Your Lordship will perceive that while the Indian Bankruptcy Courts would be empowered through the medium of their adjudications, discharges, judgments, &c., to affect matters beyond the limits of British India, their direct action will, as explained in the Statement of Objects and Reasons, be strictly confined to this country.

To supply what might thus appear to be a defect in the system we rely on section 118 of the English Bankruptcy Act, 1883, which we assume will enable the Indian Bankruptcy Courts to invoke the aid of the English Bankruptcy Courts, and that not only by specific requisitions directed to a particular stage of a particular matter, but also in a more general form, as, for example, by requesting them to entertain all applications of a certain class which may be made to them on behalf of an Indian official receiver or trustee.

7. The local extent clause of the Bill to be introduced here is, as Your Lordship will observe, drawn on the assumption that the Parliamentary legislation will take the form indicated in the draft No. I. It would be altered in the opposite event.

8. In paragraph 27 of our despatch already referred to we said that we thought that the Bill to be submitted to Parliament should contain provisions relating to concurrent bankruptcies somewhat similar to those contained in sections 77 *et seq.* of the present Act (11 & 12 Vic., c. 21), and we should have no great objection to such provisions being inserted if Your Lordship should be advised that they are essential; but it seems to us on further consideration that it would be desirable to dispense, if possible, with so serious a complication, and we are inclined to think that the rare cases (none have been brought to our notice) in which bankruptcy proceedings are instituted simultaneously in a Court in England and in a Court in this country might be met by one Court surrendering the case to the other. The provisions of section 13 of our local Bill, giving power to annul a receiving order, and those of section 30, giving power to annul an adjudication, will, we conceive, confer upon the Courts in this country the powers requisite for this; but perhaps some extension of the corresponding powers conferred by the Bankruptcy Act, 1883, on the English Courts would be necessary.

9. The only further observation we have to make regarding the draft Acts of Parliament forwarded to Your Lordship is that both are restricted to what we consider necessary for our own purposes. If it is desired, for instance, that bankruptcy in this country should be a disqualification for offices in England, or if it is thought that the 13th and 30th sections of our local Bill, to which we have just referred, are not sufficient, but that it is necessary to confer on Courts of Bankruptcy in England a power of staying proceedings in the Bankruptcy

Courts of this country or removing a case pending here, the requisite provisions will doubtless be inserted in England.

10. We have circulated the draft Bill with a view to obtaining the opinion of the High Courts, commercial bodies and others, but we do not propose to take any step regarding it in the Legislative Council until we hear from Your Lordship in reply to this despatch. We desire to introduce the Bill at the opening of the next Calcutta session, and as we should before that time be in possession of the views of all those interested in, or qualified to form an opinion on, the measure, we might hope to pass it through all the stages at which discussion would be likely to arise before the return of the Government to Simla next year. If the requisite Parliamentary legislation should not be complete by that date, we should defer the final stage of our Bill.

*Draft Bill referred to in paragraph 1 of Despatch to Her Majesty's Secretary of State, No 32, dated the 12th June, 1885.*

## DRAFT OF

### A BILL

TO

*Amend and consolidate the Law of Bankruptcy and Insolvency in British India.*

WHEREAS it is expedient to amend and consolidate the law relating to bankruptcy and insolvency; It is hereby enacted as follows:—

#### *Preliminary.*

Short title and commencement. 1. (1) This Act may be cited as the Indian Bankruptcy Act, 1885.

(2) It shall, except as by this Act otherwise provided, come into force on such date as the Governor General in Council may, by notification in the official Gazette, fix in this behalf, which date is in this Act referred to as the commencement of this Act.

2. Except as otherwise expressly provided by this Act, the provisions of this Act shall have the same local extent as those of the Bankruptcy Act, 1883:

Provided that the following shall not extend to England, namely:—

- Sections 39 and 40;
- Section 41, sub-section (2);
- Section 48;
- Section 49, sub-section (1), clause (c), and sub-section (2);
- Section 62, sub-section (2).

## PART I.

### PROCEEDINGS FROM ACT OF BANKRUPTCY TO DISCHARGE.

#### *Acts of Bankruptcy.*

Acts of bankruptcy. 3. (1) A debtor commits an act of bankruptcy in each of the following cases:—

- (a) if in British India or elsewhere he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally;
- (b) if in British India or elsewhere he makes a fraudulent conveyance, gift, delivery or transfer of his property, or of any part thereof;
- (c) if in British India or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged bankrupt;
- (d) if with intent to defeat or delay his creditors he does any of the following things, namely, departs out of British India, or being out of British India remains out of British India or departs from his dwelling-house, or otherwise absents himself, or begins to keep house;
- (e) if execution issued against him has been levied by sale of his property in any civil proceeding in British India;
- (f) if he files in the Court a declaration of his inability to pay his debts or presents a bankruptcy petition against himself;
- (g) if a creditor has obtained in British India a decree against him for any amount, and, execution thereof not having been stayed, has served on him in British India, or, by leave of the Court, elsewhere, a bankruptcy notice under this Act, requiring him to pay the judgment-debt in accordance with the terms of the decree, or to secure or compound for it to the satisfaction of the creditor or the Court, and he does not, within fifteen days after service of the notice in case the service is effected in British India, and in case the service is effected elsewhere then within the time limited in that behalf by the order giving leave to effect the service, either

comply with the requirements of the notice, or satisfy the Court that he has a counter-claim, set-off or cross demand which equals or exceeds the amount of the decree and which he could not set up in the suit in which the decree was obtained;

(h) if the debtor gives notice to any of his creditors that he has suspended, or that he is about to suspend, payment of his debts.

(2) A bankruptcy notice under this Act shall be in the prescribed form, and shall state the consequences of non-compliance therewith, and shall be served in the prescribed manner.

#### *Receiving Order.*

4. Subject to the conditions hereinafter specified, if a debtor commits an act of bankruptcy, the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order, in this Act called a receiving order, for the protection of the estate.

5. (1) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

- (a) the debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to the several petitioning creditors, amounts to five hundred rupees; and
- (b) the debt is a liquidated sum, payable either immediately or at some certain future time; and
- (c) the act of bankruptcy on which the petition is grounded has occurred within three months before the presentation of the petition; and
- (d) the debtor is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling-house or place of business within those limits.

(2) If the petitioning creditor is a secured creditor, he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated in the same manner as if he were an unsecured creditor.

6. (1) A creditor's petition shall be verified by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and served in the prescribed manner.

(2) At the hearing the Court shall require proof of the debt of the petitioning creditor, of the service of the petition, and of the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, of some one of the alleged acts of bankruptcy, and if satisfied with the proof may make a receiving order in pursuance of the petition.

(3) If the Court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(4) When the act of bankruptcy relied on is non-compliance with a bankruptcy notice to pay, secure or compound for a judgment-debt, the Court may, if it thinks fit, stay or dismiss the petition on the ground that an appeal is pending from the decree.

(5) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court, on such security (if any) being given as the Court may require for payment to the petitioner of any debt which may be established against him in due course of law, and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be required for trial of the question relating to the debt.

*The Indian Bankruptcy Bill, 1885.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 7-17.)*

(6) Where proceedings are stayed, the Court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make a receiving order on the petition of some other creditor, and shall thereupon dismiss, on such terms as it thinks just, the petition in which proceedings have been stayed as aforesaid.

(7) A creditor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, s. 5.  
40 & 47 Vic., c. 62, s. 8.]

7. (1) A debtor shall not be entitled to present a bankruptcy petition against himself unless he is in prison within the local limits of the jurisdiction of the Court and an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling-house or place of business within those limits.

(2) A debtor's petition shall allege that the debtor is unable to pay his debts, and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts; and, if the debtor proves that he is entitled to present the petition, the Court shall thereupon make a receiving order.

(3) A debtor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, ss. 13 & 19.  
40 & 47 Vic., c. 62, s. 9.]

8. (1) On the making of a receiving order the official receiver shall be empowered by constituted receiver of the property of the debtor, and thereafter, except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any suit, action or other legal proceedings unless with the leave of the Court and on such terms as the Court may impose.

(2) But this section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed.

[11 & 12 Vic., c. 21, s. 40.  
40 & 47 Vic., c. 62, s. 10.]

9. (1) The Court may, if it is shown to be necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition and before a receiving order is made, appoint the official receiver to be interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

(2) The Court may at any time after the presentation of a bankruptcy petition stay any suit, action, execution or other legal process pending in any Court in British India against the property or person of the debtor, and any Court in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just.

[40 & 47 Vic., c. 62, s. 11.]

10. When the Court makes an order staying any suit, action or proceeding or staying proceedings generally, the order may be served by sending a copy thereof, under the seal of the Court, by prepaid post letter to the Court before which the proceeding is pending.

[40 & 47 Vic., c. 62, s. 12.]

11. (1) The official receiver of a debtor's estate may, on the application of any creditor or creditor manager, and if satisfied that the nature of the debtor's estate or business or the interests of the creditors generally require the appointment of a special manager of the estate or business other than the official receiver, appoint a manager thereof accordingly to act until a trustee is appointed, and with such powers (including any of the powers of a receiver) as may be entrusted to him by the official receiver.

(2) The special manager shall give security and account in such manner as the Court may direct.

(3) The special manager shall receive such remuneration as the creditors may by resolution at an ordinary meeting determine, or, in default of any such resolution, as may be prescribed.

[40 & 47 Vic., c. 62, s. 13.]

12. Notice of every receiving order, stating the name, address and description of the debtor, the date of the order, the Court by which the order is made and the date of the petition, shall be published in the prescribed manner.

[40 & 47 Vic., c. 62, s. 14.]

13. If in any case where a receiving order has been made on a bankruptcy petition it appears to the Court by which the order was made upon an application by the official receiver, or any creditor or other person interested, that a majority of the creditors in number and value are resident in

the United Kingdom or in any other part of Her Majesty's dominions beyond the limits of British India, or that from the situation of the property of the debtor, or other cause, his estate and effects ought to be distributed among the creditors under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions, the said Court, after such enquiry as to it may seem fit, may rescind the receiving order and stay all proceedings on, or dismiss, the petition upon such terms, if any, as the Court may think fit.

*Proceedings consequent on Order.*

14. (1) As soon as may be after the making of a receiving order against a debtor, a general meeting of his creditors (in this Act referred to as the first meeting of creditors) shall be held for the purpose of considering whether a proposal for a composition or scheme of arrangement shall be entertained, or whether it is expedient that the debtor shall be adjudged bankrupt and generally as to the mode of dealing with the debtor's property.

(2) With respect to the summoning of and proceedings at the first and other meetings of creditors, the rules in the first schedule shall be observed.

15. (1) Where a receiving order is made against a debtor, the debtor shall make out and submit to the official receiver a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and showing the particulars of the debtor's assets, debts and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official receiver may require.

(2) The statement shall be so submitted within the following times, namely:—

- (i) if the order is made on the petition of the debtor, within three days from the date of the order;
- (ii) if the order is made on the petition of a creditor, within seven days from the date of the order.

But the Court may, in either case, for special reasons, extend the time.

(3) If the debtor fails without reasonable excuse to comply with the requirements of this section, the Court may, on the application of the official receiver, or of any creditor, adjudge him bankrupt.

(4) Any person stating himself in writing to be a creditor of the bankrupt may, personally or by agent, inspect this statement at all reasonable times, and take any copy thereof or extract therefrom; but any person untruthfully so stating himself to be a creditor shall be punished, on the complaint of the trustee or official receiver, with imprisonment which may extend to three months, or with fine, or with both.

*Public Examination of Debtor.*

16. (1) Where the Court makes a receiving order it shall hold a public sitting, on a day to be appointed by the Court for the examination of the debtor, and the debtor shall attend thereat, and shall be examined as to his conduct, dealings and property.

(2) The examination shall be held as soon as conveniently may be after the expiration of the time for the submission of the debtor's statement of affairs.

(3) The Court may adjourn the examination from time to time.

(4) Any creditor who has tendered a proof, or his representative authorised in writing, may question the debtor concerning his affairs and the causes of his failure.

(5) The official receiver, and a trustee if he is appointed before the conclusion of the examination, may take part therein.

(6) The Court may put such questions to the debtor as it may think expedient.

(7) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him.

(8) Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be read over to and signed by the debtor, and may thereafter be used in evidence against him; they shall also be open to the inspection of any creditor at all reasonable times.

(9) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but such order shall not be made until after the day appointed for the first meeting of creditors.

*Composition or Scheme of Arrangement.*

17. (1) The creditors may at the first meeting or any adjournment thereof, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them from the debtor,

Power for creditors to accept and vote to approve composition or arrangement.

[40 & 47 Vic., c. 62, s. 15.]

*The Indian Bankruptcy Bill, 1885.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Section 18-20.)*

or a proposal for a scheme of arrangement of the debtor's affairs.

(2) The composition or scheme shall not be binding on the creditors unless it is confirmed by a resolution passed (by a majority in number representing three-fourths in value of all the creditors who have proved) at a subsequent meeting of the creditors, and is approved by the Court.

Any creditor who has proved his debt may assent to or dissent from the composition or scheme by a letter addressed to the official receiver in the prescribed form, and attested by a witness, so as to be received by the official receiver not later than the day preceding the said subsequent meeting, and any such creditor shall be taken as being present and voting at the meeting.

(3) The subsequent meeting shall be summoned by the official receiver by not less than seven days' notice, and shall not be held until after the public examination of the debtor is concluded. The notice shall state generally the terms of the proposal, and shall be accompanied by a report of the official receiver thereon.

(4) The debtor or the official receiver may, after the composition or scheme is accepted by the creditors, apply to the Court to approve it, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(5) The Court shall, before approving a composition or scheme, hear a report of the official receiver as to the terms of the composition or scheme and as to the conduct of the debtor, and any objections which may be made by or on behalf of any creditor.

(6) If the Court is of opinion that the terms of the composition or scheme are not reasonable, or are not calculated to benefit the general body of creditors, or in any case in which the Court is required under this Act where the debtor is adjudged bankrupt to refuse his discharge, the Court shall, or if any such facts are proved as would under this Act justify the Court in refusing, qualifying or suspending the debtor's discharge, the Court may, in its discretion, refuse to approve the composition or scheme.

(7) If the Court approves the composition or scheme, the approval may be testified by the seal of the Court being attached to the instrument containing the terms of the composition or scheme, or by the terms being embodied in an order of the Court.

(8) A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in bankruptcy.

(9) A certificate of the official receiver that a composition or scheme has been duly accepted and approved shall, in the absence of fraud, be conclusive as to its validity.

(10) The provisions of a composition or scheme under this section may be enforced by the Court in British India on application by any person interested, and an order of the Court made on the application may be executed as if it were a decree.

(11) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court, on satisfactory evidence, that the composition or scheme cannot in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any creditor, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made, or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, any debt provable in other respects, which has been contracted before the date of the adjudication, shall be provable in the bankruptcy.

(12) If, under or in pursuance of a composition or scheme, a trustee is appointed to administer the debtor's property or manage his business, Part V of this Act shall apply to the trustee as if he were a trustee in a bankruptcy, and a, if the terms "bankruptcy," "bankrupt" and "order of adjudication" included respectively a composition or scheme of arrangement, a compounding or arranging debtor and order approving the composition or scheme.

(13) Part III of this Act shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto, the same interpretation being giving to the words "trustee," "bankruptcy," "bankrupt" and "order of adjudication" as in the last preceding sub-section.

(14) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt.

(15) The acceptance by a creditor of a composition or

would not be released by an order of discharge if the debtor had been adjudged bankrupt.

18. Notwithstanding the acceptance and approval of a composition or scheme, such composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents to the composition or scheme.

*Adjudication of Bankruptcy.*

19. (1) At the time of making a receiving order or at any time thereafter, the Court may, on the application of the debtor himself, adjudge him bankrupt. The application may be made orally and without notice.

(2) Where a receiving order is made against a debtor, then, if the creditors at the first meeting or any adjournment thereof by ordinary resolution resolve that the debtor be adjudged bankrupt, or pass no resolution, or if the creditors do not meet, or if a composition or scheme is not accepted or approved in pursuance of this Act within four days after the conclusion of the examination of the debtor or such further time as the Court may allow, the Court shall adjudge the debtor bankrupt.

(3) When a receiving order is made and no creditors attend at the time and place appointed for the first meeting or one adjournment thereof, or if sufficient creditors do not attend then to pass a special resolution, or when the official receiver satisfies the Court that the debtor has absconded or that the debtor does not intend to propose a composition or scheme, the Court may, either on the application of a creditor or of the official receiver, forthwith adjudge the debtor bankrupt.

(4) When a debtor is adjudged bankrupt his property shall become divisible among his creditors and shall vest in a trustee.

(5) Notice of every order adjudging a debtor bankrupt, stating the name, address and description of the bankrupt, the date of the adjudication and the Court by which the adjudication is made, shall be published in the prescribed manner, and the date of the order shall, for the purposes of this Act, be the date of the adjudication.

20. (1) The official receiver shall be the trustee of the property of the bankrupt unless some other person is appointed trustee under the provisions next hereinafter contained.

(2) Where a debtor is adjudged bankrupt, or the creditors have resolved that he be adjudged bankrupt, and the Court having regard to the value of the property or for any other reason declines that the appointment of a person other than the official receiver as trustee is desirable, the creditors may, by ordinary resolution, appoint some fit person, whether a creditor or not, to fill the office of trustee of the property of the bankrupt; or they may resolve to leave his appointment to the committee of inspection hereinafter mentioned.

(3) The person so appointed shall give security in manner prescribed to the satisfaction of the Court, and the Court, if satisfied with the security, shall certify that his appointment has been duly made, unless it disapproves of the appointment on the ground that it has not been made in good faith by a majority in value of the creditors voting, or that the person appointed is not fit to act as trustee, or that his connection with or relation to the bankrupt or his estate or any particular creditor makes it difficult for him to act with impartiality in the interests of the creditors generally.

(4) The appointment of a trustee shall take effect as from the date of the certificate.

(5) If a declaration is made by the Court under sub-section (2) and a trustee is not appointed by the creditors within four weeks from the date of the declaration, or, if the declaration precedes the adjudication, from the date of the adjudication, or, in the event of negotiations for a composition or scheme being pending at the expiration of those four weeks, then within seven days from the close of those negotiations by the refusal of the creditors to accept, or of the Court to approve, the composition or scheme, the official receiver shall report the matter to the Court; and thereupon the Court may, if it thinks fit, appoint some fit person to be trustee of the bankrupt's property, and shall certify the appointment if made.

(6) Provided that the creditors or the committee of inspection (if so authorised by resolution of the creditors) may, at any subsequent time, if they think fit, appoint a trustee, and on the appointment being made and certified the person appointed shall become trustee in the place of the person appointed by the Court.



*The Indian Bankruptcy Bill, 1885.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 21-26.)*

(7) When a debtor is adjudged bankrupt after the first meeting of creditors has been held, and a trustee has not been appointed prior to the adjudication, the official receiver shall, if a declaration has been made by the Court under sub-section (2), forthwith summon a meeting of creditors for the purpose of appointing a trustee.

**21. (1)** In any case in which a declaration is made under section 20, sub-section (2), and with the permission of the Court in any other case, the creditors qualified to vote may at their first or any subsequent meeting, by resolution, appoint from among the creditors qualified to vote, or the holders of general proxies or general powers of attorney from such creditors, a committee of inspection for the purpose of superintending the administration of the bankrupt's property by the trustee. The committee of inspection shall consist of not more than five nor less than three persons.

(2) The committee of inspection shall meet at such times as they from time to time appoint, and, failing such appointment, at least once a month; and the trustee or any member of the committee may also call a meeting of the committee as and when he thinks necessary.

(3) The committee may act by a majority of their members present at a meeting, but shall not act unless a majority of the committee are present at the meeting.

(4) Any member of the committee may resign his office by notice in writing signed by him, and delivered to the trustee.

(5) If a member of the committee becomes bankrupt, or compounds or arranges with his creditors, or is absent from five consecutive meetings of the committee, his office shall thereupon become vacant.

(6) Any member of the committee may be removed by an ordinary resolution at any meeting of creditors, of which seven days' notice has been given, stating the object of the meeting.

(7) On a vacancy occurring in the office of a member of the committee, the trustee shall forthwith summon a meeting of creditors for the purpose of filling the vacancy, and the meeting may, by resolution, appoint another creditor or other person eligible as above to fill the vacancy.

(8) The continuing members of the committee, provided there be not less than two such continuing members, may act notwithstanding any vacancy in their body; and where the number of members of the committee of inspection is for the time being less than five, the creditors may increase that number so that it do not exceed five.

(9) If there is no committee of inspection, any act or thing or any direction or permission by this Act authorized or required to be done or given by the committee may be done or given by the Court on the application of the trustee.

**22. (1)** Where a debtor is adjudged bankrupt the creditors may, if they think fit, at any time after the adjudication, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them under the bankruptcy, or for a scheme of arrangement of the bankrupt's affairs; and thereupon the same proceedings shall be taken and the same consequences shall ensue as in the case of a composition or scheme accepted before adjudication.

(2) If the Court approves the composition or scheme, it may make an order annulling the bankruptcy and vesting the property of the bankrupt in him or in such other person as the Court may appoint, on such terms, and subject to such conditions, if any, as the Court may declare.

(3) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any person interested, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done, under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, all debts, provable in other respects, which have been contracted before the date of such adjudication shall be provable in the bankruptcy.

*Control over Person and Property of Debtor.*

**23. (1)** Every debtor against whom a receiving order is made shall, unless prevented by sickness or other sufficient cause, attend the first meeting of his creditors, and shall submit to such examination and give such information as the meeting may require.

(2) He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and

from them respectively, submit to such examination in respect of his property or his creditors, attend such other meetings of his creditors, wait at such times on the official receiver, special manager or trustee, execute such powers of attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors as may be reasonably required by the official receiver, special manager or trustee, or may be prescribed by general rules, or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the official receiver, special manager, trustee or any creditor or person interested.

(3) He shall, if adjudged bankrupt, aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds among his creditors.

(4) If a debtor wilfully fails to perform the duties imposed on him by this section, or to deliver up possession of any part of his property, which is divisible amongst his creditors under this Act, and which is for the time being in his possession or under his control, to the official receiver or to the trustee, or to any person authorised by the Court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

**24. (1)** The Court may, by warrant addressed to any [46 & 47 Vic. c. 52, s. 25.]

Arrest of debtor under police-officer or prescribed officer of certain circumstances. the Court, cause a debtor to be arrested in British India, and any books, papers, money and goods in his possession there to be seized, and him and them to be safely kept as prescribed until such time as the Court may order under the following circumstances:—

(a) if, after a bankruptcy notice has been issued under this Act, or after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he is about to abscond with a view of avoiding payment of the debt in respect of which the bankruptcy notice was issued, or of avoiding service of a bankruptcy petition, or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or embarrassing proceedings in bankruptcy against him;

(b) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable cause for believing that he is about to remove his property with a view of preventing or delaying possession being taken of it by the official receiver or trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings which might be of use to his creditors in the course of his bankruptcy;

(c) if, after service of a bankruptcy petition on him, or after a receiving order is made against him, he removes any property in his possession above the value of fifty rupees without the leave of the official receiver or trustee;

(d) if, without good cause shown, he fails to attend any examination ordered by the Court:

Provided that no arrest upon a bankruptcy notice shall be valid and protected unless the debtor before or at the time of his arrest shall be served with such bankruptcy notice.

(2) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of the Act relating to fraudulent preferences.

**25.** Where a receiving order is made against a debtor, [46 & 47 Vic. c. 52, s. 25.]

Re-direction of debtor's letters. the Court, on the application of the official receiver or trustee, may, from time to time, order that for such time, not exceeding three months, as the Court thinks fit, post letters addressed to the debtor at any place or places mentioned in the order for re-direction shall be re-directed, sent or delivered by the Postal authorities in British India to the official receiver, or the trustee, or otherwise as the Court directs, and the same shall be done accordingly.

**26. (1)** The Court may, on the application of the official receiver or trustee, at any time after a [46 & 47 Vic. c. 52, s. 27.]

Discovery of debtor's property. receiving order has been made against a debtor, summon before it the debtor or his wife, or any person known or suspected to have in his possession any property belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property; and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

*The Indian Bankruptcy Bill, 1885.**(Part II.—Annulment of Adjudication.—Sections 27-30.)*

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant, cause him if in British India to be apprehended and brought up for examination.

(3) The Court may examine on oath, either by word of mouth or by written interrogatories, any person so brought before it concerning the debtor, his dealings or property.

(4) If any person on examination before the Court admits that he is indebted to the debtor, the Court may, on the application of the official receiver or trustee, order him to pay to the receiver or trustee, at such time and in such manner as to the Court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the Court thinks fit, with or without costs of the examination.

(5) If any person on examination before the Court admits that he has in his possession any property belonging to the debtor, the Court may, on the application of the official receiver or trustee, order him to deliver to the official receiver or trustee such property, or any part thereof, at such time, and in such manner, and on such terms as to the Court may seem just.

(6) The Court may, if it think fit, issue a commission for the examination beyond the limits of British India of any person who if in British India would be liable to be brought before it for examination under this section.

*Discharge of Bankrupt.*

27. (1) A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until the public examination of the bankrupt is concluded. The application shall be heard in open Court.

(2) On the hearing of the application the Court shall take into consideration a report of the official receiver as to the bankrupt's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his after-acquired property.

Provided that the Court shall refuse the discharge in all cases where the bankrupt has committed any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, and shall, on proof of any of the facts hereinafter mentioned, either refuse the order, or suspend the operation of the order for a specified time, or grant an order of discharge, subject to such conditions as aforesaid.

(3) The facts hereinafter referred to are—

(a) that the bankrupt has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy;

(b) that the bankrupt has continued to trade after knowing himself to be insolvent;

(c) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it;

(d) that the bankrupt has brought on his bankruptcy by rash and hazardous speculations or unjustifiable extravagance in living;

(e) that the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action or suit properly brought against him;

(f) that the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they become due, given an undue preference to any of his creditors;

(g) that the bankrupt has on any previous occasion been adjudged bankrupt, or made under any enactment in force in any part of Her Majesty's dominions a composition or arrangement with his creditors;

(h) that the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4) For the purposes of this section the report of the official receiver shall be *prima facie* evidence of the statements therein contained.

(5) Notice of the appointment by the Court of the day for the application for discharge shall be published

in the prescribed manner and sent fourteen days at least before the day so appointed to each creditor who has proved, and the Court may hear the official receiver and the trustee, and may also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it may think fit.

(6) The Court may, in making an order of discharge, pass a decree against the debtor in favour of the official receiver or trustee for any balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge; but in such case the decree shall not be executed without leave of the Court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available for payment of his debts.

(7) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the trustee may require in the realization and distribution of such of his property as is vested in the trustee, and if he fails to do so he shall be guilty of a contempt of Court; and the Court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done subsequent to the discharge, but before its revocation.

28. In either of the following cases; that is to say—

(1) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement; or

(2) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife);

if the settlor is a judged bankrupt or compounds or arranges with his creditors, and it appears to the Court that such settlement, covenant or contract was made in order to defeat or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court may refuse or suspend an order of discharge or grant an order subject to conditions or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

29. (1) An order of discharge shall not release the bankrupt from any debt on a recognizance, nor from any debt with which the bankrupt may be chargeable at the suit of the Crown or of any person for any offence against an enactment relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence; and he shall not be discharged from such excepted debts unless the Government certifies in writing its consent to his being discharged therefrom.

(2) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, nor from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party.

(3) An order of discharge shall release the bankrupt from all other debts provable in bankruptcy.

(4) An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein; and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

(5) An order of discharge shall not release any person who at the date of the receiving order was a partner or co-trustee with the bankrupt or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him.

## PART II.

## ANNULMENT OF ADJUDICATION.

30. (1) Where in the opinion of the Court a debtor ought not to have been adjudged bankrupt, or where it is proved to the satisfaction of the Court that the debts of the bankrupt are paid in full, or where proceedings are pending in the United Kingdom or any other part of Her Majesty's dominions beyond the limits of British India for the distribution of the estate and effects of the bankrupt among his creditors under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions, and it appears to



*The Indian Bankruptcy Bill, 1885.*  
(Part II.—Administration of Property.—Sections 31-37.)

the Court at the distribution ought to take place in that part of Her Majesty's dominions, the Court may, on the application of any person interested, by order, annul the adjudication.

1 & 12 Vic., c. 21, s. 37. (2) Where an adjudication is annulled under this section, all sales and dispositions of property and payments duly made, and all acts theretofore done, by the official receiver, trustee or other person acting under their authority, or by the Court, shall be valid, but the property of the debtor who was adjudged bankrupt shall vest in such person as the Court may appoint, or in default of any such appointment revert to the debtor for all his estate or interest therein on such terms and subject to such conditions, if any, as the Court may declare by order.

(3) Notice of the order annulling an adjudication shall be forthwith published in the prescribed manner.

16 & 17 Vic., c. 62, s. 30. (4) For the purposes of this section any debt due by a debtor shall be deemed to have been paid in full if the debtor enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount of the recovery in any proceeding for the recovery of or concerning the debt, with costs; and a debt due to a creditor who cannot be found or cannot be reached shall be deemed to have been paid in full if paid into Court.

### PART III

#### ADMINISTRATION OF PROPERTY.

##### *Proof of Debts.*

1 & 12 Vic., c. 21, s. 37. 31. (1) Debts in the nature of unliquidated damages, Description of debts, arising otherwise than on account of a provable bankruptcy, equitable, promise or breach of trust shall not be provable in bankruptcy.

(2) A person having notice of any act of bankruptcy available against the debtor shall not prove under the order for any debt or liability contracted by the debtor subsequently to the date of his receiving notice.

(3) Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the receiving order, or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order, shall be deemed to be debts provable in bankruptcy.

1 & 13 Vic., c. 1, s. 43. (4) An estimate shall be made by the trustee of the value of any debt or liability provable as aforesaid which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

(5) Any person aggrieved by any estimate made by the trustee as aforesaid may appeal to the Court.

(6) If, in the opinion of the Court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy.

(7) If, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed before the Court itself, and may give all necessary directions for this purpose, and the amount of the value when assessed shall be deemed to be a debt provable in bankruptcy.

(8) "Liability" shall for the purposes of this Act include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether the breach does or does not occur, or is or is not likely to occur or capable of occurring before the discharge of the debtor, and generally it shall include any express or implied engagement, agreement or undertaking to pay, or a liability of resulting in the payment of money, or money's worth, whether the payment is as respects amount fixed or unliquidated; as respects time, present or future, certain or dependent on any contingency or contingencies; as to mode of valuation, capable of being ascertained by fixed rules or as matter of opinion.

1 & 12 Vic., c. 21, s. 37. 16 & 17 Vic., c. 62, s. 38. 32. Where there have been mutual or reciprocal dealings between a bankrupt and another person, whether a creditor or not, shall be made under this Act, and any other person proving or claiming to prove a debt under such receiving order, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and so more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a debtor in any case where he had at the time of giving credit to the debtor notice of an act of bankruptcy committed by the debtor and available against him.

33. With respect to the mode of proving debts, the right Rules as to proof of debts, the admission and rejection of proofs, and the other matters referred to in the second schedule, the rules in that schedule shall be observed.

34. (1) In the distribution of the property of a bankrupt Priority of debts, there shall be paid in priority to all other debts—

(a) all revenues, taxes, cesses and rates, whether payable to Her Majesty, to any local authority or otherwise, due from the bankrupt at the date of the receiving order, and having become due and payable within twelve months next before such time;

(b) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees; and

(c) all wages of any labourer or workman not exceeding five hundred rupees, which are payable for time or piece-work, in respect of services rendered to the bankrupt during four months before the date of the receiving order.

(2) The foregoing debts shall rank equally between themselves, and shall be paid in full, and as the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportion between themselves.

(3) In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts, and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates, it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate, it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

(4) Subject to the provisions of this Act, all debts proved in the bankruptcy shall be paid *pari passu*.

(5) If there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the receiving order at the rate of four per centum per annum on all debts proved in the bankruptcy.

35. (1) Where at the time of the presentation of the petition for bankruptcy any person is an apprenticed clerk to the bankrupt, the adjudication of bankruptcy shall, if either bankrupt or apprentice or clerk gives notice in writing to the trustee to that effect, be a complete discharge of the contract of apprenticeship or articles of agreement, and if any money has been paid by or on behalf of the apprentice or clerk to the bankrupt as a fee, the trustee may, on the application of the apprentice or clerk, or of some person on their behalf, pay such sum as the trustee, subject to an appeal to the Court, thinks reasonable, out of the bankrupt's property, to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the contract or articles before the commencement of the bankruptcy, and to the other circumstances of the case.

(2) Where it appears expedient to a trustee, he may, on the application of any apprentice or apprenticed clerk to the bankrupt, or any person acting on behalf of such apprentice or apprenticed clerk, instead of acting under the preceding provisions of this section, transfer the contract of apprenticeship or articles of agreement to some other person.

36. (1) The landlord or other person to whom any rent is due from the bankrupt may at any time, before or after the commencement of the bankruptcy, exercise his right of distress (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress for rent is levied after the commencement of the bankruptcy it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

(2) For the purposes of this section the term "order of adjudication" shall be deemed to include an order for the administration of the estate of a deceased person who dies insolvent.

##### *Property available for Payment of Debts.*

37. The bankruptcy of a debtor, whether the same takes place on the debtor's own petition or trustee's title, shall be deemed to have relation back to, and to commence at, the time of the act of bankruptcy being committed on

*The Indian Bankruptcy Bill, 1885.*  
(Part III.—Administration of Property.—Sections 38-41.)

which a receiving order is made against him, or, if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to, and to commence at, the time of the first of the acts of bankruptcy proved to have been committed by the bankrupt within three months next preceding the date of the presentation of the bankruptcy petition; but no bankruptcy petition, receiving order or adjudication shall be rendered invalid by reason of any act of bankruptcy anterior to the debt of the petitioning creditor.

**38.** The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:—

- (1) property held by the bankrupt on trust for any other person;
- (2) the tools (if any) of his trade and the necessary wearing-apparel and bedding of himself, his wife and children, to a value, inclusive of tools and apparel and bedding, not exceeding two hundred rupees in the whole;

But it shall comprise the following particulars:—

- (i) all such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy or may be acquired by or devolve on him before his discharge;
- (ii) the capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bankrupt for his own benefit at the commencement of his bankruptcy or before his discharge, except the right of nomination to a vacant ecclesiastical benefice; and
- (iii) all moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof: Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

*Effect of Bankruptcy on antecedent Transactions.*

**39.** (1) Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the trustee in bankruptcy of the debtor, except in respect of assets realized in the course of the execution by sale or otherwise before the date of the receiving order, and before notice of the presentation of any bankruptcy petition by or against the debtor, or of the commission of any available act of bankruptcy by the debtor, has been given to the Court executing the decree.

(2) Nothing in this section shall affect the rights of a mortgagee or encumbrancer of property against which a decree is executed.

**40.** (1) Where execution of a decree has issued against any property of a debtor which is saleable in execution, and before the sale thereof notice is given to the Court executing the decree that a receiving order has been made against the debtor, the Court shall, on application, direct the property to be delivered to the official receiver or trustee under the order, but the costs of the execution shall be a charge on the property so delivered, and the official receiver or trustee may sell the property or an adequate part thereof for the purpose of satisfying the charge.

(2) An execution levied against the property of a debtor is not invalid by reason only of its being an act of bankruptcy, and a person who purchases the property in good faith under a sale in execution shall in all cases acquire a good title to them against the trustee in bankruptcy.

**41.** (1) Any settlement of property not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or encumbrancer in good faith and for valuable consideration, or a settler made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of the settlement, be void against the trustee in the bankruptcy, and shall, if the settlor becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the trustee in the bankruptcy, unless the parties claiming under the settlement

can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement, and that the interest of the settlor in such property had passed to the trustee of such settlement on the execution thereof.

(2) Any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property or of in right of his wife, shall, on his becoming bankrupt before the property or money has been actually transferred or paid pursuant to the contract or covenant, be void against the trustee in the bankruptcy.

(3) "Settlement" shall for the purposes of this section include any conveyance or transfer of property.

**42.** (1) Every conveyance or transfer of property or charge thereon made, every payment made, every obligation incurred and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors, shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy.

(2) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.

**43.** Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy on transactions with an execution or attachment, and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate in this case of a bankruptcy—

- (a) any payment of the bankrupt to any of his creditors;
  - (b) any payment or delivery to the bankrupt;
  - (c) any conveyance or assignment by the bankrupt for valuable consideration;
  - (d) any contract, dealing or transaction by or with the bankrupt for valuable consideration:
- Provided that both the following conditions are complied with, namely:—

- (1) the payment, delivery, conveyance, assignment, contract, dealing or transaction, as the case may be, takes place before the date of the receiving order; and
- (2) the person (other than the debtor) to, by or with whom the payment, delivery, conveyance, assignment, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, contract, dealing or transaction notice of any available act of bankruptcy committed by the bankrupt before that time.

*Realization of Property.*

**44.** (1) The trustee shall, as soon as may be, take possession of the deeds, books and documents of the bankrupt, and all other parts of his property capable of manual delivery.

(2) The trustee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed under section 503 of the Code of Civil Procedure, and shall have such of the powers conferred on a receiver under that section as may be specified in general rules, and the Court may on his application enforce such acquisition or retention accordingly.

(3) Where any part of the property of the bankrupt consists of stock, shares in ships, shares or any other property transferable in the books of any company, office or person, the trustee may exercise the right to transfer the property to the same extent as the bankrupt might have exercised it if he had not become bankrupt.

(4) Where any part of the property of the bankrupt consists of things in action, such things shall be deemed to have been duly assigned to the trustee.

(5) Any treasurer or other officer, or any banker, attorney or agent of a bankrupt, shall pay and deliver to the trustee all money and securities in his possession or power, as such officer, banker, attorney or agent, which he is not by law entitled to retain as against the bankrupt or the trustee. If he does not, he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the trustee.

*The Indian Bankruptcy Bill, 1885.*  
(Part III.—Administration of Property.—Sections 45-49.)

[46 & 47 Vic., c. 52, s. 51.]

**45.** Any person acting under warrant of the Court may seize any part of the property of a bankrupt in the custody or possession of the bankrupt, or of any other person in British India, and with a view to such seizure may break open any house, building or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place in British India not belonging to him, the Court may, if it thinks fit, grant a search-warrant to any Police-officer or officer of the Court, who may execute it according to its tenor.

[11 & 12 Vic., c. 51, s. 27.]

[46 & 47 Vic., c. 52, s. 53.]

**46.** (1) Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian marine service, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, the trustee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as the Court, on the application of the trustee with the consent of the chief officer of the department under which the pay or salary is enjoyed, may direct. Before making any order under this subsection the Court shall communicate with the chief officer of the department as to the amount, time and manner of the payment to the trustee, and shall obtain the written consent of the chief officer to the terms of such payment.

(2) Where a bankrupt is in the receipt of a salary or income other than as aforesaid, or is entitled to any half pay, or pension, or to any compensation granted by the Government, the Court, on the application of the trustee, shall, from time to time, make such order as it thinks just for the payment of the salary, income, half pay, pension or compensation, or of any part thereof, to the trustee to be applied by him in such manner as the Court may direct.

(3) Nothing in this section shall take away or abridge any power of the chief officer of any public department to dismiss a bankrupt, or to declare the pension, half pay or compensation of any bankrupt to be forfeited.

[11 & 12 Vic., c. 51, s. 7.]

[46 & 47 Vic., c. 52, s. 54.]

**47.** (1) Until a trustee is appointed the official receiver shall be the trustee for the purposes of this Act; and, immediately on a debtor being adjudged bankrupt, the property of the bankrupt shall vest in the trustee.

(2) On the appointment of a trustee the property shall forthwith pass to and vest in the trustee appointed.

[11 & 12 Vic., c. 51, s. 20.]

(3) The property of the bankrupt shall pass from trustee to trustee, including under that term the official receiver, when he fills the office of trustee, and shall vest in the trustee for the time being during his continuance in office, without any conveyance, assignment or transfer whatever.

[46 & 47 Vic., c. 52, s. 55.]

**48.** (1) Where any part of the property of the bankrupt consists of any tenancy held on with property over us covenants, of shares or stock in companies, of unprofitable contract, or of any other property that is unsaleable or not readily salable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the trustee, notwithstanding that he has not consented to sell or has taken possession of the property, or executed any act of ownership in relation thereto, but subject to the provisions of this section, may, by writing signed by him, at any time within three months after the adjudication of bankruptcy, or where a person other than the official receiver is appointed trustee, after the first appointment of a trustee, disclaim the property:

Provided that where any such property shall not have come to the knowledge of the trustee within one month after the adjudication or appointment (as the case may be), he may disclaim such property at any time within two months after he first became aware thereof.

(2) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interests and liabilities of the bankrupt and his property in or in respect of the property disclaimed, and shall also discharge the trustee from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of enabling the bankrupt and his property and the trustee from liability, affect the rights or liabilities of any other person.

(3) A trustee shall not be entitled to disclaim a tenancy without the leave of the Court, except in any cases which may be prescribed by general rules; and the Court may, before or on granting such leave, require such notices to be given to persons interested, and impose such terms as a condition of granting leave and make such orders with respect to fixtures, tenant's improvements and other matters arising out of the tenancy as the Court thinks just.

(4) The trustee shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to the trustee by any person interested in the property requiring him to decide whether he will disclaim or not, and the trustee has for a period of twenty-eight days after the receipt of the application, or such extended period as may be allowed by the Court, declined or neglected to give notice whether he disclaims the property or not; and, in the case of a contract, if the trustee, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

(5) The Court may, on the application of any person who is, as against the trustee, entitled to the benefit or subject to the burden of a contract made with the bankrupt, make an order rescinding the contract on such terms as to payment by or to either party of damages for the non performance of the contract, or otherwise, as to the Court may seem equitable, and any damages payable under the order to any such person may be proved by him as a debt under the bankruptcy.

(6) The Court may, on application by any person either claiming any interest in any disclaimed property, or under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the Court thinks just; and, on any such vesting order being made, the property comprised therein shall vest accordingly in the person therein named in that behalf without any conveyance or assignment for the purpose.

Provided always that, where the property disclaimed is a tenancy, the Court shall not make a vesting order in favour of any person claiming under the bankrupt, whether as under-tenant or as mortgagee by demise, except upon the terms of making such person subject to the same liabilities and obligations as the bankrupt was subject to under the tenancy in respect of the property at the date when the bankruptcy petition was filed, and any mortgage or under-tenant declining to accept a vesting order upon such terms shall be excluded from all interest in and security upon the property; and if there shall be no person claiming under the bankrupt who is willing to accept an order upon such terms, the Court shall have power to vest the bankrupt's estate and interest in the property in any person bound either personally or in a representative character, and either alone or jointly with the bankrupt, to discharge the tenant's liabilities and obligations, freed and discharged from all estates, incumbrances and interests created therein by the bankrupt.

(7) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the bankrupt to the extent of the injury, and may accordingly prove the same as a debt under the bankruptcy.

**49.** (1) Subject to the provisions of this Act, the trustee [46 & 47 Vic., c. 52, s. 53.] may do or may of the following things:—

(a) sell all or any part of the property of the bankrupt [11 & 12 Vic., c. 51, s. 31.] (including the goodwill of the business, if any, and the book debts due or growing due to the bankrupt) by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels;

(b) give receipts for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof;

(c) prove, rank, claim and draw a dividend in respect of any debt due to the bankrupt;

(d) exercise any powers the capacity to exercise which is [11 & 12 Vic., c. 51, s. 30.] vested in the trustee under this Act, and execute any power of attorney, deeds and other instruments for the purpose of carrying into effect the provisions of this Act;

(e) deal with property to which the bankrupt is beneficiary [cf. Act X of 1854, s. 2.] entitled as tenant in tail or other owner of an estate of inheritance less than an estate in fee-simple in the same manner as the bankrupt might have dealt with it.

(2) Any dealing by a trustee under clause (c) with any property to which the bankrupt is before his discharge entitled as in that clause mentioned shall, although the bankrupt be dead at the time of that dealing, be as valid and have the same operation as if the bankrupt were then alive.

**The Indian Bankruptcy Bill, 1885.**  
(Part IV.—Official Receivers.—Sections 50-60.)

**50.** The trustee may, with the permission of the committee of inspection, do all or any of the following things:—

- (1) carry on the business of the bankrupt, so far as may be necessary for the beneficial winding up of the same;
- (2) bring, institute or defend any action, suit or other legal proceeding relating to the property of the bankrupt;
- (3) employ a solicitor or other agent to take any proceedings or do any business which may be sanctioned by the committee of inspection;
- (4) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as the committee think fit;
- (5) mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;
- (6) refer any dispute to arbitration, compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt on the receipt of such sums, payable at such times, and generally on such terms as may be agreed on;
- (7) make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy;
- (8) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt made or capable of being made on the trustee by any person or by the trustee on any person;
- (9) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

The permission given for the purposes of this section shall of be a general permission to do all or any of the above-mentioned things, but shall only be a permission to do the particular thing or things for which permission is sought in the specified case or cases.

**Distribution of Property.**

**51.** (1) Subject to the retention of such sums as may be necessary for the costs of administration, or otherwise the trustee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

(2) The first dividend, if any, shall be declared and distributed within four months after the conclusion of the first meeting of creditors, unless the trustee satisfies the committee of inspection that there is sufficient reason for postponing the declaration to a later date.

(3) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and distributed at intervals of not more than six months.

(4) Before declaring a dividend the trustee shall cause notice of his intention to do so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the bankrupt's statement who has not proved his debts.

(5) When the trustee has declared a dividend he shall send to each creditor who has proved a notice showing the amount of the dividend and when and how it is payable, and a statement in the prescribed form as to the particulars of his estate.

**52.** (1) Where one partner of a firm is adjudged bankrupt, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

(2) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of any person interested, be declared together; and the expenses of and incident to such dividends shall be fairly apportioned by the trustee between the joint and separate properties, regard being had to the

**53.** In the calculation and distribution of a dividend the trustee shall make provision for the debts of the bankrupt provable in bankruptcy, appearing from the bankrupt's statement, or otherwise, to be due to persons resident in places so distant from the place where the trustee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to object to them if disputed, and also for debts provable in bankruptcy the subject of claims not yet determined. He shall also make provision for any disputed proofs or claims, and for the expenses necessary for the administration of the estate or otherwise, and, subject to the foregoing provisions, he shall distribute as dividend all money in hand.

**54.** Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any money for the time being in the hands of the trustee any dividend or dividends he may have failed to receive before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

**55.** When the trustee has realized all the property of the bankrupt, or so much thereof as can, in the joint opinion of himself and of the committee of inspection, be realized without needlessly protracting the trusteeship, he shall declare a final dividend, but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified to him, but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the Court within a time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or, if the Court on application by any such claimant grant him further time for establishing his claims, then on the expiration of such further time the property of the bankrupt shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons.

**56.** No suit or action for a dividend shall lie against the trustee, but if the trustee refuses to pay any dividend the Court may, if it thinks fit, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.

**57.** (1) The trustee, with the permission of the committee of inspection, may appoint the bankrupt himself to superintend the management of the property of the bankrupt or of any part thereof, or to carry on the trade (if any) of the bankrupt for the benefit of his creditors, and in any other respect to aid in administering the property in such manner and on such terms as the trustee may direct.

(2) The trustee may, from time to time, with the permission of the committee of inspection, make such allowance as he may think just to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate, but any such allowance may be reduced by the Court.

**58.** The bankrupt shall be entitled to any surplus remaining after payment in full of his debts, with interest, as by this Act provided, and of the costs, charges and expenses of the proceedings under the bankruptcy petition.

**PART IV.**

**OFFICIAL RECEIVERS.**

**59.** (1) The Chief Justice of each High Court may, at any time after the passing of this Act, and, from time to time, appoint such person as he thinks fit to be official receiver of debtors' estates for that Court, and may remove any person so appointed from that office.

(2) The Local Government may in like manner appoint any such person as it thinks fit to be official receiver of debtors' estates for any other Court having bankruptcy jurisdiction under this Act, and remove any person so appointed from such office.

**60.** (1) The duties of the official receiver shall have relation both to the conduct of the debtor and to the administration of the estate.

(2) An official receiver may, for the purpose of affidavits verifying proofs, petitions or other proceedings under this Act, administer oaths.

*The Indian Bankruptcy Bill, 1885.*  
(Part V.—Trustees.—Sections 61-67.)

(3) All expressions referring to the trustee under a bankruptcy shall, unless the context otherwise requires or the Act otherwise provides, include the official receiver when acting as trustee.

(4) The trustee shall supply the official receiver with such information and give him such access to, and facilities for inspecting, the bankrupt's books and documents, and generally shall give him such aid, as may be requisite for enabling the official receiver to perform his duties under this Act.

§ 47 Vic., c. 60.]

**61.** As regards the debtor, it shall be the duty of the official receiver—

- (1) to investigate the conduct of the debtor and to report to the Court, stating whether there is reason to believe that the debtor has committed any act which constitutes an offence under this Act or under section 121, 122, 123 or 124 of the Indian Penal Code or any amendment thereof, or which would justify the Court in refusing, suspending or qualifying an order for his discharge;
- (2) to make such other reports concerning the conduct of the debtor as the Court may direct;
- (3) to take such part as may be directed by the Court in the public examination of the debtor;
- (4) to take such part and give such assistance in relation to the prosecution of any fraudulent debtor as the Court may direct.

V of 1860.

§ 47 Vic., c. 60.]

**62.** (1) As regards the estate of a debtor it shall be the duty of the official receiver—

- (a) pending the appointment of trustee, to act as interim receiver of the debtor's estate, and, where a special manager is not appointed, as manager thereof;
- (b) to authorise the special manager to raise money or make advances for the purposes of the estate in any case where, in the interests of the creditors, it appears necessary so to do;
- (c) to summon and preside at the first meeting of creditors;
- (d) to issue forms of proxy for use at the meetings of creditors;
- (e) to report to the creditors as to any proposal which the debtor may have made with respect to the mode of liquidating his affairs;
- (f) to advertise the receiving order, the date of the creditors' first meeting and of the debtor's public examination, and such other matters as it may be necessary to advertise;
- (g) to act as trustee where no trustee is appointed or during any vacancy in the office of trustee.

(2) For the purpose of his duties as interim receiver or manager the official receiver shall have such of the powers conferable on a receiver appointed under section 503 of the Code of Civil Procedure as may be specified in the general rules, but shall, as far as practicable, consult the wishes of the creditors with respect to the management of the debtor's property; and may for that purpose, if he thinks it advisable, summon meetings of the persons claiming to be creditors, and still not, unless the Court otherwise orders, incur any expense beyond such as is requisite for the protection of the debtor's property or the disposing of perishable goods:

Provided that, when the debtor cannot himself prepare a proper statement of affairs, the official receiver may, subject to any prescribed conditions, and at the expense of the estate, employ some person or persons to assist in the preparation of the statement of affairs.

(3) Every official receiver shall account to the Court and pay over all moneys and deal with all securities in such manner as the Court, from time to time, directs.

## PART V.

### TRUSTEES.

#### *Remuneration of Trustees.*

§ 12 Vic., c. 10.]

§ 47 Vic., c. 60.]

**63.** (1) Where the creditors appoint any person to be trustee of a debtor's estate, his remuneration (if any) shall be fixed by an ordinary resolution of the creditors, or, if the creditors so resolve, by the committee of inspection, and shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realized, after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend.

(2) If one-fourth in number or value of the creditors dissent from the resolution, or the bankrupt satisfies the Court that the remuneration is unnecessarily large, the Court shall fix the amount of the remuneration.

(3) The resolution shall express what expenses the remuneration is to cover, and no liability shall attach to the bankrupt's estate, or to the creditors, in respect of any expenses which the remuneration is expressed to cover.

(4) Where no remuneration has been voted to a trustee, he shall be allowed out of the bankrupt's estate such proper costs and expenses incurred by him in or about the proceedings of the bankruptcy as the prescribed officer may allow.

(5) A trustee shall not, under any circumstances whatever, make any arrangement for or accept from the bankrupt, or any solicitor, auctioneer or any other person that may be employed about a bankruptcy, any gift, remuneration or pecuniary or other consideration or benefit whatever beyond the remuneration fixed by the creditors and payable out of the estate, nor shall he make any arrangement for giving up, or give up, any part of his remuneration, either as receiver, manager or trustee, to the bankrupt, or any solicitor or other person that may be employed about a bankruptcy.

*Costs.*

**64.** (1) Where a trustee or manager receives remuneration for his services as such, no payment shall be allowed in his accounts in respect of the performance by any other person of the ordinary duties which are required by this Act or the rules made under this Act to be performed by himself.

(2) Where the trustee is a solicitor, he may contract that the remuneration for his services as trustee shall include all professional services.

(3) All bills and charges of solicitors, managers, accountants, auctioneers, brokers and other persons, not being trustees, shall be taxed by the prescribed officer, and no payments in respect thereof shall be allowed in the trustee's accounts without proof of such taxation having been made. The officer shall satisfy himself before passing such bills and charges that the employment of such solicitors and other persons, in respect of the particular matters out of which such charges arise, has been duly sanctioned.

(4) Every such person shall, on request by the trustee (which request the trustee shall make a sufficient time before declaring a dividend), deliver his bill of costs or charges to the prescribed officer, and if he fails to do so within seven days after receipt of the request, or such further time as the Court, on application, may grant, the trustee shall declare and distribute the dividend without regard to any claim by him, and thereupon any such claim shall be forfeited as well against the trustee personally as against the estate.

#### *Receipts, Payments, Accounts, Audit.*

**65.** (1) An account called the bankruptcy estates account shall be kept by the Court with such Government treasury or bank as the Governor General in Council may direct, and all moneys realized on account of a bankrupt's estate by the Court or any officer thereof under this Act shall, unless it is otherwise prescribed, be paid to that account.

(2) Every trustee in bankruptcy shall, in such manner and at such times as the Court, with the sanction of the Governor General in Council, directs, pay the money received by him to the bankruptcy estates account, and the treasury or bank shall furnish him with a certificate of receipt of the money so paid.

(3) Subject to any general rules relating to small bankruptcies under Part VII of this Act, where the debtor at the date of the receiving order has an account at a bank, such account shall not be withdrawn until the expiration of seven days from the day appointed for the first meeting of creditors, unless the Court, for the safety of the account, or other sufficient cause, orders the withdrawal of the account.

(4) If a trustee at any time retains for more than ten days a sum exceeding five hundred rupees, or such other amount as the Court in any particular case authorizes him to retain, then, unless he explains the retention to the satisfaction of the Court, he shall pay interest on the amount so retained in excess at the rate of twenty per centum per annum, and shall have no claim for remuneration, and may be removed from his office by the Court, and shall be liable to pay any expenses occasioned by reason of his default.

(5) All payments out of money standing to the credit of the bankruptcy estates account shall be made by the treasury or bank in the prescribed manner.

**66.** No trustee in a bankruptcy or under any composition shall pay or scheme of arrangement shall pay any sums received by him as trustee into his private banking account.

**67.** (1) Whenever the cash balance standing to the credit of the bankruptcy estates account is in excess of the amount which, in the opinion of the Court, is required for the time being to answer demands in respect of bankrupts' estates, the Court shall notify the same to such officer as the Governor General in Council may appoint in this behalf, and shall pay over the

[40 & 47 Vic. 62, s. 73.]

[11 & 12 Vic. 31, ss. 15-21  
Gen. rules,  
46 & 47 Vic.  
62, s. 74.]

[11 & 12 Vic. 31, s. 34.]

[40 & 47 Vic. 62, s. 75.]

[40 & 47 Vic. 62, s. 76.]



*The Indian Bankruptcy Bill, 1885.*  
(Part V.—Trustees.—Sections 68-79.)

same, or any part thereof, as the officer may direct, to the officer, and the officer may invest the said sums or any part thereof in Government securities to be placed to the credit of the said account.

(2) Whenever any part of the money so invested is, in the opinion of the Court, required to answer any demands in respect of bankrupts' estates, the Court shall notify to the officer the amount so required, and the officer shall thereupon repay to the Court such sum as may be required to the credit of the bankruptcy estates account, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(3) The dividends on the investments under this section shall be paid to such account as the Governor General in Council may direct, and regard shall be had to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings.

**68.** (1) Every trustee shall, at such times as may be prescribed, but not less than twice in each year during his tenure of office, send to the Court, or as it directs, an account of his receipts and payments as such trustee.

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a declaration in the prescribed form.

(3) The Court shall cause the accounts so sent to be audited, and for the purposes of the audit the trustee shall furnish the Court with such vouchers and information as the Court may require, and the Court may at any time require the production of and inspect any books or accounts kept by the trustee.

(4) When any such account has been audited, a copy thereof shall be filed in the Court, and shall be open to the inspection of any creditor, or of the bankrupt, or of any person interested.

**69.** The trustee shall, whenever required by any creditor so to do, and on payment by such creditor of the prescribed fee, furnish and transmit to such creditor by post a list of the creditors, showing in such list the amount of the debt due to each of such creditors.

**70.** The trustee shall keep, in manner prescribed, proper books to be kept by trustee, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed; and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent inspect any such books.

**71.** (1) Every trustee in a bankruptcy shall from time to time, as may be prescribed, and not less than once in every year, during the continuance of the bankruptcy, submit to the Court a statement showing the proceedings in the bankruptcy up to the date of the statement, containing the prescribed particulars, and made out in the prescribed form.

(2) The Court shall cause the statements so transmitted to be examined, and shall call the trustee to account for any misfeasance, neglect or omission which may appear on the said statements or in his accounts or otherwise, and may require the trustee to make good any loss which the estate of the bankrupt may have sustained by the misfeasance, neglect or omission.

*Release of Trustee.*

**72.** (1) When the trustee has realised all the property of the bankrupt, or so much thereof as can, in his opinion, be realised without needlessly protracting the trusteeship, and distributed a final dividend, if any, or has ceased to act by the reason of a composition having been approved, or as resigned, or has been removed from his office, the Court shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Court, shall take into consideration the report, and any objection which may be urged by any creditor or person interested against the release of the trustee, and shall either grant or withhold the release accordingly.

(2) Where the release of a trustee is withheld, the Court may, on the application of any creditor or person interested, make such order as it thinks just, charging the trustee with the consequences of any act or default he may have done or made contrary to his duty.

(3) An order of the Court releasing the trustee shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as trustee; but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(4) Where the trustee has not previously resigned or been removed, his release shall operate as a removal of him from his office, and thereupon the official receiver shall be the trustee.

*Official Name.*

**73.** The trustee may sue and be sued by the official name of "the trustee of the property of [46 & 47 Vic., c. 52, s. 53.]

a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description, make contracts, sue and be sued, enter into any engagements binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

*Appointment and Removal.*

**74.** (1) Subject to the provisions of this Act, the creditors may, if they think fit, appoint more persons than one to the office of trustee; and when more persons than [46 & 47 Vic., c. 52, s. 4.]

one are appointed they shall declare whether any act required or authorised to be done by the trustee is to be done by all or any one or more of such persons, but all such persons are in this Act included under the term "trustee," and shall be joint-tenants of the property of the bankrupt.

(2) Subject as aforesaid, the creditors may also appoint persons to act as trustees in succession in the event of one or more of the persons first named declining to accept the office of trustee, or failing to give security, or not being approved of by the Court.

**75.** If a receiving order is made against a trustee, he shall thereby vacate his office of trustee. [16 & 47 Vic., c. 52, s. 55.]

**76.** (1) The creditors may, by ordinary resolution, at a meeting specially called for that purpose, of which seven days' notice has been given, remove a trustee appointed by them, and may at the same or any subsequent meeting appoint another person to fill the vacancy as hereinafter provided in case of a vacancy in the office of trustee. [11 & 12 Vic., c. 21, s. 13. 46 & 47 Vic., c. 52, s. 56.]

(2) If the Court is of opinion that a trustee appointed by the creditors is guilty of misfeasance, or fails to perform his duties under this Act, the Court may remove him from his office.

**77.** (1) If a vacancy occurs in the office of a trustee, the creditors in general meeting may appoint a person to fill the vacancy, and thereupon the same proceedings shall be taken as in the case of a first appointment. [16 & 47 Vic., c. 52, s. 57.]

(2) The official receiver shall, on the requisition of any creditor, summon a meeting for the purpose of filling any such vacancy.

(3) If the creditors do not within three weeks after the occurrence of a vacancy appoint a person to fill the vacancy, the official receiver shall report the matter to the Court, and the Court may appoint a trustee; but in such case the creditors or committee of inspection shall have the same power of appointing a trustee as in the case of a first appointment.

(4) If no trustee is appointed, and during any vacancy in the office of trustee, the official receiver shall act as trustee and shall have all the powers of a trustee.

*Voting Powers of Trustee.*

**78.** The vote of the trustee, or of his partner, clerk, solicitor or solicitor's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the trustee. [40 & 47 Vic., c. 52, s. 58.]

*Control over Trustee.*

**79.** (1) Subject to the provisions of this Act, the trustee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by resolution of the creditors at any general meeting, or by the committee of inspection; and any directions so given by the creditors at any general meeting shall in case of conflict be deemed to override any directions given by the committee of inspection. [16 & 47 Vic., c. 52, s. 59.]

(2) The trustee may, from time to time, summon general meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution, either at the meeting appointing the trustee or otherwise, may direct, or whenever requested in writing to do so by one-fourth in value of the creditors.

*The Indian Bankruptcy Bill, 1885.*  
(Part VI.—Constitution, Procedure and Powers of Court.—Sections 80-91.)

(3) The trustee may apply to the Court in manner prescribed for directions in relation to any particular matter arising under the bankruptcy.

(4) Subject to the provisions of this Act, the trustee shall use his own discretion in the management of the estate and its distribution among the creditors.

46 & 47 Vic., c. 3, s. 90.]

**80.** If the bankrupt or any of the creditors or any other person is aggrieved by any act or decision of the trustee, he may apply to the Court; and the Court may confirm, reverse or modify the act or decision complained of, and make such order in the premises as it thinks just.

Appeal to Court against trustee.

46 & 47 Vic., c. 3, s. 91.]

**81.** (1) The Court shall take cognizance of the conduct of trustees, and in the event of any trustee not faithfully performing his duties and duly observing all the requirements imposed on him by any enactment or by rules or otherwise, with respect to the performance of his duties, or in the event of any complaint being made to the Court by any creditor in regard thereto, the Court shall enquire into the matter and take such action thereon as may be deemed expedient.

Control of Court over trustees.

(2) The Court may at any time require any trustee to answer any inquiry made by it in relation to any bankruptcy in which the trustee is engaged, and may examine on oath the trustee or any other person concerning the bankruptcy.

(3) The Court may also direct a local investigation to be made of the books and vouchers of the trustee.

## PART VI.

### CONSTITUTION, PROCEDURE AND POWERS OF COURT

#### *Jurisdiction.*

46 & 47 Vic., c. 3, s. 92.]

**82.** (1) The Courts having jurisdiction in bankruptcy under this Act shall be—

(a) the High Courts of Judicature at Fort William, Madras and Bombay;

(b) the Court of the Recorder of Rangoon, and

(c) such other Civil Courts as the Local Government, with the previous sanction of the Governor General in Council, may, from time to time, appoint in this behalf in the territories administered by it.

[New]

**83.** For the purposes of this Act the local limits of the jurisdiction of the said Courts shall be as follows, namely:—

Local limits of their jurisdiction.

(a) the local limits of the jurisdiction of each of the said High Courts of Judicature shall be the local limits for the time being of its ordinary original civil jurisdiction;

(b) the local limits of the jurisdiction of the Court of the Recorder of Rangoon shall comprise the towns of Rangoon, Moulmein, Akyab and Bassein;

(c) the local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

1 & 12 Vic., c. 4, s. 47 (2).]

46 & 47 Vic., c. 3, s. 94 (2).]

**84.** All matters in respect of which jurisdiction is given by this Act shall, in each of the said High Courts of Judicature, be ordinarily transacted and disposed of by or under the direction of one of the Judges of that Court; and the Chief Justice shall, from time to time, assign a Judge for that purpose.

**85.** Any proceedings in bankruptcy pending in any Court appointed by the Local Government of a province under section 82 may at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by the High Court of the province to itself or to any other Court appointed as aforesaid in the province.

**86.** If any question of law arises in any bankruptcy proceeding in a Court appointed by the Local Government of a province under section 82, and all the parties to the proceeding desire, or one of them and the Judge of the Court may desire, to have the question determined in the first instance in the High Court of the province, the Judge shall state the facts, in the form of a special case, for the opinion of that High Court. The special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

46 & 47 Vic., c. 3, s. 97 (4).]

Power to state special case.

**87.** Subject to the provisions of this Act and to general rules, the Judge of a Court exercising jurisdiction in bankruptcy may exercise in chambers the whole or any part of his jurisdiction.

**88.** (1) Subject to general rules limiting the powers conferred by this section, the High Court of Judicature at Fort William, Madras or Bombay may, from time to time, direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, a Judge of the Presidency Small Cause Court appointed by it in this behalf shall have all or any of the powers in this section mentioned; and any order made or act done by such Judge of the Small Cause Court in the exercise of the said powers shall be deemed the order or act of the High Court.

(2) The powers referred to in sub-section (1) are the following, namely:—

(a) to hear bankruptcy petitions, and to make, receiving orders and adjudications thereon;

(b) to hold the public examination of debtors;

(c) to grant orders of discharge;

(d) to approve compositions or schemes of arrangement;

(e) to make interim orders in any case of urgency;

(f) to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers;

(g) to hear and determine any unopposed or *ex parte* application;

(h) to summon and examine any person known or suspected to have in his possession effects of the debtor or to be indebted to him, or capable of giving information respecting the debtor, his dealings or property.

(3) A Judge of the Small Cause Court shall not have power to commit for contempt of Court.

**89.** A Court appointed by a Local Government under section 82 shall, for the purposes of its bankruptcy jurisdiction, in addition to its ordinary powers, have all the powers and jurisdiction possessed by any of the said High Courts of Judicature, and the orders of the Court may be enforced accordingly in manner prescribed.

**90.** (1) Subject to the provisions of this Act, every Court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, which may arise in any case of bankruptcy coming within the cognizance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

(2) A Court having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

(3) Where a receiving order has been made in any of the said High Courts of Judicature under this Act, the Judge by whom such order was made shall have power, if he sees fit, without any further consent, to order the transfer to such Judge of any suit or action by or against the bankrupt pending before any other Judge or Judges of the Court.

(4) Where default is made by a trustee, debtor or other person in obeying any order or direction given by the Court or by an official receiver or any other officer of the Court under any power conferred by this Act, the Court may, on the application of the official receiver or other duly authorised person, order such defaulting trustee, debtor or person to comply with the order or direction so given; and the Court may also, if it shall think fit, upon any such application, make an immediate order for the committal of such defaulting trustee, debtor or other person if in British India: Provided that the power given by this sub-section shall be deemed to be in addition to and not in substitution for any other right or remedy in respect of such default.

**91.** (1) Every Court having jurisdiction in bankruptcy under this Act may review, rescind or vary any order made by it under its bankruptcy jurisdiction.

(2) Orders in bankruptcy matters shall, at the instance of any person aggrieved, be subject to appeal as follows:—

(a) an appeal shall lie from the order of a single Judge of one of the said High Courts of Judicature to the High Court;

46 & 47 Vic., c. 3, s. 98.

46 & 47 Vic., c. 3, s. 99.

46 & 47 Vic., c. 3, s. 100.

46 & 47 Vic., c. 3, s. 102.

46 & 47 Vic., c. 3, s. 101.

46 & 47 Vic., c. 3, s. 103.



*The Indian Bankruptcy Bill, 1885.**(Part VII.—Small Bankruptcies.—Part VIII.—Fraudulent Debtors and Creditors.—Sections 92-105.)*

- (b) an appeal shall lie from the order of the Court of the Recorder of Bangalore to the Special Court;
- (c) an appeal shall lie from the order of a Court appointed by a Local Government under section 82 to the High Court of the province;
- (d) no appeal shall be entertained except in conformity with such general rules as may for the time being be in force in relation to the appeal.

*Procedure.*

**92.** (1) Subject to the provisions of this Act and to general rules, the costs of an incidental to any proceeding in Court under this Act shall be in the discretion of the Court.

(2) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it may think fit to impose.

(3) The Court may at any time amend any written process or proceeding under this Act upon such terms, if any, as it may think fit to impose.

(4) Where by this Act or by general rules the time for doing any act or thing is limited, the Court may extend the time either before or after the expiration thereof, upon such terms, if any, as the Court may think fit to impose.

(5) Subject to general rules, the Court may in any matter take the whole or any part of the evidence either *in voce* or by interrogatories, or upon affidavit, or by commission beyond the limits of British India.

(6) For the purpose of approving a composition or scheme by joint debtors, the Court may, if it thinks fit, and on the report of the official receiver that it is expedient so to do, dispense with the public examination of one of such joint debtors if he is unavoidably prevented from attending the examination by illness or absence abroad.

**93.** Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the Court may consolidate the proceedings, or any of them, on such terms as the Court thinks fit.

**94.** Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debt or may be included in the amount required by this Act in the case of the petitioning creditor.

**95.** If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive.

**96.** The Court may at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court may think fit.

**97.** Any creditor whose debtor is sufficient to entitle him to present a bankruptcy petition may, without including the others, present a petition against any one or more partners of the firm.

**98.** Where there are more respondents than one to a petition, the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

**99.** Where a receiving order has been made on a bankruptcy petition against or by a member of a partnership, any other bankruptcy petition against or by a member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution; and if a trustee has been appointed in respect of the property of the first-mentioned member of the partnership, the same trustee shall, unless the Court otherwise directs, be appointed in respect of the property of the last-mentioned member, and the Court may give such directions for consolidating the proceedings under the petitions as it thinks fit.

**100.** Where a member of a partnership is adjudged bankrupt, the Court may authorise the trustee to commence and prosecute any suit or action in the names of the trustee and of the bankrupt's partner; and any release by such partner of the debt or demand to which the action relates shall be void; but notice of the application for authority to commence the suit or action shall be given to him, and he may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of

the proceeds of the action, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the Court directs.

**101.** Where a bankrupt is a contractor in respect of any contract jointly with any person or persons, such person or persons may sue or be sued in respect of the contract without the joinder of the bankrupt.

**102.** Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm; but in such case the Court may, on application by any person interested, order the names of the persons who are partners in such firm or the name of such person to be disclosed in such manner, and verified on oath, or otherwise as the Court may direct.

**PART VII.****SMALL BANKRUPTCIES.**

**103.** When a petition is presented by or against a debtor, or if the Court is satisfied by affidavit or otherwise, or the official receiver reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications:—

(a) if the debtor is adjudged bankrupt, the official receiver shall be the trustee in the bankruptcy;

(b) there shall be no committee of inspection, but the official receiver may do with the permission of the Court all things which may be done by the trustee with the permission of the committee of inspection;

(c) such other modifications may be made in the provisions of this Act as may be prescribed by general rules with the view of saving expense and simplifying procedure; but nothing in this section shall prevent the modification of the provisions of this Act relating to the examination or discharge of the debtor.

Provided that the creditors may at any time, with the previous permission of the Court, by special resolution, resolve that a person other than the official receiver be appointed to be the trustee in the bankruptcy, and thereupon the bankruptcy shall proceed as if an order for summary administration had not been made.

**PART VIII.****FRAUDULENT DEBTORS AND CREDITORS.**

**104.** (1) This part shall extend to extend in force only to British India.

(2) "The Court" in this Part means the Court before which an appeal is filed.

(3) Nothing in this Part shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Part, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Part.

Provided that a person shall not be punished twice for the same offence.

**105.** Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with imprisonment which may extend to two years, or with fine, or with both; that is to say:—

(a) If he does not, to the best of his knowledge and belief, fully and truly deliver to the trustee administering his estate for the benefit of his creditors all his property, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expense of his family, unless the Court is satisfied that he had no intent to defraud;

(b) If he does not deliver up to such trustee, or as he directs, all such part of his property as is in his custody or under his control, and which he is required by law to deliver up, unless the Court is satisfied that he had no intent to defraud;

(c) If he does not deliver up to such trustee, or as he directs, all books, documents, papers and writings in his custody or under his control relating to his property or affairs, unless the Court is satisfied that he had no intent to defraud;

*The Indian Bankruptcy Bill, 1885.*  
(Part VIII.—Supplemental Provisions.—Sections 106-114.)

- (d) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he conceals any part of his property to the value of one hundred rupees or upwards, or conceals any debt due to or from him, unless the Court is satisfied that he had no intent to defraud:
- (e) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he fraudulently removes any part of his property of the value of one hundred rupees or upwards:
- (f) If he makes any material omission in any statement relating to his affairs, unless the Court is satisfied that he had no intent to defraud:
- (g) If knowing or believing that a false debt has been proved by any person under the bankruptcy, he fails for the period of a month to inform such trustee as aforesaid thereof:
- (h) If after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:
- (i) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he conceals, destroys, mutilates or falsifies, or is privy to the concealment, destruction, mutilation or falsification of, any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:
- (j) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:
- (k) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he fraudulently parts with, alters or makes any omission, or is privy to the fraudulently parting with, altering or making any omission, in any document affecting or relating to his property or affairs:
- (l) If after the presentation of a bankruptcy petition by or against him, or at any meeting of his creditors within four months next before such presentation, he attempts to account for any part of his property by fictitious losses or expenses:
- (m) If while undischarged he obtains credit to the extent of two hundred rupees or upwards from any person without informing such person that he is an undischarged bankrupt:
- (n) If within four months next before the presentation of a bankruptcy petition by or against him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same:
- (o) If within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, obtains under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the Court is satisfied that he had no intent to defraud:
- (p) If within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, pawns, pledges or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless the Court is satisfied that he had no intent to defraud:
- (q) If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with references to his affairs or his bankruptcy.
- 106.** If any person against whom a receiving order has been made under this Act after the presentation of a bankruptcy petition by or against him, or within four months before such presentation, quits British India and takes with him, or attempts or makes preparation for quitting British India and for taking with him, any part of his property to the amount of two hundred rupees or upwards, which ought by law to be divided amongst his creditors, he shall (unless the Court is satisfied that he had no intent to defraud) be

punished with imprisonment which may extend to two years, or with fine, or with both.

**107.** Any person shall in each of the cases following be punished with imprisonment which may extend to one year, or with fine, or with both; that is to say,—

- (1) if in incurring any debt or liability he has obtained credit under false pretences, or by means of any other fraud;
- (2) if he has with intent to defraud his creditors, or any of them, made, or caused to be made, any gift, delivery or transfer of or any charge on his property;
- (3) if he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied decree or order for payment of money obtained against him.

**108.** If any creditor, in any bankruptcy composition or arrangement with creditors, wilfully and with intent to defraud makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be punished with imprisonment which may extend to one year, or with fine, or with both.

**109.** Where a debtor makes any composition or arrangement with his creditors, he shall remain liable for the unpaid balance of debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting dividends.

**110.** Where the official receiver or a trustee in any bankruptcy reports to any Court exercising jurisdiction in bankruptcy that in his opinion a debtor against whom a receiving order has been made under this Act has been guilty of any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code, or where any such Court is satisfied upon the representation of any creditor or member of the committee of inspection that there is ground to believe that the debtor has been guilty of any offence as aforesaid, that Court shall, if it appears to it that there is a reasonable probability that the debtor may be convicted, order the official receiver or trustee to prosecute him for such offence.

**111.** Where a debtor has been guilty of any offence he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

## PART IX.

### SUPPLEMENTAL PROVISIONS.

#### *Application of Act.*

**112.** A married woman shall, in respect of her separate property (if any), be subject to this Act in the same way as if she were unmarried.

**113.** A receiving order shall not be made against any partnership or company, or against any partnership, corporation, or association, or company registered under any enactment relating to companies for the time being in force.

**114. (1)** Any creditor of a deceased debtor whose debt would have been sufficient to support a bankruptcy petition against such debtor, had he been alive, may present to the Court a petition in the prescribed form praying for an order for the administration of the estate of the deceased debtor according to the Law of Bankruptcy.

(2) Upon the prescribed notice being given to the executor, administrator or other legal representative of the deceased debtor, the Court may, in the prescribed manner, upon proof of the petitioner's debt, unless the Court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in bankruptcy of the deceased debtor's estate, or may upon cause shown dismiss such petition with or without costs.

(3) An order of administration under this section shall not, in cases where a grant of probate or administration is required to establish a title as legal representative, be made until the expiration of two months from the date of the

*The Indian Bankruptcy Bill, 1885.*  
(Part IX.—Supplemental Provisions.—Sections 115-124.)

grant of probate or letters of administration, unless with the concurrence of the legal representative of the deceased debtor, or unless the petitioner proves to the satisfaction of the Court that the debtor committed an act of bankruptcy within three months prior to his decease.

(4) A petition for administration under this section shall not be presented to the Court after proceedings have been commenced in any Court of justice for the administration of the deceased debtor's estate; but that Court may, in such case, on the application of any creditor, and on proof that the estate is insufficient to pay its debts, transfer the proceedings to the Court exercising jurisdiction in bankruptcy, and thereupon such last-mentioned Court may, in the prescribed manner, make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(5) Upon an order being made for the administration of a deceased debtor's estate, the property of the debtor shall vest in the official receiver of the Court, as trustee thereof, and he shall forthwith proceed to realize and distribute the same in accordance with the provisions of this Act.

(6) With the modifications hereinafter mentioned, all the provisions of Part III of this Act, relating to the administration of the property of a bankrupt, shall, so far as the same are applicable, apply to the case of an administration order under this section in like manner as to an order of adjudication under this Act.

(7) In the administration of the property of the deceased debtor under an order of administration, the official receiver shall have regard to any claim by the legal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and about the debtor's estate, and such claims shall be deemed a preferential debt under the order, and be payable in full, out of the debtor's estate, in priority to all other debts.

(8) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the official receiver, after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of bankruptcy, such surplus shall be paid over to the legal representative of the deceased debtor's estate, or dealt with in such other manner as may be prescribed.

(9) Notice to the legal representative of a deceased debtor of the presentation by a creditor of a petition under this section shall, in the event of an order for administration being made thereon, be deemed to be equivalent to notice of an act of bankruptcy, and after such notice no payment or transfer of property made by the legal representative shall operate as a discharge to him as between himself and the official receiver; save as aforesaid nothing in this section shall invalidate any payment made or any act or thing done in good faith by the legal representative before the date of the order for administration.

(10) Unless the context otherwise requires, "Court," in this section, means the Court exercising jurisdiction in bankruptcy within the local limits of the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his decease; "creditor" means one or more creditors qualified to present a bankruptcy petition as in this Act provided.

(11) General rules, for carrying into effect the provisions of this section, may be made in the same manner and to the like effect and extent as in bankruptcy.

*General Rules.*

115. (1) The High Court of a province may, from time to time, with the concurrence of the Governor General in Council, make, revoke and alter general rules for carrying into effect the objects of this Act.

(2) All general rules made under the foregoing provisions of this section shall be judicially noticed, and shall have effect as if enacted by this Act.

(3) Such general rules as may be required for purposes of this Act may be made at any time after the passing of this Act.

(4) Provided that the said general rules so made, revoked or altered shall not extend the jurisdiction of the Court.

(5) After the commencement of this Act no general rule under the provisions of this section shall come into operation until the expiration of one month after the same has been made and issued.

whom and in what manner the same are to be collected, accounted for, and to what account they shall be paid.

(2) The High Court may, with the like sanction, from time to time fix the remuneration to be paid to the official receivers.

(3) This section shall come into operation on the passing of this Act.

*Evidence.*

117. (1) A copy of the *Gazette of India* or of a Local *Gazette* to be inserted therein in pursuance of this Act or the rules made under this Act, shall be evidence of the facts stated in the notice.

(2) The production of a copy of the *Gazette* containing any notice of a receiving order, or of an order adjudging a debtor bankrupt, shall be conclusive evidence in all legal proceedings of the order having been duly made, and of its date.

118. (1) A minute of proceedings at a meeting of creditors under this Act, signed at the same time as the meeting, or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

119. Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate made by any Court having jurisdiction in bankruptcy, any instrument or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings, or other proceedings had under this Act, shall, if it appears to be sealed with the seal of any Court having jurisdiction in bankruptcy, or purports to be signed by any Judge thereof, or is certified as a true copy by any Registrar thereof, be receivable in evidence in all legal proceedings whatever.

120. Subject to general rules any affidavit may be used in a Bankruptcy Court if it is sworn—

(1) in British India, before—

(a) any Court or Magistrate,

(b) any officer whom the High Court of a province may appoint in this behalf, or

(c) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf;

(2) in England, before any person authorised to administer oaths in Her Majesty's High Court of Justice, or in the Court of Chancery of the County Palatine of Lancaster, or before any Registrar of a Bankruptcy Court, or before any officer of a Bankruptcy Court authorised in writing on that behalf by the Judge of the Court;

(3) in Scotland or in Ireland, before a Judge Ordinary, Magistrate or Justice of the Peace; and

(4) in any other place, before a Magistrate or Justice of the Peace or other person qualified to administer oaths in that place (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid by a British Minister or British Consul or Political Agent or by a notary public).

121. In case of the death of the debtor or his wife, or of a witness whose evidence has been received by any Court in any proceeding under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

122. Every Court having jurisdiction in bankruptcy under this Act shall have a seal describing the Court in such manner as may be directed by order of the High Court of the Province, and judicial notice shall be taken in all legal proceedings of the seal, and of the signature of the Judge or Registrar of any such Court having such jurisdiction.

123. A certificate of the Court, that a person has been appointed trustee under this Act, shall be conclusive evidence of his appointment.

*The Indian Bankruptcy Bill, 1885.*  
(Part IX.—Supplemental Provisions.—Sections 125-134.)

limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day, and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a day on which the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

(2) Where by this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a day on which the Court does not sit, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

*Notices.*

**125.** All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

*Formal Defects.*

**126. (1)** No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity, unless the Court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of that Court.

(2) No defect or irregularity in the appointment or election of a receiver, trustee or member of a committee of inspection shall vitiate any act done by him in good faith.

*Bankrupt Trustee.*

**127.** Where a bankrupt is a trustee within the Indian Trustee Act, 1850, section 35 of that Act shall have effect so as to authorize the appointment of a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

*Corporations, &c.*

**128.** For all or any of the purposes of this Act, a corporation may act by any of its officers authorised in that behalf under the seal of the corporation; a firm may act by any of its members; and a lunatic may act by his committee, curator bonis or manager, or, when the matter is one in respect of which he has been placed under the care of a Court of Wards, by that Court or such person as it may appoint in this behalf.

*Construction of former Acts, &c.*

**129.** Where by any enactment or instrument reference is made to the 11 & 12 Vic. cap. 21 (an Act to consolidate and amend the Laws relating to Insolvent Debtors in India), the enactment or instrument shall be construed and have effect as if reference were made therein to the corresponding provisions of this Act.

**130.** The provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge shall bind the Crown.

**131.** Nothing in this Act, or in any transfer of jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had at the commencement of this Act, and all solicitors or other persons who had the right of audience before the Courts for the Relief of Insolvent Debtors shall have the like right of audience in bankruptcy matters in the High Courts of Judicature aforesaid.

*Unclaimed Funds or Dividends.*

**132. (1)** Where the trustee, under any bankruptcy, composition or scheme pursuant to this Act, shall have under his control any unclaimed dividend which has remained unclaimed for more than six months, or where, after making a final dividend, such trustee shall have in his hands or under his control any unclaimed or undistributed moneys arising from the property of the debtor, he shall forthwith pay the same to the bankruptcy estates account.

(2) The Court, with the concurrence of the Governor General in Council, may, from time to time, appoint a person to collect and get in all such unclaimed or undistributed funds or dividends, and for the purposes of this section the Court shall have, and at the instance of the person so appointed or of its own motion may exercise, all the powers conferred by this Act with respect to the discovery and realization of the property of a debtor, and the provisions of Part I of this Act with respect thereto shall, with any necessary modifications apply to proceedings under this section.

(3) The provisions of this section shall not, except as expressly declared herein, deprive any person of any larger or other right or remedy to which he may be entitled against such trustee.

(4) Any person claiming to be entitled to any moneys paid in to the bankruptcy estates account pursuant to this section may apply to the Court for an order for payment to him of the same; and the Court, if satisfied that the person claiming is entitled, shall make an order for the payment to such person of the sum due.

(5) The Court may, with the previous sanction of the Governor General in Council, at any time after the passing of this Act put the account referred to in this Act as the bankruptcy estates account.

*Interpretation.*

**133. (1)** In this Act, unless the context otherwise requires,—

“Province” means the territories under the administration of a Local Government;

“High Court of the province” means the highest Civil Court of appeal for the province;

“the Court” means the Court having jurisdiction in bankruptcy under this Act;

“affidavit” includes declarations under any legislative enactment, affirmations and attestations on honour;

“available act of bankruptcy” means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made;

“debt provable in bankruptcy” or “provable debt” includes any debt or liability by this Act made provable in bankruptcy;

“general rules” include forms;

“oath” includes affirmation, declaration under any legislative enactment and attestation on honour;

“ordinary resolution” means a resolution decided by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution;

“prescribed” means prescribed by general rules within the meaning of this Act;

“property” includes money, goods, things in action, land and every description of property, whether moveable or immoveable, also obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined;

“resolution” means ordinary resolution;

“secured creditor” means a person holding a mortgage, charge or lien on the property of the debtor, or any part thereof, as a security for a debt due to him from the debtor;

“schedule” means schedule to this Act;

“sheriff” includes any officer charged with the execution of a writ or other process;

“special resolution” means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution;

“trustee” means the trustee in bankruptcy of a debtor's estate, and includes the official receiver where no other person is appointed trustee of the estate.

(2) The schedules to this Act shall be construed and have effect as part of this Act.

*Repeal.*

**134. (1)** The enactments described in the third schedule are hereby repealed as from the commencement of this Act to the extent mentioned in that schedule.

(2) The repeal effected by this Act shall not affect—

(a) anything done or suffered before the commencement of this Act under any enactment repealed by this Act; nor

(b) any right or privilege acquired, or duty imposed, or liability or disqualification incurred, under any enactment so repealed; nor



*The Indian Bankruptcy Bill, 1885.*

*(The First Schedule.—Meetings of Creditors.—The Second Schedule.—Proof of debts.)*

(d) the institution or continuance of any proceeding or other remedy, whether under any enactment so repealed or otherwise, for ascertaining any such liability or disqualification or enforcing or recovering any such fine, forfeiture or punishment as aforesaid.

(5) Notwithstanding the repeal effected by this Act, all proceedings in any Court or before a Judge of any Court under any of the enactments repealed pending at the commencement of this Act shall, except so far as any provision of this Act is expressly applied to pending proceedings, continue, and those enactments shall, except as aforesaid, apply thereto, as if this Act had not passed.

(4) The person for the time being holding the office of official receiver for any of the High Courts of Judicature aforesaid or for the Court of the Recorder of Rangoon shall, for the purposes of any such proceedings before that Court or any Judge thereof, be deemed to have been appointed official assignee under the said Act.

**THE FIRST SCHEDULE.**

*(See section 14.)*

**MEETINGS OF CREDITORS.**

1. The first meeting of creditors shall be summoned for a day not later than fourteen days after the date of the receiving order, unless the Court for any special reason deems it expedient that the meeting be summoned for a later day.

2. The official receiver shall summon the meeting by giving not less than seven days' notice of the time and place thereof in the prescribed manner.

3. The official receiver shall also, as soon as practicable, send to each creditor mentioned in the debtor's statement of affairs a notice of the time and place of the first meeting of creditors, accompanied by a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official receiver may think fit to make: but the proceedings at the first meeting shall not be invalidated by reason of any such notice or summary not having been sent or received before the meeting.

4. The meeting shall be held at such place as is in the opinion of the official receiver most convenient for the majority of the creditors.

5. The official receiver or the trustee may at any time summon a meeting of creditors, and shall do so whenever so directed by the Court, or so requested in writing by one-fourth in value of the creditors.

6. Meetings subsequent to the first meeting shall be summoned by sending notice of the time and place thereof to each creditor at the address given in his proof, or if he has not proved at the address given in the debtor's statement of affairs, or at such other address as may be known to the person summoning the meeting.

7. The official receiver, or some person nominated by him, shall be the chairman at every meeting: Provided that, if the Court so directs, the chairman at any meetings subsequent to the first shall be such person as the meeting by resolution appoint.

8. A person shall not be entitled to vote as a creditor at the first or any other meeting of creditors unless he has duly proved a debt provable in bankruptcy to be due to him from the debtor, and the proof has been duly lodged before the time appointed for the meeting.

9. A creditor shall not vote at any such meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

10. For the purpose of voting a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. If he votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

11. A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, as a security in his hands, and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend, to deduct it from his

the security for the benefit of the creditors generally on payment of the value so estimated, with an addition thereto of twenty per centum: Provided that, where a creditor has put a value on such security, he may at any time before he has been required to give up such security as aforesaid correct such valuation by a new proof, and deduct such new value from his debt, but in that case such addition of twenty per centum shall not be made if the trustee requires the security to be given up.

13. If a receiving order is made against one partner of a firm, any creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat.

14. The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether the proof of a creditor should be admitted or rejected, he shall mark the proof as objected to and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

15. A creditor may vote either in person or by proxy.

16. Every instrument of proxy shall be in the prescribed form, and shall be issued by the official receiver, or, after the appointment of a trustee, by the trustee, and every insertion therein shall be in the handwriting of the person giving the proxy.

17. A creditor may give a general proxy to his manager or clerk, or any other person in his regular employment. In such case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor.

18. A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof, for or against any specific resolution, or for or against any specified person as trustee, or member of a committee of inspection.

19. A proxy shall not be used unless it is deposited with the official receiver or trustee before the meeting at which it is to be used.

20. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a trustee or receiver in obtaining proxies, or in procuring the trusteeship or receivership, except by the direction of a meeting of creditors, the Court shall have power, if it think fit, to order that no remuneration shall be allowed to the person by whom or on whose behalf such solicitation may have been exercised, notwithstanding any resolution of the committee of inspection or of the creditors to the contrary.

21. A creditor may appoint the official receiver of the debtor's estate to act in manner prescribed as his general or special proxy.

22. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

23. A meeting shall not be competent to act for any purpose, except the election of a chairman, the proving of debts and the adjournment of the meeting, unless there are present, or represented thereat, at least three creditors, or all the creditors if their number does not exceed three.

24. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

25. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up, and fairly entered in a book kept for that purpose, and the minutes shall be signed by him or by the chairman of the next ensuing meeting.

26. No person acting either under a general or special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor rateably with the other creditors of the debtor: Provided that, where any person holds special proxies to vote for the appointment of himself as trustee, he may use the said proxies and vote accordingly.

**THE SECOND SCHEDULE.**

*(See section 33.)*

**PROOF OF DEBTS**

*Proof in ordinary cases.*

*The Indian Bankruptcy Bill, 1885.  
(The Third Schedule.—Enactments repealed.)*

or, if a trustee has been appointed, to the trustee, an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The official receiver or trustee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt, unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors before the first meeting, and at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount not exceeding five per centum on the net amount of his claim, which he may have agreed to allow for payment in cash.

*Proof by secured Creditors.*

9. If a secured creditor realizes his security, he may prove for the balance due to him, after deducting the net amount realized.

10. If a secured creditor surrenders his security to the official receiver or trustee for the general benefit of the creditors, he may prove for his whole debt.

11. If a secured creditor does not either realize or surrender his security, he shall, before ranking for dividend, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. (a) Where a security is so valued the trustee may at any time redeem it on payment to the creditor of the assessed value.

(b) If the trustee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the trustee, or as, in default of such agreement, the Court may direct. If the sale be by public auction, the creditor, or the trustee on behalf of the estate, may bid or purchase.

(c) Provided that the creditor may at any time, by notice in writing, require the trustee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the trustee does not, within six months after receiving the notice, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it; and the equity of redemption, or any other interest in the property comprised in the security which is vested in the trustee, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

13. Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the trustee, or the Court, that the valuation and proof were made *bona fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor, and upon such terms as the Court shall order, unless the trustee shall allow the amendment without application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rule, the creditor shall forthwith repay any surplus dividend which he may have received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he may have failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realizes it, or if it is realized under the provisions of Rule 12, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

16. If a secured creditor does not comply with the foregoing rules, he shall be excluded from all share in any dividend.

17. Subject to the provisions of Rule 12, a creditor shall in no case receive more than sixteen annas in the rupee and

*Proof in respect of Distinct Contracts.*

18. If a debtor was at the date of the receiving order liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor, and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of the contracts against the properties respectively liable on the contracts.

*Periodical Payments.*

19. When any rent or other payment falls due at stated periods, and the receiving order is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of the order as if the rent or payment grew due from day to day.

*Interest.*

20. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order and provable in bankruptcy, the creditor may prove for interest at a rate not exceeding four per centum per annum to the date of the order from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and, if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

*Debt payable at a future time.*

21. A creditor may prove for a debt not payable when the debtor committed an act of bankruptcy as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted.

*Admission or Rejection of Proofs.*

22. The trustee shall examine every proof and he grounds of the debt, and in writing admit or reject it in whole or in part, or require further evidence in support of it. If he rejects a proof, he shall state in writing to the creditor the grounds of the rejection.

23. If the trustee thinks that a proof has been improperly admitted, the Court may, on the application of the trustee, after notice to the creditor who made the proof, expunge the proof or reduce its amount.

24. If a creditor is dissatisfied with the decision of the trustee in respect of a proof, the Court may, on the application of the creditor, reverse or vary the decision.

25. The Court may also expunge or reduce a proof upon the application of a creditor if the trustee declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

26. For the purpose of any of his duties in relation to proofs, the trustee may administer oaths and take affidavits.

27. The official receiver, before the appointment of a trustee, shall have all the powers of a trustee with respect to the examination, admission and rejection of proofs, and any act or decision of his in relation thereto shall be subject to the like appeal.

**THE THIRD SCHEDULE.**

(See section 134.)

**ENACTMENTS REPEALED.**

*A.—Statute repealed.*

Year and Chapter.	Title.	Extent of repeal.
11 & 12 Vic., c. 21.	An Act to consolidate and amend the Laws relating to Insolvent Debtors in India.	So much as has not been repealed.

*B.—Acts repealed.*

Number and year.	Subject or title.	Extent of repeal.
XXVII of 1841.	An Act for appropriating the unclaimed Dividends on Insolvent Estates.	So much as has not been repealed.
XVII of 1875.	The Burma Courts Act, 1875.	Section 66.

Drafts referred to in paragraph 5 of despatch to Her Majesty's Secretary of State, No. 32, dated 12th June, 1885.

### DRAFT ACT OF PARLIAMENT NO. 1.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Indian Bankruptcy (Extension of Powers) Act, 1885.

2. This Act shall have the same extent as the Bankruptcy Act, 1883.

3. If the Governor General of India in Council by any law passed at a meeting for the purpose of making laws and regulations in accordance with the provisions of the Indian Councils Act, 1861, as amended by subsequent Acts, applies or adapts any of the provisions of the Bankruptcy Act, 1883, or of any Act amending, supplementing or substituted for the same, to any of the following cases, namely:—

- (a) the case of any debtor who at the time when proceedings in bankruptcy are commenced by or against him is in prison in British India under a decree of a Civil Court for non-payment of money, or within a year before that time has ordinarily resided or had a dwelling-house or place of business in British India; or
- (b) the case of any deceased debtor who resided or carried on business in British India for the greater part of the six months immediately before his decease;
- the provisions so applied or adapted shall, except so far as their local operation is expressly limited by that law, have effect beyond the limits of British India as if they had been enacted by this Act, and shall be taken notice of by all Courts of Justice in the same manner as if they were the provisions of a public Act of Parliament.

4. Where under any such law a receiving order or adjudication of bankruptcy is made against a debtor, or an order is made for the administration in bankruptcy of the estate of a deceased person who dies insolvent, the provisions of the Bankruptcy Act, 1883, specified in the schedule to this Act shall apply to such parts of the debtor's property or deceased debtor's estate as may be situate in England as if the order or adjudication had been made in England.

5. The certificate of appointment of a trustee issued under any such law shall, for the purposes of any law in force in any part of the British dominions beyond the limits of British India requiring registration, enrolment or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly.

### THE SCHEDULE.

PROVISIONS OF THE BANKRUPTCY ACT, 1883, REFERRED TO IN SECTION 4.

section 45.  
section 46.  
section 50, sub-sections (2) and (4).  
section 42.  
section 55.  
section 56, sub-section (5).  
section 70, sub-section (2), except in so far as it refers to the Board of Trade.

### DRAFT ACT OF PARLIAMENT No. II.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Indian Bankruptcy (Extension of Powers) Act, 1885.

2. (1) The Governor General of India in Council shall have power, subject to the provisions contained in the Indian Councils Act, 1861, as amended by subsequent Acts, at meetings for the purpose of making laws and regulations, to make laws applying or adapting any of the provisions of the Bankruptcy Act, 1883, or any other Act amending, supplementing or passed in substitution for the same.—

- (a) to the case of any debtor who at the time when proceedings in bankruptcy are commenced by

or against him is in prison in British India under an order of a Civil Court for non-payment of money, or within a year before that time has ordinarily resided or had a dwelling-house or place of business in British India; or

- (b) to the case of any deceased debtor who resided or carried on business in British India for the greater part of the six months immediately prior to his decease.

(2) Every such law shall have effect beyond the limits of British India to the extent and in the manner by this Act provided, it shall be taken notice of by all Courts of Justice in the same manner as if it were a public Act of Parliament, and its operation shall not be affected by the repeal or amendment of the Bankruptcy Act, 1883, or of any other Act as aforesaid.

Certain orders and proceedings under such laws and provisions thereof to have effect throughout British dominions.

3. (1) The following orders and proceedings under any such law shall have, as nearly as may be, the same effect throughout the British dominions as in British India, that is to say:—

- (a) a receiving order and the rescission of the same; [Bill, ss. 8 & 1, s. 20 (1).]
- (b) the appointment of an official receiver as interim receiver, and the appointment of a special manager of the debtor's estate or business; [Bill, s. 9 (1) & s. 11 (1).]
- (c) the acceptance and approval of a composition or scheme, and the annulment of a composition or scheme; [Bill, s. 17 (8) & (15), s. 18, s. 22, Bill, s. 17 (11), s. 22 (3).]
- (d) an adjudication of bankruptcy, the annulment of such an adjudication and any order passed thereon vesting the property of the bankrupt in him or in any other person; [Bill, s. 15 (3), s. 17 (11), s. 19, s. 20 (1), s. 22 (3), s. 37, s. 39, s. 41, s. 43, s. 45, s. 47 (1), Bill, s. 22 (2), s. 30.]
- (e) the appointment, removal and release of a trustee in a bankruptcy or under or in pursuance of a composition or scheme, and the revocation of any such release; [Bill, s. 17 (12) & (13), s. 20, s. 47 (2) & (3), s. 72, s. 74, s. 76, s. 77.]
- (f) an order of discharge and the revocation of any such order; [Bill, ss. 27, 30 & 20.]
- (g) the decision of a Court on any question of law or fact; and [Bill, s. 90 (1).]
- (h) an order for the administration in bankruptcy of a deceased person's estate. [Bill, s. 114.]

(2) The provisions of any such law defining the status, powers, rights and duties of an official receiver, an interim receiver, a special manager or a trustee in bankruptcy, or under or in pursuance of a composition or scheme, or prescribing any rule of evidence, shall have, as nearly as may be, the same force throughout the British dominions as in British India.

(3) Provided\* that when under any such law a receiving order has been made against a person or he has been adjudged bankrupt, or an order has been made for the administration of the estate of a deceased person who dies insolvent, sections 45, 46, sub-sections (2) and (4) of section 50, section 52, section 53, sub-section (5) of section 56, and (except in so far as it refers to the Board of Trade), sub-section (2) of section 70 of the Bankruptcy Act, 1883, shall, so far as they are applicable, apply in respect of such portion of his property or estate as is situate in England in the same manner as if the order or adjudication had been made under that Act.

4. The certificate of appointment of a trustee issued under any such law shall, for the purposes of any law in force in any part of the British dominions beyond the limits of British India requiring registration, enrolment or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly.

5. No action for a dividend shall lie against a trustee under any such law in any Court in the British dominions.

6. Any Court in the British dominions beyond the limits of British India in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor under any such law, either stay the proceedings or allow them to continue on such terms as it may think just.

\* The provisions of the Bankruptcy Act, 1883, mentioned in this proviso either will not be re-produced in the Indian Act or will be re-produced in such a form that they would be unsuitable for application to property in England.



From the Right Hon'ble Her Majesty's Secretary of State for India, to His Excellency the Right Hon'ble the Governor General of India in Council,—(No. 41, dated 19th November, 1885).

I HAVE considered in Council the letter of Your Excellency in Council, No. 32, dated 12th of June last, forwarding, with connected papers, a copy of the proposed Indian Bankruptcy Bill and of two alternative drafts prepared with a view to obtaining the Act of Parliament necessary for carrying out your proposals with respect to that Bill.

2. I have thought it right to consult the Board of Trade on the subject, and I now forward, for the information of your Lordship in Council, a copy of the correspondence noted in the margin which has taken place with that office.

India Office, to Board of Trade, 6th August, 1885.  
Board of Trade, to India Office, 19th October, 1885.

3. As regards the necessary Parliamentary legislation, I think there may possibly be some difficulty in obtaining in the first instance an Act of Parliament such as the Draft No. 1 conferring upon the Governor General's Council the large powers required. That difficulty, however, would probably be much diminished if the scope of the Act of Parliament were extended so as to include the Colonial Governments in the manner suggested by the Board of Trade. The precise shape, however, which legislation in this country should assume cannot be finally determined pending the decision on the proposal of the Board of Trade, respecting which it will be seen that the Board is in communication with the Colonial Office.

4. Your Lordship in Council is desirous of proceeding with the Bill during the coming sittings in Calcutta and passing it through the stages at which discussion is likely to arise before the return of the Government to Simla next year, the final stages of the Bill being deferred until the requisite Parliamentary legislation is completed. To this course I see no objection. The Bill seems well calculated to effect the reforms which experience has shown to be necessary, and I have no doubt that in passing it through the Council you will derive much assistance from the criticisms which you have invited upon it from the judicial authorities and commercial bodies who are especially familiar with the subject.

From J. A. GODLEY, Esq., Permanent Under-Secretary of State for India, to Secretary, Board of Trade,—(No. 1234—85, dated 6th August, 1885).

I AM directed by the Secretary of State for India in Council to transmit, for the information of the Board of Trade, a copy of a despatch received from the Governor of India, dated the 12th of June last, with enclosures, namely, (1) a copy of a Bill which it is proposed to introduce in the Legislative Council of the Governor General of India for the purpose of adapting the English Bankruptcy Act of 1883 to Indian circumstances; (2) a copy of the Statement of Objects and Reasons appended to that Bill; and (3) copies of two Draft Bills, one of which (preferably the Draft marked No. 1), it is suggested, should be passed as an Act of Parliament, entitled the "Indian Bankruptcy (Extension of Powers) Act, 1885."

The present law relating to insolvents in India, as it is to be found in the Statute 11 & 12 Vic., cap. 21, is very defective, and frequent proposals for its amendment have been made from time to time. The subject has recently been again very carefully considered, with the result that the Governor General in Council now proposes that an Act of the Indian Legislature should be passed adapting the English Bankruptcy Act of 1883 to India with the necessary modifications, and that in order to give full effect to the provisions of that measure an Act of Parliament should, in the first instance, be obtained (in the terms of Draft No. 1) conferring upon the Council of the Governor General the extended powers which are necessary to give effect beyond the limits of British India to such of the provisions of the proposed Indian Bankruptcy Act as ought to have operation beyond those limits.

I am to say that in requesting the attention of the Board of Trade to these proposed measures, and to paragraphs 4 to 9 of the despatch from the Governor General in Council Lord Randolph Churchill does not suggest that the Board should undertake the labour of considering the details of the Bill to be introduced in the Council in India, except so far as may be necessary with reference to the question of the provisions of that Bill having effect beyond the limits of British India, his Lordship's object being to obtain the opinion of the Board as to the proposal (which, as at present advised, he is inclined to approve) that an Act of Parliament based upon Draft No. 1 should be applied for.

From R. GIFFEN, Esq., Secretary, Board of Trade, to Under-Secretary of State for India,—(No. J. & P. 1933—85, dated 19th October, 1885).

I AM directed by the Board of Trade to acknowledge the receipt of your letter of 6th August last, transmitting by direction of the Secretary of State for India in Council, copy of a despatch with its enclosures, from the Governor of India, with reference to a proposal to introduce a Bill in the Legislative Council of the Governor General for the purpose of adapting the English Bankruptcy Act of 1883 to Indian circumstances.

The Board are glad that Lord Randolph Churchill desires to be informed of their opinion as to the suggestion that an Act of Parliament should be obtained conferring upon the Governor General in Council the extended powers which appear to be necessary in order to give effect in other portions of Her Majesty's dominions to such of the provisions of the proposed Indian Bankruptcy Act as ought to have operation beyond the limits of British India. With reference to this point I am to request that you will be good enough to inform His Lordship that the Board of Trade see no objection to the proposed draft Bill No. 1 which accompanied your letter and which has been framed with this object.

The consideration of this matter has, however, given rise to a further question as to the desirability of obtaining a general enactment which should apply to the Courts of the United Kingdom or any of the colonies or possessions to give effect to the provisions of the bankruptcy laws of any other part of the British Empire, as is now the case under the provisions of sections 117-119 of the English Act with regard to the different portions of the United Kingdom. Another point which appears also to call for attention in putting forward any suggestion for a general enactment, such as that referred to is the advisability of obtaining power to extend, if necessary, the provisions of section 1 of the Bankruptcy Act of 1883 with a view to enabling the Courts having bankruptcy jurisdiction in this country to suspend proceedings in cases occurring where, in the opinion of such Courts, India or any other portion of the British Empire would more properly be the place for such proceedings, and also to confer upon Indian and Colonial Courts the exercise of similar power where it is obvious that the proceedings should be held in any other portion of Her Majesty's dominions.

These, however, are points upon which the Board of Trade are unable to express any decided opinion without a reference to, and consultation with, the Colonial Office, more especially as a manifest difficulty arises in connection with the self-governing colonies. The Board have, therefore, caused a copy of your letter and its enclosures, and also a copy of this communication, to be forwarded to the Secretary of State for the Colonies, in order to ascertain whether it would be considered expedient by the Colonial Office that a Bill should be brought before Parliament with a view to obtaining uniformity of procedure in all the Crown colonies in the matter of

proceedings similar in nature to those which the draft Bill No. I which accompanied your letter is designed to cover as regards Indian cases, or to concur in a more general Bill with that object which would include India as well as the colonies. The Board have also suggested to the Secretary of State the desirability of recommending the subject to the authorities of the self-governing colonies in the event of the course proposed being found practicable.

As soon as a reply is received from the Colonial Office the Board will cause a further communication to be addressed to you upon the matter.

It may of course prove undesirable to delay the Bill relating to India in order to include the colonies, but it appears desirable in the first instance to obtain the opinion of the Colonial Office on the question and to ascertain whether the proposal to include them will involve delay.

Extract from a Demi-official letter from S. DIXON, Esq., to the Hon'ble MR. C. P. ILBERT,  
—(dated Calcutta, the 23rd July, 1885.)

*Bankruptcy Bill.*

I HAVE been acting as attorney for the Official Assignee of the Court for Relief of Insolvent debtors at Calcutta for a period of nearly twenty years, and have necessarily had considerable experience on the working of the existing Act. I have lately seen in the *Times of India* a copy of the draft Object and Reasons accompanying the draft Bill now under consideration, and observe that it runs closely on the lines of the Bankruptcy Act, 1883, with which I am to great extent familiar, and some of the provisions of which, namely, as to proof of debts, I consider, already apply to India, under section 40 of the existing Insolvency Act, 11 & 12 Vic., c. 21—

<i>Gray v. Chick</i> , Coryton	136.
<i>Re Shib Chundia Mullick</i>	8 B. L. R. 30.
<i>Re Parke Pittar</i> ,	8     "     118.
<i>Re Howard Brothers</i> ,	13     "     (App.) 9.
<i>Re T. Agabeg</i> ,	12 Cal. Rep 165

And it appears to me that an Act framed on the Bankruptcy Act, 1883, will be a great improvement on the existing Act, and will relieve the Court of a great deal of detail business which can as well be done (if not better) by the Official Receiver.

Some of the provisions of the Act of 1883 are, however, in my opinion, not suited to this country, such as the meeting of creditors under section 15, and the appointment of a private trustee under section 21, of the Act of 1883.

I should much like to peruse the draft Bill, and, if you see no objection thereto, to be furnished with a copy thereof and of the draft Object and Reasons.

It has always been a matter of surprise to me that no Act analogous to the Bills of Sale Acts, 1854 and 1866 (re-enacted with alterations by the Bills of Sale Act, 1878—11 & 12 Vic., cap. 31), has been passed in India. It is a matter of every day experience to find the whole of the stock-in-trade of an insolvent assigned to some bank, or other individual creditor, who, if he gets wind of the insolvency-proceedings, takes possession before a vesting order can be made by the Court, and so sweeps off the whole of the assets.

Registration is at present voluntary only, but even if the parties to the bill of sale agreed to register, the public would be none the wiser, as Book I of the register, which is confined to transfers of immovable property, is the only register which the public are entitled to search.

I drew the attention of my friend Mr. Pitt-Kennedy, when he was in the Legislative Council, and also of Mr. Whitley Stokes, to this, but nothing has ever been done to remove this evil.

I venture to bring this matter to your notice now, as such a Bill as is required would be a valuable adjunct to the proposed new Bankruptcy Law.

From Chief Secretary to Government, Madras, to Secretary to Government of India,  
Legislative Department,—(No. 2551, dated 22nd September, 1885).

With reference to your letter of the 17th June last, No. 1039 I am directed to forward copy of the opinions of the Hon'ble Mr. Justice Handley, the Advocate General, the Chamber of Commerce and of certain selected officers on the draft Bill to amend the law of Bankruptcy and Insolvency in British India, and to state that His Excellency the Governor in Council approves generally of the provisions of the Bill.

2. With reference to the remarks contained in the minute of Mr. Justice Handley the views of the other Hon'ble Judges will be requested upon the points raised by him, and any remarks which they may offer will be communicated in due course.

From the Government Solicitor, Madras, to Chief Secretary to Government, Madras,—(No. 261,  
dated 27th July, 1885).

ABSTRACT.—Forwarding the following opinion of the Advocate General, dated 27th July 1885.—

*Opinion.*

With reference to the order of Government, Judicial department, dated the 30th June, 1885, No. 1722, I have the honour to make the following observations upon the Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

2. From sections 5 and 7 read in conjunction with section 82, it appears that the provisions of the Bill are not applicable to up-country traders not having a place of business in one of the towns named in section 82. Now, as there must be many instances of traders, European and Native, so circumstanced for whom in the event of their failure the machinery of this Bill would be more fitted than that of the Procedure Code, I would suggest that an exceptional jurisdiction should be given to the High Court in such cases. The jurisdiction might be limited by reference to the amount of the debts and to the proportion of the creditors not residing within the jurisdiction of the Court to which the debtor would ordinarily be subject.

3. With a view to the common case of the wealthy member of a firm keeping in the background and allowing a comparative pauper, in whose name the business has been carried on, to file his petition and schedule, I would suggest that the debtor be expressly required to disclose the name of his partners, and that concealment of the existence of partners should be made penal. This disclosure is required in the case which section 102 is designed to serve. Where proceedings are taken in the name of a firm under that section, I apprehend that only the persons named as members of the firm could obtain their discharge. All who desire to obtain their discharge as members of a firm would thus, in their own interest, take care that their names were disclosed. It is not clear, therefore, why, for the case to which section 102 applies, provision for the disclosure of partners' names should be made, and why it should not be extended to all cases indifferently.

4. Unless I have misunderstood the Bill, it seems that the secured creditor may, notwithstanding that the property was vested in a trustee under the Act, still proceed to realize his security. If this is so, I would ask why he is not protected against the operation of section 40.

5. I would suggest, too, that the phrase "secured creditor," which is used in section 8 (2), in section 33 and in the rules should also be used in section 39.

(Signed) H. H. SHEPHARD,  
Acting Advocate-General.

From R. S. BENSON, Esq., Acting Registrar, High Court, Madras, to Chief Secretary to Government, Madras,—(No. 2136, dated 31st July, 1885).

WITH reference to G. O. dated the 30th June, 1885, No. 1722, Judicial, forwarding for the opinion of the Hon'ble the Judges, copies of the draft Bill to amend the Law of Bankruptcy and Insolvency in British India with draft statement of Objects and Reasons, I am directed to state that Messrs. Hutchins and Parker, J.J., have no observations to offer on the Bill.

2. Any minutes that may be recorded by the Hon'ble the Officiating Chief Justice and the other Judges will be forwarded hereafter.

From the Hon'ble T. RAMA ROW, to Chief Secretary to Government, Madras,—(dated 1st August, 1885).

WITH reference to the order of Government, dated 30th June 1885, No. 1722, Judicial, I have the honour to submit the following memorandum containing my opinion on the provisions of the Bill to amend the Law of Indian bankruptcy and insolvency.

2. It is an admitted fact that the present insolvency law of the Presidency towns, namely, 11 & 12 Vic., cap. 21, is very cumbersome and defective, and I am glad to find that the bill in question has been very properly prepared in conformity with the latest English Statute, 45 & 47 Vic., cap. 52, inasmuch as the various decisions of the English Courts on that Statute can serve as a safe guide to the construction of doubtful and difficult parts of the Bill.

3. In section 88 of the Bill provision is made for the delegation to a Judge of the Presidency Small Cause Court by the High Court of its insolvency jurisdiction within certain limits. This, I think, was very much needed, and will enable the High Court to transfer to the Court of Small Causes all petty business in the matters of insolvency. Further, the Small Cause Court at Madras did formerly possess this insolvency jurisdiction, and the present Bill simply restores this power, of which it has been recently deprived by legislation.

4. Having made these general observations, I now proceed to make a few remarks on certain sections of the Bill having in view the peculiar circumstances and status of the people in India.

5. Section 5 (1) a.—A creditor under this clause cannot present a bankruptcy petition against a debtor, unless the debt due to him amounts to Rs. 500. It is true that the English Statute, 46 & 47 Vic., cap. 52, section 6, contains similar provision, and fixes the amount to £50, but considering the nature and extent of dealings among Hindus and the provisions in the Bill restoring the insolvency jurisdiction to the Presidency Small Cause Courts, I think the amount may be reduced to Rs. 250.

Section 15, sub-section (1).—All the penal clauses in the Bill appear in Part VIII. I therefore suggest that the penal clauses in the latter part of the sub-section may conveniently be inserted in Part VIII.

Section 27, sub-section (3), clause (a).—I believe that the present Bill is intended to include within its scope the cases of insolvents who are not traders. If so, I think it is very desirable that some distinction should be made between these two classes of people in the matter of production of books of account, &c.

As a general rule, very few people who are not traders keep any account of their income and expenditure, and it will be a very great hardship to refuse an order of discharge to such people, simply because they failed to keep proper books of account showing their financial position within three years preceding their bankruptcy.

Section 34, sub-section (1), clauses (b) & (c).—The phraseology in these clauses is almost the same as in the corresponding section of the English statute, only altering £50 to Rs. 500. Considering the comparative cheapness of labour and wages of servants in India, I think that, in the distribution of the property of a bankrupt, priority under this head should be limited to Rs. 200 and not more.

Section 38, sub-section (2).—No doubt the tools (if any) of a bankrupt's trade and the necessary wearing-apparel and bedding of himself, his wife and children, should be exempted from the division of his property amongst his creditors, but the only question here is to what extent the exemption should be limited. I think the sum of Rs. 200 is too much, and it may be reduced to Rs. 50.

Section 65 sub-section (1). I do not think that a trustee should be allowed to retain any sum exceeding Rs. 250, without special authority from the Court. This sub-section, as it now stands, fixes once for all the rate of interest payable by the trustee as penalty on the excess amount retained by him. I think it would be better to leave to the discretion of the Court to settle the rate of interest in each case, but fixing the maximum rate only in the Bill.

Section 112.—This section renders a married woman subject to this Act in respect of her separate property. I do not find any definition of "separate property" in the Bill. The words "separate property," when applied to an English woman, are well understood, but serious difficulties will arise the moment we begin to apply the same to Hindu women. No doubt, section 2 of Act III of 1874 contains a definition of the words "separate property," but that enactment has no application whatever to the cases of married women professing Hindu or Muhammadan faith, &c. Further, the said definition does not include all kind of sridhanam property of a Hindu married woman. There are several kinds of sridhanam property under Hindu law, and a Hindu woman does not possess the same powers of disposal, alienation and enjoyment over all of them. Again, the Hindu law, as administered in Bengal and Bombay on this subject, most materially differs on some very essential points from the law of this Presidency. I therefore think this section must be altered to meet all these difficulties.

Section 131.—This section does not allow vakils to appear for bankrupts before the High Courts in the exercise of their insolvency jurisdiction. In Madras, vakils have been allowed to appear and act on behalf of all suitors in the High Court in the exercise of its ordinary original civil jurisdiction, and this concession appears to have been made owing to the comparatively indigent state of circumstances of suitors, and their inability to employ the double agency of a solicitor and barrister. It, therefore, appears to me nothing but just and charitable to permit bankrupts to employ vakils on their behalf, instead of compelling them to resort to the very expensive process of employing a double agency to defend their cause. I therefore propose that this section may be altered as follows:—"Nothing in this Act, or in any transfer of this jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had at the commencement of this Act, and all solicitors or other persons, who have the right of audience before the High Courts of Judicature in the exercise of their ordinary original civil jurisdiction, shall have the like right of audience in bankruptcy matters in the High Courts of Judicature aforesaid."

In Part VIII no provision is made for the punishment of a debtor who does not disclose the names of all his partners under section 102. I think that the concealment by a debtor of the existence of partners must be rendered penal, inasmuch as it is a very common vice for an affluent member of a firm to remain in the background and allow a pauper, in whose name the trade is carried on, to apply for the benefit of the Act.

From F. ROWLANDSON, Esq., Attorney-at-Law, Madras, to Chief Secretary to Government,  
—(dated 3rd August, 1885).

I HAVE the honour to forward, herewith, a memorandum on the draft Bill to amend, &c. the Law of Bankruptcy and Insolvency in British India.

#### Memorandum.

*Preliminary remarks.*—As only opinions on the provisions of the Bill submitted are asked for, it is probably not intended at this stage to open for discussion the necessity or expediency of passing an Insolvency Law in India which shall apply alike to the English-speaking and the Hindu Chettiar. Commercial tradition in Southern India asserts that the large and wealthy body of traders known as Nattavolli Chetties had not known the sin of insolvency but for the Insolvent Act.

The past history of the relations between commercial creditors and debtors amongst them differs *totum in toto* from the cruel story of the causes which led English legislators to force upon Englishmen an Act for the relief of insolvent debtors. Nor does the Native merchant recognise that necessity for the "whitewashing" of Basinghall Street which arises out of the Englishman's practical idolatry of the British "CREDIT."

No native, unless denaturalised by a business connection with Europeans, gives chance the place in his transaction which every European firm accords to it.

Where he gives credit against goods he sees them, when to an individual he goes into his circumstances in a way which is impossible to Englishmen.

The result is that no great crash amongst natives takes place. The wealthy man of one day has "bad luck," and his wealth goes to other, but no irrevocable ruin to either him or his creditors is worked: there is simply a change in relations. If a large trader fails in a Presidency town, it will be found that the suffering creditors are Europeans, and this more especially where the bankrupt is himself a European. It is therefore no certain benefit that we give the native commerce of India in offering it a Bankruptcy Law of general application, and it would perhaps be better to let the similarity of procedure which Mr. Herbert alludes to in paragraph 9 of his "Statement of Objects and Reasons" be confined to a Law which shall affect only those who trade in both the places he refers to on the same lines. It is, however, to be assumed that a Bankruptcy Act is to be passed.

As far as I can form an opinion, the Bill now submitted will work well, but I offer the following remarks upon it.

*Section 1.*—Is it intended that this "receiving order" should have the same force as the "vesting order" under the old Insolvent Act? It would seem so, for it stays action on the part of creditors (section 8), and renders the debtor's alienation of property invalid (section 11 (1)). It is possible under section 19 for a receiving order to be made, a debtor to be adjudged bankrupt, and his property to be vested in the (receiver or other) trustee, all in one day, but such prompt action cannot be often expected.

It is possible for a receiver to be appointed, and whilst no property of the debtor is vested in such receiver, because no adjudication order has been made, the debtor is practically powerless to deal with his assets. In some cases, as, for example, where the debtor is a hotel-keeper doing a business which should be carried on for the benefit of the creditors, this position of affairs might seriously prejudice the value of the bankrupt's assets.

The old "vesting order" which (section 7 of Indian Insolvent Act) "*by virtue of this Act*" related back to and took effect from the filing of the petition by a debtor or creditor, prevented any possible hiatus in the title to the assets, such as it would seem may arise under the provisions of the Bill.

I note contents of section 37, section 47 and of section 9 (D), but until orders *by the Court* are made the provisions of these sections have no effect; whereas the old "vesting order" related back by virtue of the Act.

*Section 5 (1) (d) and section 7 (D).*—The use of the words "local limits" in these sections will be confusing, if not actually obstructive, where the High Court is concerned. A creditor who gets his debtor imprisoned in some small place will prevent his obtaining relief in bankruptcy by means of a debtor's petition; and a debtor who gets himself incarcerated in such a place by a collecting creditor will prevent his being adjudicated a bankrupt. For example, in the recent case of the insolvency of Stephenson, Nixon & Co., a firm trading at Cocanada and Gopulpur, but the bulk of whose unsecured creditors were in the Presidency town of Madras, the case of no partner complied with the conditions as to "local limits" of the High Court of Madras. The words may have a special meaning attached to them in the Bill, but they already have an accepted meaning in connection with the High Courts. The confusion has been successfully avoided in the Probate and Administration Act of 1881, whereas in this Bill a possible clashing of jurisdictions had to be guarded against. The Bankruptcy Act, 1883, section 6 (1) (d), has "*England*," where this Bill has "local limits."

*Section 27 (C).*—Under this provision the Court will make allocations from income similar to those made under the Insolvent Act. The following difficulties have been experienced by the Official Assignee in working such orders. In one case an insolvent drawing between Rs. 300 and 400 a month was ordered to pay Rs. 84. He did so for a few months, and then wrote to say that the moiety of his salary had been attached by creditors subsequent to his insolvency, and that he could not make any more payments. In the majority of cases the Assignee every few months has had to enforce the order by the cumbersome process of obtaining first a rule *nisi* and then a rule absolute against the defaulting assignee—a process which cost the estate Rs. 12 each time. To meet these contingencies I would suggest (1) that in the case of Government and quasi-Government employes the allocator do have the force of an attachment for a specified amount—probably one-third of the scheduled debts would be a proper sum to name; (2) that where the employers are private firms or individuals the creditors be compelled to name one of themselves as the trustee for the receipt and disbursement of the allocated amount and the enforcement of the order on default.

*Section 39.*—This provision is likely to give the trustee much trouble as it stands. The receiving or vesting order ought to override every other order of any Court which has not been given full effect to. For example, if assets have been sold under an execution order in pursuance of a decree, but the sale-proceeds have not passed out of the control of the Court ordering the execution, such sale-proceeds, subject to payment of expenses, should pass to the trustee. The throwing on the trustee the onus of proving "notice" is objectionable, and a knowledge of the bankruptcy proceedings may safely be assumed.

*Section 42 (D).*—This section will be found to work mischievously in practice I fear, and I would omit the words from "if the person making" down to "or suffering the same" altogether. If the intention is to give an unfair preference, such intention should be absolutely defeated without reference to any question of time. I would illustrate my meaning by the following imaginary case:—

X, Y & Co. carry on business in London, and have the reputation of wealth, X being on the board of W, an Exchange Bank having a branch in Madras. Y & Co. are a smaller firm carrying on business in the Madras Presidency and enjoying considerable credit because of their known connection with X, Y and Co., and

because they are known to have large credit with the W bank. X, Y & Co. stop payment in London, but for fifteen weeks Y & Co. in India struggle on and apparently have the W bank as much at the rials as ever. The 16th week after X, Y & Co. stopped, Y & Co. do the same, and then it proves that the W bank is more than sufficiently secured to the prejudice of the general body of creditors.

*Section 88.*—In Madras it will certainly prove a great benefit to delegate to a Small Cause Court Judge the disposal of a large percentage of bankruptcies.

It appears from the administration report of the High Court (now in the press) that out of 193 applications in the year 1881-85 only 28 were from traders and over seventy returned assets "nil."

*Section 116.*—If the services of an efficient officer are to be secured for the post of Official Receiver it will be necessary—at all events in Madras—to make large estates that go into liquidation contribute. Liquidation should not be allowed except with permission of the Court, for the presence of bankruptcy proceedings to hold *in terrorem* over a debtor is an advantage to his creditors for which they are to pay, even if they wish to come to some private arrangement.

A clique of influential creditors will often secure the manipulation of a bankrupt estate for themselves, to the prejudice of the bankrupt himself and of the creditors outside the clique.

From R. S. BEXSON, Esq., Acting Registrar, High Court, of Madras, to Chief Secretary to Government, Madras,—(No. 2163, dated 12th August, 1885).

Is continuation of my letter, dated 31st ultimo, No. 2136, I have the honour to forward a transcript of the minute recorded by Mr. Justice Handley on the draft Bill to amend the Law of Bankruptcy and Insolvency.

#### *Minute.*

I HAVE not had time to consider the details of the Bill, but there is one point on which I should wish to express an opinion, and that is on the powers proposed to be given under section 88 to the Judges of the Presidency Small Cause Court. I consider that the power of dealing with small insolvencies would be much better delegated to the Registrar or some other official of the High Court who will be constantly in the way of seeing the working of the Act by the High Court.

2. The Small Cause Court has not the machinery for discharging the duties of a Bankruptcy or Insolvency Court, and such duties would seriously interfere with the ordinary work of the Court, whereas the Registrar or other officer of the High Court would be always conversant with the practice of the High Court under the Act, and would have no difficulty in dealing with such cases himself.

3. My experience as a Judge of the Small Cause Court of the Insolvent Jurisdiction under the Act with which that Court was for a time entrusted is again against giving it a jurisdiction in bankruptcy or insolvency.

From J. A. BOYSON, Esq., Chairman, Chamber of Commerce, Madras, to Chief Secretary to Government, Madras,—(dated 9th September, 1885).

I HAVE now the honour to acknowledge receipt of the Proceedings of Government, Judicial Department, 30th June, No. 1722, and to acknowledge copies of the draft Bill of the Government of India to amend the Law of Bankruptcy and Insolvency in British India.

2. The Chamber observes that this Bill is not designed to be of general application throughout British India, but it will for the present affect only the Presidency towns and a few commercial centres in India and Burma, the number of which the Government reserves the right to increase.

3. It has been ascertained by the Chamber that the present Insolvency Law in India (11 & 12 Vic., cap. 21) came into operation on the 1st August 1848. Since that time there have been no alterations in the law in India, whilst in England the following five Acts have been passed:—

- (1) "The Bankrupt Law Consolidation Act, 1849" (12 & 13 Vic., cap. 106);
- (2) "The Bankruptcy Act, 1851" (17 & 18 Vic., cap. 119);
- (3) The Bankruptcy Act, 1861 (24 & 25 Vic., cap. 131);
- (4) The Bankruptcy Act, 1869 (32 & 33 Vic., cap. 71); and
- (5) The Bankruptcy Act, 1883 (46 & 47 Vic., cap. 52).

4. The present Indian Bankruptcy Bill has been prepared on the lines of the English Bankruptcy Act of 1883, which, as mentioned in the Statement of Objects and Reasons, embodies the accumulated experience of the thirty-five years which have elapsed since the passing of the Indian Insolvency Act. As the Chamber cannot claim to have any practical experience of the working of the English Act, it would be presumptuous on its part to criticise the details of the present Bill. It may suffice, therefore, to point out one or two matters which might be provided for in an Indian Insolvency Act, but of which no notice is taken in the Bill.

5. There should, the Chamber considers, be only one insolvency law administered in the three Presidency towns and in Rangoon, Moultan, Akyab, Bussan and such towns as the Act may be eventually extended to, and it is suggested that Chapter XX of the Civil Procedure Code should not apply to any Courts in those towns which have jurisdiction to administer the proposed new law.

6. It seems to the Chamber desirable that the High Court should have jurisdiction in insolvency matters over European British subjects within the presidency of such High Court. Hitherto the Madras High Court has held that European British subjects residing in the Madras Presidency were entitled to petition the Court for the benefit of the Act. It is contemplated by the proposed Act to give jurisdiction only in cases where the debtor is in prison within the local limits of the High Court, or has, within a year before the date of the presentation of the petition, ordinarily resided or had a place of business within those limits. A European merchant up-country would, therefore, have to be arrested, and put into the civil goal before he could obtain the benefit of the Act.

7. The omission of section 116 (2) of the English Act, 1883, from the present Bill, is deprecated by the Chamber. The section is as follows:—"No Registrar, or Official Receiver, or other officer attached to any Court having jurisdiction in bankruptcy, shall, during his continuance in office, either directly or indirectly, by himself, his clerk, or partner, act as solicitor in any proceedings in bankruptcy, or in any prosecution of a debtor by order of the Court, and if he does so act he shall be liable to be dismissed from office." The Chamber is assured that experience has proved in England that this is a desirable clause.

8. I am further to suggest for consideration that some provision should be made to prevent proceedings in bankruptcy against a debtor continuing in two Courts at the same time. For instance, last year, in the High Court at Madras, a debtor was adjudicated an insolvent on the petition of a creditor; on the following day the debtor filed his petition in the High Court at Bombay, and insolvency proceedings have been going on ever since in both Courts. This must be an additional expense to all parties, and prove most inconvenient, for both Courts

have concurrent jurisdiction, and claim the right to wind up the affairs of the insolvent. Section 85 of the proposed Act does not meet a case of this sort, for it only deals with the transfer of proceedings from the High Court of a province to itself, or to any other Court appointed in the province under section 82.

It has been objected to the Bill that it is unsuitable to Madras, because the cases of a large majority of insolvents in this city are of a petty nature, involving no intricate points of law, or any points that the existing law, with a few amendments, would not amply meet. But as the Chamber could not reasonably ask for special legislation for this Presidency, and as it approves of the great advance that it is proposed to take in the direction of a clearly defined bankruptcy law for the trading centres of the whole country, it trusts that the Bill may become law, since it seems to the Chamber to be a very complete measure.

From W. MORGAN, Esq., Deputy Registrar, High Court of Judicature, Madras, to Acting Chief Secretary to Government, Madras,—(No. 2827, dated 24th October, 1885).

In continuation of this Court's letters, dated the 31st July and 12th August, 1885, Nos. 2136 and 2266, respectively, I am directed to forward a transcript of the minute recorded by the Officiating Chief Justice on the draft Bill to amend the law of bankruptcy and insolvency in British India, with draft Statement of Objects and Reasons.

2. I am to state that Mr. Justice Muthusami Aiyar has no remarks to make.

#### Minute by Officiating Chief Justice, Madras.

The proposed Bill, being drafted on the lines of the last English Bankruptcy Bill, is a satisfactory and convenient guide and rule of law and practice, no doubt.

The following list will show the class of cases and of persons that are brought before the Insolvent Court in Madras:—

Year.	Merchants and amount of debts.	Petty merchants.	Government servants.	Private employes.	Pensioners.	Unemployed.
1880	6 Rs. 21,221 15 8 75,210 15 19 9,081 12 8 1,272 50 0 2,03,016 9 10 75,101 0 0	19	17	73	11	30
1881	7 Rs. 1,19,513 1 8 16,123 8 6 8,697 0 0 8,115 5 9 32,952 5 0 21,973 5 3 21,721 2 1	23	21	63	6	21
1882	3 Rs. 2,858 9 9 36,174 3 1 85,821 7 9	12	48	80	12	33
1883	16 Rs. 21,501 8 10 1,919 9 4 4,191 6 9 5,312 10 9 7,55,677 13 4 9,721 0 5 5,154 11 19 3,060 3 1 9,876 13 0 53,600 0 0 10,504 4 8 2,80,316 10 3	4	30	90	11	60
1884	No schedules filed in four numbers 6 Rs. 32,281 10 2 82,739 11 6 5,87,974 1 7 1,10,115 2 8 35,712 2 9 No schedule filed in one case	5	38	99	12	55

1st.—It will be seen that the number of cases of traders owing large debts is small—about between 15 and 20 per cent. of the whole. In many of those trading cases there are no assets available. Some 70 or 80 per cent. of the rest of the cases are Government and other clerks, who have no means except their salaries.

2nd.—During the last 14 or 15 years I have been the Judge who principally presided on the Insolvent Court, and I have found that the present Insolvent Act was capable of being worked satisfactorily in the class of cases brought before the Court.

3rd.—Section 103 of the proposed Act will apply to most cases in Madras, as much of the procedure suitable for cases where the debts are large and assets considerable will be unsuitable.

4th.—In the proposed Bill power is given to a creditor to put the Court in motion and to force an act of bankruptcy (but only after decree).

5th.—However, to enable the creditor to prevent concealment by the debtor of property, I think the procedure formerly in use in England and Ireland of "trader debtor summons" would be very useful. The proposed Bill, however, does not contemplate such procedure, and that procedure has been designedly abandoned in the



**English Act.** A debtor, in many cases, indeed in most cases, when sued, defends, and in the meantime, or perhaps before suit, puts out of the reach of creditor his property. It is very difficult, however, to prove the fact so as to establish as an act of bankruptcy, and when a decree is obtained there is no property to seize.

*6th.*—There are occasionally failures in the Mufassal of European and Native traders who possess considerable property, and it may be worth while considering whether, at the instance of creditors or in particular circumstances at the instance of the debtor, the parties might not be allowed to avail themselves of the new Act in the Court at Madras.

*7th.*—It has happened several times that the Official Assignee has recovered large assets, and that the debtor then effects a settlement out of Court, and annuls the insolvency by consent. I think it advisable to make provision that such cases shall bear a portion of commission of the Official Assignee.

*8th.*—I have read the proposed draft of the Act repealing the present Statute, and think it requires no observations.

From W. WILSON, Esq., Acting Chief Secretary to Government, Madras, to Secretary to Government of India, Legislative Department, —(No. 3003, dated 16th November, 1885).

I AM directed in continuation of my letter of the 2nd September, 1885, No. 2551, to forward copy of a letter from the Registrar, High Court, containing the remarks of the other Judges on the opinion expressed by Mr. Justice Handley with reference to section 88 of the Bankruptcy and Insolvency Bill.

From H. T. ROSS, Esq., Acting Registrar, High Court of Judicature, Madras, to Acting Chief Secretary to Government, Madras.—(No. 2900, dated 4th November, 1885).

ADVISING to G. O., dated 22nd September 1885, No. 2553, Judicial, I am directed to state that the Officiating Chief Justice and the other Hon'ble Judges of the High Court find themselves unable to agree with Mr. Justice Handley in his suggestion that the powers proposed to be given under section 88 of the Bankruptcy and Insolvency Bill would be better delegated to the Registrar or some other official of the High Court than to a Judge of the Presidency Small Cause Court.

2. It is certainly necessary that the Judge who presides in Bankruptcy and Insolvency should be familiar with the principles and practice of this branch of the law; but it does not appear to the Hon'ble Judges that the acquisition of this peculiar knowledge by one or other of the Small Cause Court Judges is likely to be a matter of difficulty.

3. It is possible that the measures now under consideration, for transferring a portion of the original work of the High Court to the Court of Small Causes, and for creating an additional Judge in the latter Court, may result in the appointment to the Small Cause Court of a Judge with peculiarly that experience which Mr. Justice Handley thinks wanting.

From H. BATTY, Esq., Under Secretary to Government, Bombay, to Secretary to Government of India, Legislative Department.—(No. 8325, dated 17th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1050 of the 17th January, forwarding a draft of a Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, and requesting to be favoured with an expression of the opinion of the Government, and also of the Hon'ble the Judges of the High Court and of such of the officers, commercial bodies and other persons as His Excellency the Governor in Council may think fit to consult on the subject.

2. In reply, I am directed to enclose copies of the opinions already received by Government in this matter, and to state that no reply has been received from the Hon'ble the Judges of the High Court though it has been twice expedited.

3. His Excellency the Governor in Council, I am to observe, approves generally of the provisions of the draft Bill, and considers that the clause which it is proposed to insert in the existing Act of Parliament, legalising retrospectively the rules made by the High Court of Bombay on the 31st July, 1878, is sufficient for the purpose.

4. His Excellency in Council is disposed to agree with the Hon'ble the Advocate General, Bombay, that the large powers given to creditors (sections 17, 20, 21 and 22) to control the administration of a bankrupt's estate are likely to be dangerous in this country and to reproduce the abuses which were prevalent under Bombay Act XXVIII of 1845. It will be seen that the Chamber of Commerce express the same apprehension.

5. His Excellency the Governor in Council is not, as at present advised, in favour of the delegation of an insolvency jurisdiction to the Court of Small Causes in Bombay. In England such powers may be delegated to the Registrar, but this officer has the staff of the Bankruptcy Court at his command, while neither the Judges of the Small Cause Court nor its establishment have any knowledge of such business. Moreover, the Judges are already overworked, and the new duties would involve the expense of adding to their number. On the other hand, the Clerk and Stenographer of the Insolvent Debtors Court in Bombay is a barrister of standing, with large emoluments and very little to do. It would, in the opinion of His Excellency in Council, be better to relieve the High Court by delegating to this officer jurisdiction in small bankruptcies (Part VII).

6. If the power of delegating jurisdiction to Judges of the Small Cause Courts be retained, there does not seem, in the opinion of His Excellency in Council, to be sufficient reason for withholding from them the power of committing for contempt of Court (section 88, clause (3), of the draft Bill).

7. In conclusion, I am to state that, in the opinion of His Excellency the Governor in Council, it is worthy of consideration whether in this country it is necessary to arm the creditor with all the weapons which are placed at his disposal by the English Bankruptcy Act, seeing that he already has the power of imprisoning his debtor, which the English creditor has not. On this point the observations of the Chief Judge of the Court of Small Causes at Bombay appear to deserve attention.

From W. E. HART, Esq., Chief Judge, Bombay Court of Small Causes, to Chief Secretary to Government, Bombay.—(No. 41, dated 7th August, 1885).

IN compliance with paragraph 2 of Government Resolution in the Judicial Department, No. 4604, dated 1st ultimo, I have the honor to forward the accompanying memorandum embodying my opinion on the draft Indian Bankruptcy Bill.

I may add that my colleagues, to whom my memorandum has been circulated, concur in the opinion I have expressed that the jurisdiction proposed to be given to this Court should be conferred on an officer of the existing Insolvent Court.



Memorandum by W. E. HART, Esq., Chief Judge, Bombay Court of Small Causes,—(dated 16th July, 1885).

I HAVE not sufficient leisure to be able within any reasonable time to offer anything like an exhaustive opinion on all the provisions of an enactment of the scope and length of this Bill. This is, however, the less to be regretted, as Government will doubtless have the advantage of the opinions of the Commissioner in Insolvency and the Official Assignee, whose knowledge and experience of the working of the present law will enable them to offer remarks more likely to be valuable in matters of detail than any I can make; for mine would, for the most part, be based on hearsay and conjecture, since no portion of the present insolvency law has ever been administered in the Small Cause Court of this Presidency as it has in that of Madras. I shall, therefore, enlarge only on those particular provisions which seem most likely to affect the Small Cause Court.

2. Part VI is that which deals with the constitution, procedure and powers of the Bankruptcy Courts: section 88 provides for the delegation by the High Court of certain of its powers in bankruptcy to a Judge of the Presidency Small Cause Court.

3. In commenting on a proposal in 1879 to give the Presidency Small Cause Courts an insolvency-jurisdiction I expressed a strong opinion against the advisability of such a course. To that opinion, and for the reasons there given, in which I pointed out various objections and difficulties, I still adhere, and, for the sake of brevity, beg to refer Government to the annexed extract for an expression of my opinion on the general question of conferring an insolvency-jurisdiction on a Court constituted in the manner and for the purposes of the Small Cause Court.

4. As regards the particular provision of the present Bill, I would point out that with our present staff it is quite impossible for us to undertake any more work than we have at present. Of course this objection could be obviated by additions to the Court and office-establishment; but this would entail an additional expense which I think would not be compensated by the value of the work done in insolvency. On the other hand, it seems to me that all the work which the Bill proposes should be done by a Judge of the Small Cause Court could be equally well done by the Clerk and Sealer of the Insolvent Court. This is an appointment which, so far as I know, has always been held by a barrister-at-law; but to ensure the selection of a person of position, capacity and character for the post, some provision might be inserted in the Act. I once held the acting appointment myself for a short time, and am therefore speaking from experience when I say that the duties are extremely light while the emoluments are considerable. If to the present duties of the Clerk and Sealer, which (except on Wednesdays, when he is engaged in Court before the Commissioner for the whole day) occupy about half an hour a day or less, were added those which section 88 proposes to confer on a Judge of the Small Cause Court, the object which that section has in view (namely, the relieving of the High Court of a portion of its less responsible work) would be attained without incurring any additional expense, and the Clerk and Sealer would be usefully employed to an extent more commensurate than at present with the income he enjoys.

5. If the jurisdiction in bankruptcy is conferred on a Judge of the Small Cause Court, I do not think the power to commit for contempt should be taken from him, as in section 88 (b), at least for a contempt committed in his presence. It is advisable that every Court should have this power for its own protection, and in the discharge of its ordinary functions the Small Cause Court enjoys it under the provisions of the Small Cause Courts Act. I do not therefore see why it should be taken away simply by reason of the Small Cause Court acting as a Bankruptcy Court, and only while it is so doing.

6. It also seems to me open to objection that while the appointment with limited powers contemplated by section 88 is one in the hands of the High Court, it should be possible for the Local Government to appoint the same person not only without such limitation but even with a jurisdiction more extensive than the High Court itself. This lets in a possibility of conflict, or at least of confusion, which ought in all matters of jurisdiction to be most scrupulously avoided. Section 82 (c) confers bankruptcy jurisdiction on any Civil Court in the Presidency appointed by the Local Government, with the sanction of the Supreme Government. Section 83 (a) limits the bankruptcy jurisdiction of the High Court to the local limits of its original civil jurisdiction. But section 83 (c) leaves it to the Local Government, with the sanction of the Supreme Government, to fix the limits of the jurisdiction of a Court appointed under section 82 (c). There is nothing apparently to prevent the Local Government appointing the Presidency Small Cause Court under section 82 (c), in which case its powers would be equal to those of the High Court. But if its jurisdiction under section 83 (c) were defined to include, say, the township of Coorla, the Small Cause Court would enjoy a jurisdiction more extensive than the High Court. Such provisions seem liable somewhat to conflict with the authority to delegate limited powers reserved to the High Court by section 88. If it is considered necessary that such authority should be exercised rather by the High Court than by the Local Government, I should advise the insertion of words in section 82 (c) restricting the power of the Local Government to the appointment of Courts situate without the local limits of the jurisdiction of the High Court.

7. In section 91 (a) I should prefer the insertion of words making it clear that an appeal from the order of a Small Cause Court Judge appointed under section 88 of that section (as enacted) lies to the High Court.

8. These are all the sections that seem to me specially to affect the Small Cause Court. I will now offer a few remarks, as shortly as possible, suggested by a cursory perusal of the general provisions of the Bill as they now stand.

9. *Section 3 (1) (i).*—It would be advisable to define carefully what conveyance is fraudulent in a country like this, where *bondum* transactions are rather the rule than the exception, and in an Act which, to judge from section 82 (c), is intended to be capable of application by Native Judges in the Mufassal, who for the most part have not the opportunity of acquainting themselves with the English decisions.

10. *Section 3 (1) (d), (c) & (g).*—These provisions put into the hands of creditors a very powerful weapon, capable of being used for purposes of intimidation, oppression and extortion. In England, a rich commercial country, such provisions may have been found necessary for the protection of creditors after the power of imprisoning their debtors in execution of their decrees had been taken from them. But in this country, where the system of imprisonment for debt still exists, and where the majority of the population are non-traders, but little removed above the degree of paupers, and of whom the greater number are insolvent in fact, if not in name, I think such provisions are not only unnecessary but unwise, as they are sure to be used by the foreign money-lenders, who constitute the bulk of the creditors, for purposes of extortion, with the result of further depauperising their already sufficiently impoverished victims, on whom they already have a sufficient hold in the facilities afforded by the law administered by our Civil Courts for attachment of person and goods both before and after judgment, attachment of wages, debts due, property in hands of third parties, &c., &c.

11. *Section 7 (1).*—Is it intended that a judgment-debtor under a decree, say, of the Calcutta Small Cause Court, who, after partial satisfaction of the decree by attachment of his goods at Calcutta, absconds to Bombay, and is there arrested under the Calcutta decree sent for execution to the Bombay Small Cause Court, shall be able to invoke the assistance of the Bankruptcy Court at Bombay, where he has no creditors? This would cause great inconvenience to the creditors at Calcutta, where the original act of bankruptcy was committed (section 3 (1) (e)), and where all the proofs are, and would give a good deal of unnecessary trouble to the Bombay Bankruptcy Court. I think, too, the limit of the period for which, as well as of the period *within* which, a debtor has "ordinarily resided" should be defined, so as to prevent a person changing his residence merely for the purpose of getting his discharge from a Court in the jurisdiction of which he has no creditors.

12. Much of the procedure laid down in Part I of the Act seems to me to be unsuitable for universal application in this country. In this Presidency, at least, the majority of insolvencies are for comparatively

small amounts, and a large proportion of them are of persons not engaged in trade. In such cases I am inclined to think a procedure copied from Statute 46 & 47 Vic. cap. 52, which was framed for general application in a great commercial country, will here in many cases be found unnecessarily cumbersome and expensive. If the assimilation of the bankruptcy law in two countries so differently circumstanced as England and India be really considered necessary or advisable, I should recommend the assimilation, at least at first, to be confined to persons occupying somewhat similar positions; and to this end I would preserve the distinction between traders and non-traders which this Act abolishes, applying only to the former those provisions which are specially adapted to and useful in the case of a commercial bankruptcy, but which in the case of a non-trader will impede rather than expedite the distribution of his assets among his creditors.

13. *Section 31 (2)*—I think this provision will be found to work very harshly against the debtor, and not to benefit the general body of creditors. In this country the very great majority of the population are entirely dependent, even for the necessities of life, on the money-lenders. These men at present often obtain a decree on a promissory note merely to save the statutory bar of limitation, and then proceed, perhaps, to partial execution against the goods, but still continue the debtor's credit in making him further petty loans. This, of course, they will not do if they are to be debarred from proving these, in case of the debtor's ultimate bankruptcy no matter how long a period after by reason of the act of bankruptcy committed by execution of the first decree. I would recommend the law to be, not notice of the first act of bankruptcy, but notice of the presentation of a bankruptcy-petition either by a creditor or the debtor.

14. *Section 39 (1)*—For the same reason I would omit "or of the commission of any available act of bankruptcy by the debtor."

15. *Section 40 (2)*.—This exemption apparently only protects the purchaser at a Court's sale from the consequence of the act of bankruptcy committed in that sale. But it often happens that several sales take place at different times in partial execution of the same decree. Apparently the purchaser at a subsequent sale would be protected from the consequences of the act of bankruptcy committed in that sale, but not from those of one committed in a prior sale in respect of the same decree.

16. *Section 43 (2)*.—So, again, it would appear that if a debtor, against whom his creditor had obtained a decree which was partially satisfied by execution, afterwards paid to the creditor a portion of the balance due on his decree, such payment might be avoided in case of the debtor's subsequent bankruptcy, because at that date there was "available" the "act of bankruptcy" in the partial execution which, of course, was known to the execution-creditor at the time of the further part payment.

17. I think the objection already noticed in respect of the general application of Part I also applies in a great measure to that of Parts V and VI.

18. *Sections 105 to 110*.—I think these provisions, so far as they relate to debtors, are open to much the same objection as that pointed out in regard to sections 31 (1) (d), (e), (g). They are taken from an English Act framed when imprisonment for debt had been abolished, which it has not yet been in India, where the creditors consequently do not require so much protection as in England, and where they are more likely to use such provisions for purposes of intimidation, oppression or extortion. *Section 105 (a)* I consider especially objectionable both on these grounds and on those pointed out in regard to section 31 (2).

19. *Section 115 (3) and (4) and section 116*—I think it would be advisable to make some provision for the validity of rules and levy of fees *ad interim*.

20. In regard to the general scope of the proposed Act, as disclosed by the Statement of Objects and Reasons, the draftsman would appear to have formed the enactment mainly on the lines of the present bankruptcy law of England as last amended by the Statute 46 & 47 Vic. cap. 52, because, as he says (paragraph 9 and 10), "it is eminently desirable that the circumstances under which a debtor may be declared insolvent, and under which he may obtain his discharge, should be, as far as possible the same in London and Calcutta," and while the new Act should be "adapted in details to Indian circumstances," it "should follow the English Act as closely as possible, except where there is some substantial reason for taking a different course."

21. I for one do not see this "eminent desirability" in the case of two countries so differently circumstanced as India and England. No doubt it may be a convenience to English merchants in Calcutta and England that they should all be subject to the same law; but in legislating for India generally we have to consult something more than the convenience or wishes or wants of a handful of foreigners. From the mere fact that a certain enactment is found to work well in England (assuming that the English Act does work well there, as to which there would appear to be some difference of opinion among experts), it is not a safe, nor even probable, inference that it would in any way be suitable to a country so differently circumstanced as India. England is a rich commercial and manufacturing country; India is a poor agricultural one. The ordinary Englishman is substantial and independent; the ordinary Indian is an insolvent pauper, hopelessly indebted to his Muzari money-lender. The money-lenders' profits in England are, as a rule, spent in the country; in India they are, as a rule, sent abroad, thus acting as an incessant drain on the resources of the most impoverished classes. A large proportion of the English bankrupts are traders; in India a large proportion are non-traders. England has been for centuries in the van of European progress, profiting by the slow growth of a civilization born of native Western ideas, self-acquired and assimilated into her very being; India has barely emerged from oriental semi-barbarism, and such civilization as she has is, for the most part, of foreign origin, which had already attained maturity abroad before its importation, and has as yet been only very partially adopted here. The lowest rank of workers in English society to me, compared with Indian, a small proportion of the population, and non-workers among the poorer classes are an insignificant item; in India the lowest ranks of workers form a very large majority (about 3/4) of the entire community, while the non-workers form a considerable proportion of the poorest classes. In England the indigent debtor has for years been relieved from the depressing and disabling effects of the system of imprisonment for debt, which in India is still a powerful engine of extortion in the hands of the money-lender, and freely a door for the further depauperisation of the most impoverished class.

22. The poorest classes in England, as compared with those in India, are infinitely superior in material wealth, in resources of employment, in education and intellectual activity, and they are in a far smaller numerical proportion to the general community. When we find the two countries circumstanced so differently in regard to the bulk of their population, it seems to me that any law regulating the relations between debtor and creditor must of necessity differ, not in "details" only, but in "general principles," at least I submit, the onus of producing a "substantial reason" is rather on those who advocate assimilation, than on those who argue, from the difference of circumstances, the necessity for a difference in the law to be applied to them.

Extract, paragraphs 13 to 19, from letter from Chief Judge, Bombay Court of Small Causes, to Secretary to Government, Bombay,—(No. 9, dated 7th April, 1879).

"13. Against the advantages so to be gained by the proposed change (namely, the saving of a few hours for the trial of long causes on the original side and the saving of a few rupees in professional costs) must be set off what appear to me to be far more than compensating inconveniences which will result to the general public, to the insolvents and their creditors and to the officials of the Insolvent Court.

"14. In the first place, supposing only those unimportant or unopposed cases which at present take up about three hours in a fortnight of the Commissioner's time were transferred to the Small Cause Court; to this

extent at least the Judges of the Small Cause Court must divert to insolvency-matters the time which would otherwise be spent in the interests of the general body of litigants. During the three hours so spent from 30 to 40 of those small causes might have been heard and decided the speedy adjudication of which is the *raison d'être* of the Court.

"15. In the next place, if the insolvency-work be divided between the High Court and the Small Cause Court, it will be necessary either to have two separate offices or establishments, or to be constantly transporting the Insolvent Court officials, with their books, papers, &c., from their present headquarters of the High Court building to the Small Cause Court, a distance of about a mile, and back.

"16. The former of these two courses would probably be both the more expensive and the more inconvenient to the public. It would involve the appointing of a new Clerk of the Court and a new Official Assignee, which appointments, having regard to the provisions of the Statute II Vic., cap. 21, I am inclined to think it is not within the competence of the Indian legislature to make. It would also involve the employment of several additional inferior officials, such as clerks, cashiers, and the like. It would further occasion considerable inconvenience to creditors seeking inspection of books, &c., and it was necessary the payment of searching fees in both offices, especially after the lapse of some years, when it would become necessary to make inspection of old cases. Again, much difficulty and loss to the estate would be occasioned if different members of a Hindu family, or different partners in a firm, became insolvent separately, and went some to the one Official Assignee and some to the other; the difficulty would be doubled of giving titles to purchasers, and consequently of getting fair prices for the properties sold.

"17. On the other hand, if the present establishment were required to work in two places at such a distance from each other as the High Court and Small Cause Court, there would be a great increase of expense and waste of time and almost infinite inconvenience to the officials of the Insolvent Court. About six additional clerks would have to be employed; and considerable expense would be incurred in the carriage of books, papers, and proceedings, while more than the time gained to the Court by the despatch of cases would be lost to the office *cumulo morando et recitendo* between the two Courts.

"18. I believe that in Madras the sections of the Civil Procedure Code relating to insolvency have been applied by Resolution of the Local Government to the Small Cause Court. This has not been done here, and I do not think, if it were done, any material advantage would result, or that many applications would be made by persons seeking the benefit of these sections. The provisions of the Civil Procedure Code cannot avail until after judgment has passed and the judgment debtor has actually been arrested. On the other hand any person may avail himself of the provisions of the Statute II Vic., cap. 21, at any time, and thus avoid arrest, or obtain his discharge. Almost all debtors would, therefore, I presume, naturally prefer to take advantage of the last-mentioned enactment.

"19. For all these reasons, and because I am unable to suggest any other method than those already discussed, which will not be open to the same objections, whereby an insolvency-jurisdiction could be conferred upon the Presidency Small Cause Courts, I am of opinion that no such jurisdiction shall be conferred. I will only add that if the real object of the proposed extension be merely to relieve the High Court of a portion of its labour, by removing from its cognizance the bulk of unimportant and unopposed insolvency-cases, precisely this result could be attained without incurring any expense at all without adding to the work of any other Court by the abolition of the present system of imprisonment for debt, by its simply to avoid arrest, or to escape from imprisonment, but the great majority, if not all, of the insolvent debtors apply for the benefit of the Act.

From the HON'BLE F. L. LATHAM, Advocate General Bombay, to Under-Secretary to Government, Bombay, (No. 59, dated 14th September, 1885).

With reference to the proposed Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, I have the honour to offer the following remarks.

The Bill is evidently an adaptation of a rather capricious of the last English Bankruptcy Act—that of 1883. So many systems of bankruptcy have been tried and found defective in England that I cannot help thinking that it would be well to see how this latest system bears the test of experience before transplanting it to India. A short time will show whether the Act of 1883 is fitted to become the permanent law of bankruptcy, and which of its provisions require repair or alteration; and the present insolvency-law of India, which, though imperfect, does not on the whole work badly, may without any serious inconvenience be allowed to continue in operation for that short time.

2. The most striking difference between the proposed Bill and the present law is the large power given to creditors to control the administration of the bankrupt's estate. Section 17 allows the creditors before adjudication by a majority of three-fourths, and subject to the approval of the Court, to resolve on a composition or on a scheme of assignment of the debtor's affairs; section 20 allows the creditors, if the Court desires such an appointment desirable, to appoint a person other than the Official Receiver to act as the proper officer of the bankrupt; section 21 allows the creditors to appoint a committee of inspection; section 22 allows the creditors, after the adjudication, to approve of a composition or scheme of assignment subject to the approval of the Court. I confess that I dread lest the effect of these sections should be to facilitate, rather than to lead to a manipulation of the provisions of the Act in favour of the bankrupt. Even now the schedules of insolvents are often filled with fictitious debts in favour of his relatives and friends, and when under Act XXVII of 1875 the sanction to this form of fraud was greater it was notoriously prevalent. I might say universal. I observe that the approval of the Court is made a condition to the exercise of these powers by the creditors. But such an approval is apt to become a mere formality when the responsibility of the initiative is not with the Court itself. I should prefer to have the Official Receiver trustee in every case, and to insist that any composition or scheme of assignment should be directed by the Court, either on the motion and after hearing the Official Receiver.

3. I think that section 2 will not in its present form have the effect desired by the framers of the Bill. Comparing it with section 2 of the English Act, I think it would be construed to refer to the extent of the Bill as regards its effect as a form of procedure against a debtor and would nullify the whole Bill—*vide Williams' Bankruptcy Law and Practice* (3rd edition), page 1.

4. Section 8, which gives the debtor immediate protection from process against his person as soon as a receiving order is made, is a most important change in the present law. At present the great struggle in insolvency-proceedings is as to the granting or refusing an *interim* order of protection; there is, comparatively speaking, no contest as to the grant of final orders. It seems to me that the section in its present form is adapted to a state of the law in which imprisonment for debt has almost ceased to exist, whereas in India it is still one of the main remedies by which the execution of decrees is enforced.

5. Section 16 is, in my opinion, a most wholesome provision, though, unless the Court has power to dispense with it in small and unopposed bankruptcies, an increase of the number of Judges will be required. I would make it plain that the Official Receiver and also any creditor may examine the debtor by counsel or solicitor. The requisition of signature by the debtor in (8) should be struck out, as it will tend to nullify the effects of the section. The official record of the evidence is sufficient security for accuracy.

6. In section 59 I do not think that the Chief Justice should have power to remove the Official Receiver at his discretion without good cause.

7. Sections 65 and 67 do not make it clear what is to be done with the interest accruing on the estates of bankrupts. It ought in justice to belong to the estate.

8. I doubt section 88, allowing the delegation of certain powers to the Judges of the Presidency Small Cause Courts, being of any practical use. It is adapted from the provisions of the English Act allowing the delegation of powers from the Judge to the Registrar. But the Registrar has the command of the staff of the Bankruptcy Court, which would not be the case with the Small Cause Court Judge. If anything be done in this direction, I think it should rather be to transfer bankruptcies of small estates to the Small Cause Courts. But I doubt any saving of judicial time or expense being so effected.

9. Part VII, as to small bankruptcies, is a wholesome provision as the Act now stands. But I am inclined to think that in India all bankruptcies should be dealt with in the manner prescribed by that Part.

From J. MARSHALL, Esq., Secretary, Bombay Chamber of Commerce, to Acting Under-Secretary to Government, Bombay,—(dated 25th November, 1885).

I AM directed to acknowledge the receipt of your letter No. 4606, dated 1st July last, forwarding copy of a draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, and requesting that Government may be favoured with the opinion of the Chamber of Commerce thereon.

The Bill was referred to a special Committee, consisting of the Hon'ble F. Forbes Adam, of Messrs W. & A. Graham & Co., Chairman of the Chamber, Mr. A. F. Beaufort, of Messrs. Lyon & Co., Deputy Chairman, Mr. W. A. Baker, Manager, National Bank of India, Limited, Mr. E. Miller, of Messrs. C. Macdonald & Co., Mr. J. H. Slight, Deputy Secretary and Treasurer, Bank of Bombay, and Mr. Vizianandas Atmanam, of Messrs. Narandas Lajaram & Co.; and their report having been approved the Chamber has now the honour to submit its opinion on the provisions of the Bill.

Some little delay has taken place in forwarding the report to Government, as the Chamber was anxious to obtain the views of business people at home on the actual working of the English Bankruptcy Act of 1883. These, however, not having come to hand, the Chamber will take the liberty of embodying in a supplementary report any additional information which may hereafter be received in response to the inquiries instituted.

The Bill has been read through and discussed clause by clause, and subjoined will be found in detail the additions and amendments which the Chamber considers desirable. Before proceeding to the discussion of the provisions of the Bill, however, the Chamber had to consider two broad questions—first, whether in the existing state of things a new Insolvency Act was called for; and, second, whether in that event the general principles of the proposed Bill were thoroughly adapted to the requirements of the trading community and to the conditions attending insolvency in India.

To the first question the answer was unanimously in the affirmative. The necessity of a radical reform in the bankruptcy law for India has long been keenly felt by the mercantile public, and has on numerous occasions been the subject of anxious consideration. In the address with which the Chamber had the honour to welcome the arrival in India of His Excellency the Viceroy the matter was prominently mentioned as one of pressing importance, and had it not become known that the Bill now under report was in preparation it was the intention of the Chamber to memorandise Government begging that action might be taken at the earliest possible opportunity.

The second question did not admit of so ready an answer. The conditions under which trade here and at home is conducted are so widely divergent, and the nature and cause of the majority of insolvencies so entirely different, that at first sight the mere fact that the Bill is drawn on the same lines as the English Act carries with it a presumption of possible unfitness. A closer examination of its provisions, however, shows that in its leading principle of official control over bankrupt estates it is in a great measure a return to what has long been recognised as one of the best features of the present Indian insolvency law. The signal failure in operation and the gross malpractices perpetrated under the Bombay Act for speedy liquidation,—XXVIII of 1865,—which was a distinct departure from this principle, is still well within the memory of several members of the Chamber; and there can be no question that efficient control by responsible, qualified officials must be a fundamental principle of insolvency legislation in India. The absence of the separate supervision exercised in England by the Board of Trade need not, in the opinion of the Chamber, interfere with the effectual working of the Act so long as careful provision is made in the rules that only thoroughly competent officials are appointed to responsible posts, and that they are placed under the guidance and direction of the Court.

A very marked difference between the law of insolvency here and in England exists in imprisonment for debt being still maintained in India. In the opinion of the Chamber it would be inadvisable as yet to deprive creditors in this country of that power. There are no doubt weighty arguments in favour of following English legislation. Amongst the poorer classes their personal liberty in reality constitutes the security on which they are able to obtain advances, and were the power of utilizing that security once removed the ability of contracting debts beyond their means of repayment would be done away with also, and much unnecessary extravagance in the shape of expenditure on marriage and other festivities—which accounts for a considerable proportion of the insolvencies amongst the lower classes—would thus be avoided. In other words, by removing the power of getting into debt, people would be compelled to live within their means. While admitting this as regards the poorer classes, the general opinion amongst merchants and bankers is decidedly adverse to the abolition of liability to imprisonment for debt from a mercantile point of view. The change would be too radical, and, by altering the basis on which business has been conducted in this country from time immemorial, might seriously interfere with the ordinary course of trade. As to whether or not the Bill in its present form fully contemplates the existence of imprisonment for debt is now a question for skilled lawyers than a body of laymen, and the Chamber therefore would content itself as regards this point by merely expressing the opinion that it cannot be too carefully considered.

So far as Bombay is concerned—and the same probably holds good in the other Presidency towns—one of the greatest disadvantages which creditors have to contend with is the facilities which fraudulent debtors have for escaping from the jurisdiction of the Court by absconding into Native territory. Amongst a certain class of Native traders—and that by no means the lowest—this is a very common means of evading punishment, and owing to the ease with which it can be accomplished it tends greatly to encourage fraudulent bankruptcy. The Chamber quite appreciates the serious difficulties there are in the way of bringing about a remedy, but it would earnestly solicit the attention of Government to this point. Once made it possible for the writ of the Bankruptcy Court to take effect in Native States, and reckless trading amongst Native dealers will have received a deathblow which no other form of legislative enactment could administer.

The Chamber observes that the draft Bill omits the disqualification of a bankrupt to hold certain offices, as provided under Part II of the English Bankruptcy Act of 1883. The advisability of this omission the Chamber is very much inclined to question, as there is no doubt that, especially amongst Natives, the holding of certain appointments carries considerable dignity, and the deprivation of these as the direct result of bankruptcy might

have a wholesome deterrent effect. In the opinion of the Chamber the Bill should provide for the disqualification of a bankrupt for holding the following positions where not already settled by existing Acts, namely:—

Member of the Legislative Council.  
Justice of the Peace.  
Member of the Town Council or Municipal Corporation.  
Member of a Port Trust or Harbour Board.  
Director of a Joint Stock Company.

The eligibility of bankrupts for these offices after obtaining their discharge might be made dependent on the nature of the bankruptcy as certified by the Court.

Taking each section in order the Chamber beg to submit the subjoined remarks:—

**Section 5 (1) (d).**—In addition to this clause the Chamber considers it important for the due protection of creditors that in the case of a firm which has carried on business at a place where a Bankruptcy Court exists, and has partners where there is no such Court, the latter should be wound up at the place where the Bankruptcy Court is, and the partners elsewhere should be liable to have their assets at once taken possession of by the Official Receiver. Further that, if a firm so constituted becomes insolvent, the act of insolvency of any one partner should render all other partners, wherever situated, insolvent also, and liable to have their property attached by the Court.

**Section 8.**—The Chamber is of opinion that this section should provide that in the case of a debtor with no available assets the Court should not be able to give a complete discharge, but should have power to compel him to proceed with his insolvency. An *interim* order might be granted in the first instance, but revoked unless the debtor proceeded with the insolvency when called upon to do so.

**Section 12.** The advertisement giving notice of the receiving order should, the Chamber thinks, be published in at least one of the leading local newspapers in addition to the Government Gazette, and this suggestion should be made applicable in every instance where notice by advertisement is provided for, notably in section 19, (5), section 27 (5), section 30 (3).

**Section 15.** As the time fixed for submitting a statement of a debtor's affairs seems very limited, it is suggested that under subsection (2) (a), where an order is made on the petition of the debtor, ten instead of three days should be allowed, and where the order is made on the petition of a creditor (a) the time be increased from seven to twenty days.

**Section 16.**—The Chamber is of opinion that there is no necessity for making the public examination of a debtor compulsory where a compromise has been agreed upon, and it would therefore ask that the following be added to subsection (1):—

"Except that in cases where the majority of creditors in number and three-fourths in value are prepared to accept a compromise, the public examination of the debtor may be dispensed with."

**Section 17.**—In all cases of compromise or composition the Chamber deems it most important that the creditors should have the fullest possible information before them as to the true state of the debtor's affairs, and it seems desirable, therefore, that the following words should be appended to subsection (2):—

"with a full statement of the debtor's affairs."

**Section 21.** The Chamber is of opinion that the clause should be entirely omitted from the Bill. It may be that in England, where the books of a merchant are in English and information as to an estate can be obtained without much difficulty, a committee of creditors may prove of considerable service in securing a favourable liquidation; but the experience of those who have been concerned with bankrupt estates here is of a contrary character. In all probability it might lead to the appointment of committees of creditors favourable to the debtors, as was found to be the case in working Bombay Act XXVIII of 1865, which was admittedly a complete failure as a means of advantageous liquidation.

The omission of this section and the abolition of committees of inspection would necessitate some alterations in the wording of subsequent provisions of the Bill. For instance, the Chamber suggests that section 50 should read:—

"The trustee may, with the permission of the Court, and after such notice to creditors as the Court may prescribe, do all or any of the following things:—"

and in subsections (3) and (4) of the same section, (2) of section 51, (1) of section 57, and (1) of section 63, the word "Court" should be substituted for "committee" or "committee of inspection."

**Section 24.**—The desirability of arranging to secure the arrest of an insolvent who has taken refuge in a Native State has already been alluded to, and, if that be practicable, provision would have to be made for it under this section as also under (2) of section 26.

**Section 25.**—The same provision as for the restriction and delivery of letters should be made for telegrams.

**Section 27 (5)** allows 14 days' notice only to creditors of the day fixed by the Court for hearing a debtor's application for discharge. This would be insufficient for creditors out of India, and the Chamber would recommend one month's notice being allowed.

**Section 27 (6).**—The Chamber suggests that a decree passed by the Court against a debtor when making an order of discharge should be in favour of the Official Receiver only, his office being continuous, while a trustee might have to leave the country at times under very short notice.

**Section 31 (5).**—Considering that the current rate of interest in India is 9 per cent. as compared with 5 per cent. in England, the rate of interest payable out of surplus funds, as provided for in the clause, might fairly be increased from 4 per cent. as proposed to 6 per cent. per annum.

**Section 36 (1).**—The Chamber is of opinion that the power now extended to a landlord's claim for rent under this section is unduly large. It thinks that no power of distraint should be granted after bankruptcy, and that he should not be entitled to a preferential claim for more than four months' rent, subject, moreover, to assets of that amount belonging to the insolvent's estate being on the premises.

**Section 52 (2).**—After the words "application of" the Chamber suggests the insertion of the words "the trustee or"

**Section 64 (2).**—It would be well to have the "proposed officer" mentioned in this clause defined, as it is important to know in whose hands the very responsible power of regulating the charge may be placed. It is also suggested that "leave of the Court" be substituted for "proof of such taxation having been made," before payment.

**Section 67.**—Having regard to the constant fluctuations in the value of Government securities, it seems to the Chamber that if it could be so arranged it would be preferable, instead of investing surplus funds in Government paper, to hand them over to the Accountant-General, who on behalf of Government should pay 4 per cent. interest on the amount. Such interest, moreover, should go to the separate estates, or, in other words, be for the benefit of the creditors, who are frequently kept out of their dividends for long periods pending the decision of suits and disputes. The system adopted under the English Act, and sought to be introduced into this Bill, of utilizing the interest obtained on funds held during liquidation towards minimising the fees payable in bankruptcy, has rather a tendency to favour debtors to the disadvantage of creditors.

**Section 70.**—In addition to rendering it incumbent on a trustee to grant a creditor inspection of the books kept in connection with the liquidation of an estate, it should also be provided that creditors should have free



access to the books of the insolvent. It should be further arranged that an experienced and trustworthy staff of Native *mchlas* or accountants should be maintained on the staff of the Court (either attached to the Official Receiver or Trustees), through whom reliable translations and extracts from books kept in any of the Native languages could be obtained. Great difficulty is experienced in obtaining information of this character under the existing law, and a creditor employing an outside *mchla* for the purpose of searching a debtor's accounts always runs the risk of the man being bought over by the other side.

**Section 88 (3).**—It appears to the Chamber somewhat anomalous that a Judge of the Small Cause Court should not have the same power to commit for contempt as is granted to the Court under section 23, clause (4). The omission of clause (3) is accordingly suggested.

**Section 103.**—The Chamber would be in favour of raising the limit for small bankruptcies from Rs. 3,000 to Rs. 5,000. Estates within the latter sum it is very unlikely that cases of fraudulent books, &c., will occur requiring the more complicated machinery of the previous portions of the Act; nor does it seem necessary that the examination of the debtor be insisted upon as provided under clause (c).

From H. BARRY, Esq., Under-Secretary to Government, Bombay, to Secretary to Government of India, Legislative Department,—(No. 784, dated 5th February, 1886).

With reference to your letter No. 113, dated the 18th ultimo, I am directed to forward, for submission to the Government of India, copy of a letter from the Acting Prothonotary and Registrar of Her Majesty's High Court, Bombay, No. 21, dated the 28th inst., and its accompaniments, regarding the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

From G. H. FARRAN, Esq., Acting Prothonotary and Registrar, High Court, Bombay, to Chief Secretary to Government, Bombay,—(No. 21, dated 28th January, 1886).

With reference to your letter No. 1035, dated the 1st July, 1885, I am directed by the Hon'ble the Chief Justice to forward the accompanying report on the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India prepared in accordance with his Lordship's directions, and to state that the Hon'ble Mr. Justice Fayley, who has been for some years presiding over the Insolvent Court, approves generally of the same.

From G. H. FARRAN, Esq., Acting Prothonotary and Registrar, High Court, Bombay, and C. A. TURNER, Esq., Official Assignee, Bombay, to the Hon'ble the Chief Justice, Bombay.

In accordance with your Lordship's directions we beg to submit the accompanying remarks on the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

#### *Remarks.*

**Protection from arrest.**—The proposed Act, which is principally taken from the Bankruptcy Act of 1883 now in force in England, where imprisonment for debt has been abolished, provides that the receiving order shall have the effect of protecting the debtor from arrest in respect of any debt provable in bankruptcy. It does not contemplate any opposition on the part of creditors at this stage, but deals only with the granting or withholding of a final discharge. In Bombay, where imprisonment for debt is still permitted and protection is afforded by the vesting order under the present Act, the chief object of the majority of insolvents is to obtain immunity from arrest at first by means of *interim* protection orders, and afterwards by obtaining their personal discharge under section 17, after which they but rarely trouble themselves about applying for their final discharge; while the principal object of the opposing creditor is to prevent an insolvent from obtaining such immunity, in order that he may be able to secure better terms by making use of his power of arrest. A practical result would be that the large proportion of petitioning debtors, who come to the Court for the purpose solely of obtaining protection from arrest, would have no object in proceeding with their petitions, and would probably neglect to take any further steps after the receiving order was made. To remedy this it is suggested that the Court should have power both (1), to demand petitions for want of presentation, and (2) to cancel so much of the receiving order under section 8 (1) as gives protection from arrest. It would also seem necessary that the Court should have power to direct the discharge from jail of a debtor imprisoned before the making of the receiving order: there does not appear to be any provision to this effect in the proposed Act.

**Adjudication of bankruptcy.**—The change made by the proposed Act with respect to the adjudication of bankruptcy is highly advantageous. Under the provisions of the Act in respect to that subject it will be possible to have debtors adjudged insolvent before they have had time to dispose of all their property, and creditors will in all probability make use of those provisions more and more if the Act is found to work well. It is very important that adjudicated insolvents should (1) make the statement required by section 15 and (2) come up for the public examination directed by section 16. Debtors who have been adjudged insolvent almost invariably abscond from Bombay into Native States, and there is no power under the present Act to compel their return. Such a power extending throughout British India is given by section 21 of the proposed Act; but as absconding debtors almost invariably abscond to Native States, it would largely increase the efficacy of the Act if it were found possible to extend that power to Native States also.

**Composition with creditors.**—The change made by the proposed Act with respect to composition with creditors is also beneficial. The present Act is silent on the subject, and the result is that documents purporting to be assignments in favour of creditors hastily executed just before the date of the vesting order are often set up with the effect of either entailing troublesome and expensive litigation, or of keeping from the Court all power of investigating the insolvent's affairs, even though a majority of creditors may desire such investigation. Considering, however, that the public examination of debtors will in many cases involve the disclosure of affairs of creditors which they may naturally object to be made public, power might be given to the Court in cases of composition with creditors to dispense with the public examination of debtors when a sufficient majority of creditors desire or consent to it.

**Property of bankrupt.**—The words of section 38 (1), which deals with the property of the bankrupt, are not so wide as those of section 7 of the present Act, and it is important, especially when dealing with property in the Mufassal or outside British India, where the law is imperfectly understood, that the words of the Act should clearly and distinctly cover the property of the bankrupt, whether within British India or without.

**Discharge of bankrupt.**—Under the present Act there are two sorts of discharge that can be granted to an insolvent by the Court:—(1) freedom from personal imprisonment for debt, and (2) freedom from liability of after-acquired property. It is one of the greatest faults of the present Act that a separate application has to be made for each, and the Court at the hearing of the matters of an insolvent's petition under section 35, where all the facts regarding his conduct are before it, makes no order as to the latter but only as to the former sort of discharge. In Bombay the principal object of the debtor in coming to the Court is to obtain his personal discharge, and the object of an opposing creditor is either to force the insolvent to buy off his opposition or to induce the Court to dismiss his petition. The reason is that a creditor in Bombay in opposing an insolvent is

invariably working in his own interest and not in that of the general body; and he considers that if the petition is dismissed he will succeed in obtaining a greater portion of the insolvent's property than if it were distributed by the Official Assignee. The power of discharging petitions given by section 17, and as to a penalty for misconduct, encourages this system. The proposed Act will effect a great improvement in this respect, as under it the Court will consider the whole question of the insolvent's course of dealing and conduct, and will either grant him his discharge (conditional or otherwise), or punish him under the Act itself.

**Penalties.**—The provisions of sections 27, 165 and 167, which deal with penalties and punishments, are much more severe than in the present Act. It may be noted that a bankrupt cannot under them obtain an unconditional discharge more than once, and if undischarged, he is liable to be punished by imprisonment if he obtains credit to the extent of Rs. 200 without informing his creditor. There is a class of penalties under the English Act which has been omitted from the proposed Act, namely, disqualification of a bankrupt to hold certain offices. It, however, seems desirable that no penalty should be omitted which may have the effect of causing the mercantile community to regard bankruptcy as a disgrace, which in Bombay, since the share-mutua, they have to a great extent ceased to do. And for this reason it would appear advisable to make the disability to hold certain positions which may be regarded as honourable the direct result of bankruptcy.

**Decree against bankrupt.**—Passing a decree in favour of the trustees against the bankrupt is a punishment often enforced in England in cases where no assets are forthcoming in the bankruptcy. The practice in Bombay has been to pass such a decree in every case, and, considering the great facilities bankrupts have in this country for concealing their property from the Court, that practice seems a good one, as affording a ready way of recovering from the bankrupt after his discharge property that he may be shown to be possessed of without having to prove that it was concealed at the time of the discharge. It would probably be found more convenient if such decrees were passed in all cases in favour of the Official Receiver, as a trustee might not be forthcoming some years after the bankruptcy when required to act. Such decrees should also, if possible, be exempted from the operation of the law of limitation as provided in the present Act, as it would be manifestly impossible, as well as useless, for the Official Receiver to take the necessary steps for keeping all such decrees alive, and equally impossible to foresee in what cases it would be desirable to do so.

**Procedure.**—The procedure under the proposed Act will largely increase the work of the Court—an essential feature of the Act in the public examination of the bankrupt in every case. During the last three years there have been on an average over forty petitions presented each month, which under the present Act would entail an equal number of public examinations, for the taking of which the time at present allotted for sittings in insolvency would be wholly inadequate. The provisions of section 39 of the English Act, or such modification of them as may be considered proper, might well be inserted in this Act, and work of a formal nature, such as taking such examinations in unopposed cases, granting receiving orders, and other work of a similar nature, relegated to an officer of the Court. In any case, whether the public examination be taken by the Court or by an officer, the provision in section 16, by which the notes of examination are to be signed by the debtor, might, with advantage, be omitted, as it would involve not only the loss of time occasioned by reading over and interpreting his deposition to a Native witness, but, especially in the case of a debtor subjected to a searching examination, may result in a refusal to sign the notes as taken down or an endeavour to retract previous admissions or statements.

**Unclaimed dividends.**—The proposed Act provides (section 132) for the payment of any unclaimed dividends under it to the bankruptcy estate's account, but omits the provision contained in the corresponding section of the English Act as to the disposal of the unclaimed dividend under the present Act. These unclaimed dividends in Bombay amount to upwards of eight lakhs, of which between two and three lakhs are in respect of proved claims in estates in which redistribution has been already made under Act XXVII of 1841, and which cannot be further distributed under any Act now in force. The remainder is to a large extent made up of dividends in respect of debts admitted by creditors in their schedules as due, but which have not been proved, and as for the most part unprovable, and it is doubtful whether these dividends can be distributed under the Act of 1841. Section 7 of Bill No. 3 of 1881, which was intended to remedy this state of circumstances, has never become law, and it therefore seems necessary that some means of dealing with these funds should be provided by the proposed Act. The interest upon the first class of these funds at least might be applied towards the general purposes of the Act; otherwise there may be a difficulty at first in working the proposed Act, unless a very high scale of fees is adopted.

**Appointment of Official Receiver.**—Under the present Insolvent Act the Official Assignee can only be removed from office in the case specified in section 18. By the proposed Act the removal of the Official Receiver will depend solely on the pleasure of the Chief Justice. There does not appear to be any reason why the position of the Official Receiver should be less independent than that of the Official Assignee, or his tenure of office less secure.

A few remarks dealing with some of the sections more in detail are annexed.

#### Appendix.

**Section 2. Regarding application of section 18 to England.**—Section 18 could hardly be made applicable to England, but nevertheless cases may arise in which overseas property in England may become vested in the trustee in India. Is not some provision necessary to provide for disclaimer by the trustee in such cases?

**Section 21 (2).**—The committee of inspection might very well be dispensed with, or at all events confined to cases in which an order is made under section 20, sub-section (2).

In cases in which the Official Receiver is acting in reference to the Court for necessary powers and authority will be more satisfactory and cause for less delay than to committees of creditors.

See 11 & 12 Vic. c. 21 s. 29

In that event some such words as the following might be added to section 21 (2):—

“by and with such notice to such creditors as the Court may think fit to direct.”

**Section 21.**—As has been already pointed out the value of this section would be very greatly increased if it enabled debtors due to Native States to be arrested.

In any case, however, the section would seem to be incomplete, as it does not distinctly provide for the case of a debtor who may have actually absconded from the local jurisdiction of the Court, or in other part of British India, but only deals with the case of a debtor who is “about to abscond with a view to the Act.”

**Section 31 (1). Municipal rates.**—Port-dues, &c., are at present only entitled to dividends.

**Sub-section (5). Interest after payment of principal in full.**—As directed in India, carry interest at 6 per cent. in the same way, after the receiving order should be allowed in India at 6 per cent. also.

**Section 36.**—Section 36 of the proposed Act gives a landlord the power to exercise, with certain restrictions, his right of distress upon the property of the bankrupt for rent due. This right was taken away by the present Act, and the change will considerably hamper the Official Receiver who now is at first at a loss to his lands. Landlords, on the other side of their tenant, often put padlocks on the goods and premises let to them, and claim a lien for rent, and as rent in Bombay is heavy, and the value of the goods stored upon certain such claims, even under the present law, are not easily disposed of. The proposed change is, we think, to be deprecated; but if it is considered that the landlords should have any preferential claim, it would be more convenient to allow a preferential claim for two months' rent (not exceeding the value of the goods on the premises let by them) under section 31, and leave the law otherwise unchanged.



*Section 38, clause (2).*—The words "wearing-apparel and bedding" are hardly sufficiently wide. In India cooking pots, &c., are more necessary even than bedding. The words of the Act: 11 & 12 Vic., cap 21, section 7, are "wearing apparel, bedding, and other such necessaries."

*Section 51 (2).*—The distribution of a dividend depends almost entirely on the creditors and not on the trustee.

The words "shall be declared and be payable" might be substituted for the words "shall be declared and distributed."

As to the period of four months prescribed by this section for the declaration of the first dividend, see note for section 99.

*Section 57 (2).* *Allowance to bankrupt.*—We think the allowance to a bankrupt should be limited both as to amount and as to duration. The limit we would propose is Rs. 100 per month extending over not more than ten months.

It must be remembered that in all bankruptcies the bankrupt himself has always influence in the liquidation of his estate.

A considerable body of the creditors, either through friendship or relationship, or because they have received, or expect to receive, special preference, are always ready to support the bankrupt.

In large estates there will always be a large number of creditors for trusteeship making a bid for the bankrupt's influence by promises of a good allowance if they are appointed.

Some limit of time necessary, or an insolvent in receipt of a good allowance will be tempted to protract the liquidation of his estate.

*Section 61.* *Official Receiver's report.*—Before the discharge of any bankrupt under section 27 of the new proposed Act, the Official Receiver has *nothing* to prepare a report, which has to be taken into consideration by the Court at the hearing of the bankrupt's application under that section. In order to make such reports of any value, the Official Receiver must, in cases of insolvency of traders have the assistance of experienced Native accountants and clerks, and give a long and most interesting Native account-books.

Account-books in Bombay are kept not only in different languages and character, but even on different principles, varying according to the particular trade or business carried on by the bankrupt or to the skill or ignorance of the *machas* employed by him.

The accountants would have to be high class men, well paid, and in the regular employ of the office (not engaged for any particular estate) to ensure trustworthy performance of their work.

The examinations of account-books so made would be of the greatest value both to creditors who might wish to oppose and also to the Court itself at the hearing.

This would, however, seem to be a matter to be dealt with by rules under the Act, and not in the Act itself.

*Section 65 (7).*—We do not consider that this provision can be of any value in India.

*Section 67.* *Investment of moneys.*—Under this section investment is made out of the "bankruptcy estates account" generally, and not out of the moneys belonging to any particular estates, and the whole interest so realized is appropriated for the general purposes of the Act (section 67 (2)).

Were it possible to distribute the moneys so received as quickly as is contemplated in the Act, there would be no great fear of their being lost or misapplied. In Bombay, however, considerable sums have always to be reserved to meet the possibility of an insolvency on that day which ensues in any case of insolvency proving unsuccessful, and yet by a small number of the claims of creditors cannot be quickly adjusted.

It would, therefore, seem that moneys so collected should not be invested for their benefit.

Perhaps the simplest way would be to allow the provisions of the Act as they are, and out of the interest arising under the provisions of the section to allow interest at 4 per cent. on all sums paid into the "bankruptcy estates account" until they are paid out.

*Section 68.*—In the preamble to the Act of 29 of Victoria "Objects and Reasons" that this section has been put in at the request of the Government of Madras. We do not think that the section can be of any value in Bombay where the High Court and the Small Cause Court are so far apart. It would be necessary to have a special Official Receiver and his staff, with proper office establishments, to carry on the insolvency business of two separate Courts.

We believe that both the High Court and the Small Cause Court of Bombay were opposed to the introduction of the provisions.

*Sections 92 (1), (2), (3).* *Time.*—All "times" allowed for the Act are far too short, and though full power of extension is given by section 92 (4), yet the time mentioned in the different sections for each Act should, as far as possible, be made more agreeable than what such act ought to be done.

There are several reasons why longer times will be required in Bombay than in England—

- (1) the Courts are widely only;
- (2) books of account are always in arrears, especially during the busy season, and take a long time to make up, and only a very limited number of *machas* can be employed on them at once;
- (3) traders in general, especially always, have goods on their way to England or elsewhere, the accountants' claims are not received for a considerable time;
- (4) no matter how large a sum can be realized without litigation owing to the invariable attempts made by the bankrupt to conceal property or favour particular creditors; and litigation in Bombay is both tedious and expensive.

*Section 99.* *Petitions of partners in different Courts.*—Under this section we suppose petitions by partners of firms carrying on business in the different Presidency towns would be transferred to the Court in which the first petition was filed, otherwise some provision is required on this point. See also section 13.

*Section 101 (1).*—Small bankruptcies under Part VII, section 103, might, with advantage, be extended to Rs. 6,000.

Where the gross assets of an estate are not more than Rs. 6,000, it would rarely be worth the creditor's while to attend meetings and thereby distract interest in the winding up of the estate, nor will the estate itself stand the expenses of proceedings prescribed by the Act and by the first schedule.

Creditors may of course in such cases be led by the bankrupt's affairs more extensively investigated and the bankrupt himself punished, but probably not for this by clause (c) of this section (103).

*Section 110 (2).*—Is the suggested arrangement above regarding business to be done before the Registrar be adopted, it might be convenient to provide for the nomination of that officer also under this section.

*Section 120, clause (1).*—We could if the provision is sufficient in the case of Native States. Would it not be simpler to allow all claims to be also made before the British Resident or Consul or Political Agent?

*Lien on bankrupt's books of account.* *Partners and others.*—There have been several cases lately in Bombay of solicitors claiming a lien on bankrupt's books of account, and so making it extremely difficult for creditors to get full and free inspection of them. Such claims might, moreover, be set up in collusion with an insolvent.

Section 121 of the English Act of 1861 abolished claims for lien of an insolvent's books of account, and the same provision was made by a rule under the Act of 1669, there being power under that Act to make the rule. — See *late Law on Bankruptcy*, page 676.

A similar rule has been made under the present English Act of 1883, but it is of doubtful validity under section 127 (4) of that Act.

It would therefore seem advisable to put the provision into the Act itself.

From F. B. PEACOCK, Esq., Chief Secretary to Government, Bengal, to Secretary to Government of India, Legislative Department,—(No. 799J., dated 15th February, 1886).

I AM directed to acknowledge the receipt of your letter No. 1041, dated the 17th June, 1885, forwarding copies of the Bill to amend the Law of Bankruptcy and Insolvency in British India, with Statement of Objects and Reasons, and asking for an expression of the Lieutenant-Governor's opinion and of the opinions of such persons as His Honour might think fit to consult on the provisions of the Bill.

2. In reply, I am desired to submit, for the information of the Government of India, the accompanying

The Solicitor to the Government of India, No. 1090, dated the 3rd September, 1885, and enclosure

The Chief Judge, Court of Small Causes, Calcutta, No. 08, dated the 2nd October, 1885.

The Superintendent and Remembrancer of Legal Affairs, No. 901, dated the 9th November, 1885.

Malabar Sir Jotendra Mohun Tagore, x.c.s.i., dated the 31st August, 1885.

Baboo Doorga Churn Law, dated the 7th September, 1885.

replies received from the officers and gentlemen named in the margin and the Secretary to the Calcutta Trades' Association, who were consulted by this Government, and to say that, with the exception of section 88 (1), the Lieutenant-Governor approves generally the provisions of the Bill. This section provides that the High Court may, from time to time, direct that a Judge of the Presidency Small Cause Court shall have all or any of the powers therein mentioned. In this connection I am to ask the attention of the Government of India to the letter from the Chief Judge of the Calcutta Court of Small Causes, and to say that, even with the assistance that this Government is about to ask should be given it, the Court of Small Causes, Calcutta, has more work on its hands than it can satisfactorily get through; and the Lieutenant-Governor is therefore averse to throwing additional burdens on the Judges of that Court.

From R. L. UPTON, Esq., Solicitor to Government of India, to Officiating Under Secretary to Government, Bengal,—(No. 1096, dated 3rd September, 1885).

REFERRING to your No. 1336 J.D. of the 8th ultimo, I have the honour to forward you herewith a copy of the Hon'ble the Advocate General's opinion on the subject therein referred to.

#### OPINION.

THERE can be no doubt that the present Insolvent Act is antiquated and requires to be replaced by fresh legislation.

The Statement of Objects and Reasons very clearly and fully explains the grounds on which the proposed change in the present Insolvent Laws are rested, and deals in an exhaustive manner with the principles which are to be followed in framing a new Bankruptcy Act. I agree in the main with the Objects and Reasons, and I think it advisable that legislation here should be supported by an Act of Parliament.

The provisions of the Draft Bill are principally taken from the English Bankruptcy Act, 1883, with certain necessary modifications.

The English Bankruptcy Act is the outcome of an extended experience of years, and has, I think, been properly adopted as a model for the proposed legislation. I have doubts whether the provisions in the English Statute in relation to composition or scheme arrangement, which have been embodied in the present draft Act, will be found useful or of any practical benefit in this country.

With regard to jurisdiction, I think that up-country traders, who have had large commercial transactions, and whose estate would be more satisfactorily administered in a Bankruptcy Court, should be allowed to petition the Bankruptcy Court of the Presidency in which they have carried on business, and such Court should be vested with powers to adjudicate such persons bankrupt on their own petition if it thinks fit, the powers to adjudicate being discretionary, to be exercised according to the circumstances of the case. The objection to such a procedure would naturally be that it would be a hardship upon creditors living at a distance to follow the proceedings in a Bankruptcy Court; but such a hardship must often occur where a debtor carrying on business in Calcutta is adjudicated by the High Court of Calcutta, and has creditors up-country as well as in the different Presidencies.

The 29th August 1885.

(Signed) G. C. PAUL.

Advocate General.

From G. C. SCOTCH, Esq., Officiating Chief Judge, Court of Small Causes, Calcutta, to Chief Secretary to Government, Bengal,—(No. 68, dated 2nd October, 1885).

WITH reference to letter No. 2946, dated 9th September, 1885, from the Under-Secretary to the Government of Bengal, calling my attention to No. 1342 J.D., dated 8th July, 1885, I have the honour, after consultation with my colleagues, to say that we believe that the provisions of the draft Bill to amend and consolidate the law of Bankruptcy and Insolvency in British India are calculated to be of great benefit to the country.

We also approve of section 88, which empowers the High Court, from time to time, to direct that a Judge of the Presidency Small Cause Court shall deal with the matters therein mentioned; but we do not consider it would be beneficial to deprive a Judge of the Small Cause Court of the power to exercise in matters relating to bankruptcy and insolvency such authority as he has in the exercise of his ordinary jurisdiction under section 83 of the Presidency Small Cause Courts, Act, 1882, to punish for contempt.

His Honour the Lieutenant-Governor is already aware that the Judges of this Court are unable, in the existing state of the files, to cope with the mass of business that comes before them. Any addition to the ordinary business will necessarily occasion further arrears.

From T. T. ALLEN, Esq., Superintendent and Remembrancer of Legal Affairs, Bengal, to Chief Secretary to Government, Bengal,—(No. 901, dated 9th November, 1885).

IN reply to your office No. 1337 J.D., dated 8th July last, I have the honour to say that the draft Indian Bankruptcy Bill is applicable to the presidency-towns, where at present a similar law is administered by the High Court in its original jurisdiction. As I have no knowledge or experience of the working of the existing law, I am unable to form an opinion as to the necessity for, or improvements effected by, this Bill.

2. As to the mufassal, I consider the present Bill utterly and entirely unsuitable; but as there appears to be no intention to make it current there, this is no detracton from its merits.

From MAHARAJÁ the HON'BLE SIR JOTENDRO MOHUN TAGORE, K.C.S.I., to Officiating Under-Secretary to Government, Bengal,—(dated 31st August, 1885).

I HAVE the honour to acknowledge the receipt of your No. 1310 J.D., dated the 8th ultimo, forwarding, for the expression of my opinion on it, copy of a draft Bill to amend the Law of Bankruptcy and Insolvency in British India, and in reply to submit the following remarks for the consideration of His Honour the Lieutenant-Governor of Bengal.

2. The primary object of the project is consolidation. The law of bankruptcy and insolvency, as now current in India, is scattered in different Acts, which are in some respects defective, and in others discordant or not convenient; and the Bill under notice proposes to reconcile differences, to supply omissions, to remove defects, and generally so to amend and alter the present law as to make it fully suited for the requirements of the day. In so far the project is worthy of commendation. The opportunity has also been taken to make it accord with the latest English law on the subject, and provision has been made so to transfer cases from Indian to English Courts as to cause no inconvenience.

3. It is not necessary for me, however, to notice all the alterations, particularly as the hon'ble and learned gentleman who has drafted the Bill has fully and clearly treated the subject in great detail in his Statement of Objects and Reasons. I desire, therefore, to confine myself here to only those points which appear to me to require further consideration.

4. In the Civil Procedure Code Act (XIV of 1882, sections 336 and 314), relief for bankruptcy is made dependent on a preliminary arrest or imprisonment; no debtor can obtain the benefit of the law until he is taken up under an execution warrant. This mode of making relief accessible only through the gates of a prison to honest but unfortunate debtors is highly objectionable, and clause (1) of section 7 of the Bill does well in doing away with it in the case of persons residing or carrying on business within the jurisdiction of the Presidency Courts for at least a year. The limit of time fixed, however, appears to me to be too long. There are many causes which may, and not unoften do, bring on insolvency within a much shorter time, and that without any dishonest or fraudulent motive on the part of a debtor; and in such cases it is not at all desirable to insist upon a preliminary punishment. The law provides ample safeguards against fraud, and the punishment should come when the fraud is laid bare in the course of enquiry, and at the time of granting the discharge, and not precede enquiry. The provision, moreover, appears to me to be totally ineffectual as a salutary measure. A debtor who becomes insolvent in six months time can easily avoid going to jail by getting up a creditor for to petition against him, and the law is at once defeated. This applies likewise to the first part of the section, which insists upon lodgment in prison as a *sine quâ non* in the case of an ordinary debtor. It makes a provision which can always be circumvented, except in the improbable contingency of a debtor being so unfortunate as not to be able to get a creditor to petition against him. Under these circumstances, I am respectfully of opinion that the clause in question should be divested of the conditions attached.

5. Clause (1) of section 26 gives power to the Court to compound with the debtors to an insolvent estate; and this is as it should be, inasmuch as, however, such compositions must, as a matter of course, be effected by the Receiver or the Trustee of the estate, and more frequently by his subordinates. It would be an advantage if provision were made to give an opportunity to the creditors, or the Committee appointed by them, to appear in Court and show cause why particular compositions should not be made in the way proposed. Instances are well known of such compositions in connection with large insolvent estates having been made in a manner injurious to the interests of creditors.

6. Clause (5) of section 26 appears imperfect as it stands. There should be some provision made with reference to any counter-claim that the person concerned may have against the debtor.

7. Among the facts which would disqualify a bankrupt from getting immediate discharge, mention is made of absence of books of account for three years immediately preceding his bankruptcy (clause (a) of section 273). This would suggest the idea that the discharge would be withheld or delayed if the books of account are not forthcoming, or should extend only to one or two years. Such cannot, however, be the intention of the law in cases in which insolvency supervenes after one or two years' trading. In regard to merchants and traders, the law should be so worded as to imply a period of not less than three years in the case of persons carrying on business from a long time, and for the whole period in the case of persons who have carried on business for less than three years; as regards persons other than merchants and traders, it may be a grave hardship to demand regular books of accounts. Such people do not ordinarily keep any account of their income and expenditure; they live upon what they get, and are satisfied. They may, however, be overtaken by a sudden misfortune, such as a decree of a Civil Court calling upon a person of this class to pay heavy damages, for which he might be forced to seek the benefit of the Insolvent Court, and in such a case it would be cruel to call upon him to produce regular books of accounts, and on default subjecting him to punishment. The Court should be left perfectly free to exercise its discretion as to whether the omission is due to unavoidable or accidental circumstances, or to improper motive. The word "shall" in line six of the clause, page 16, leaves no room for such discretion.

8. I look upon clause (a) of the same section as calculated to operate harshly. There are many merchants and traders now in Calcutta who have been under the necessity through their misfortune, without any fraudulent or dishonest action, of taking the benefit of the Insolvent Act two, three, or more times, and there is no valid reason why men of that class should not readily obtain their discharge under the proposed Bankruptcy Act. The broad line of distinction between honest misfortune and fraud should never be lost sight of.

9. Clause (2) of section 46 appears to contravene to a certain extent the provisions of the current law of the country on the subject of pensions. Section 11 of Act XXIII of 1871 says: "No money due or becoming due on account of any such (political considerations or past services) pension or allowance shall be liable to seizure, attachment or sequestration by process of any Court in British India at the instance of a creditor for any demand against the pensioner, or in satisfaction of a decree or order of any such Court." This provision is repeated in several subsequent Acts, and appears last in section 266 of Act XIV of 1882, and no circumstances have since transpired to suggest a departure from it. Pensions are in theory benevolences, and to render them liable to seizure by a decree of a Court is to convert charity into civil right. They are granted by Government to provide for the support of persons who have rendered good service for extended periods, and are liable to stoppage at any time at the will of the donors, and should not on any account be treated as a fixed asset.

10. When the Bill regarding the amendment of the Courts of Small Causes in Presidency-towns was under consideration a few years ago, the public feeling was strongly expressed against a section in the Bill which proposed to vest those Courts with insolvency jurisdiction to a limit of Rs. 1,000, and in compliance with the wishes then expressed the section was withdrawn. Section 88 of the Bill now under notice renews the project in a modified form, that is, by delegation of powers by the High Court, but removes the money limit. There are cases in which such delegation would prove useful, but I would respectfully urge that the limit of value should be fixed by law and not exceed Rs. 1,000.

From BABU DOORJA CHURN LAW, to Officiating Under-Secretary to Government, Bengal,  
(dated 7th September, 1885).

I HAVE the honour to acknowledge the receipt of your No. 13413-D., dated the 8th July last, forwarding copy of a draft Bill to amend the law of Bankruptcy and Insolvency in British India, and requesting an expression of my opinion on it.

2. In reply, I beg to submit the following remarks on the Bill for the consideration of His Honour the Lieutenant-Governor of Bengal.

3. Time was when a bankrupt or trader who secreted himself, or did certain act with intent to defeat or delay his creditors, was looked upon as a criminal or offender, but that time has long since passed away, and the aim of legislation has of late been to afford every protection to honest but unfortunate debtors. All the insolvency and bankruptcy laws now current have been formed with this object, and the present attempt is to effect a general amendment of the law alike in the interests of general trade, and the principles of humanity and justice. The opportunity has also been taken for a consolidation of the law so as to make it most conveniently workable. The occasion has moreover been utilized to make the Indian Act accord with the latest English law on the subject, and provision has been made so as to transfer cases from India to English Courts as to cause no inconvenience. The necessity for these amendments and improvements, it is stated in the "Draft Statement of Objects and Reasons," has been frequently of late years pressed upon the attention of Government, and in my humble opinion Government does well in taking up the measure.

4. The bulk of the Bill is made up of the law now in force, with such alterations and improvements as the experience of the last four and thirty years during which the Statute 11 & 12 of Victoria, 21, has been in operation in the Presidency Courts has suggested, and as the honourable and learned gentleman who has drafted the Bill has fully and clearly explained the nature and drift of the alterations in his Statement of Objects and Reasons, there is no need for my noticing them. I shall, therefore, confine myself here to only those points which appear to me to be susceptible of further improvement.

5. For expeditious and satisfactory liquidation of an insolvent estate, it is necessary that power would be given to the Court to compound with the debtor to it, and this is done in clause (1), section 26. Inasmuch, however, as such compositions must, as a matter of course, be effected by the Receiver or the Trustee of the estate, and more frequently by his subordinates, it would be an advantage if provision were made to give an opportunity to the creditors, or the committee appointed by them, to appear in Court and show cause why a particular composition should not be made in the way proposed. Instances are well known of such compositions in connection with large insolvent estates having been made in a manner injurious to the interests of creditors.

6. The provision made in clause (5) of section 26 is necessary and proper, but as it stands it appears imperfect. There should be some provision made with reference to any counter-claim that the person concerned may have against the debtor. In all such cases the counter-claim should be fully satisfied before any demand is made. In other words, the demand should be limited to the difference between the claim and the counter-claim.

7. I am perfectly of opinion that clause (a) of section 27 (3) is likely to act with harshness. In it mention is made of absence of books of account for three years immediately preceding a bankruptcy as a ground for withholding immediate discharge. This would suggest the idea that the discharge would be withheld or delayed if the books of account forthcoming should extend to one or two years only. Such cannot, however, be the intention of the law in cases in which insolvency supervenes after one or two years of trading. In regard to merchants and traders, the law should insist on a period of not less than three years in the cases of persons carrying on business from a long time, and for the much shorter period in the case of those who have entered on business for less than three years. This should, however, not apply to debtors other than merchants or traders. Such people do not keep any account of their income and expenditure; they live upon what they get, and are satisfied. They may, however, be overtaken by a sudden misfortune. A decree of a Civil Court may call upon a person of this class to pay heavy damages for which he may be forced to seek the benefit of the Insolvent Court, and in such a case it would be cruel to call upon him to produce regular books of account, and, on default, subjecting him to punishment. The Court should be left perfectly free to exercise its discretion as to whether the omission is due to any delinquency or accidental circumstances, or to dishonest intention. The word "shall" in line 6 of the clause, p. (16), leaves no room for such discretion.

8. The provision made in clause (g) of the same section also appears to me as calculated to operate harshly. There are, I believe, many cases of merchants and traders in the Presidency towns in which men have been under the necessity, through sheer misfortune, without any vicious or dishonest action, of taking the benefit of the Insolvent Act more than once, and there is no valid reason why men of that class should not readily obtain their discharge under the proposed Bankruptcy Act. The broad line of distinction between honest misfortune and fraud should be very rigidly fixed in all such cases.

9. Clause (1) of section 16 provides for the stoppage for the benefit of creditors of the pay and allowances of persons in the service of Government who may happen to become insolvents, but the next clause appears to contravene to a certain extent the provision of the current law of the country on the subject of pensions. Section 11 of Act XXIII of 1871 says: "No money due or becoming due on account of any such (political) considerations or past services, pension or allowances shall be liable to seizure, attachment, or sequestration by process of any Court in British India, at the instance of a creditor for any demand against the pensioner, or in satisfaction of a decree or order of any such Court." This provision has been upheld in several subsequent Acts, and appears list in section 234 of Act XIV of 1882, and no circumstances have since arisen to suggest a departure from it. Pensions are in theory benevolences, and to render them liable to seizure by a decree of a Court is to convert charity into a civil right. They are granted by Government to provide for the support of persons who have become unfit for further work after rendering good service for extended periods—provisions for old age—and are liable to stoppage at any time at the will of the donors, and should not, on any account, be treated as a fixed asset.

10. Section 88 of the Bill invests the High Courts with the power of delegating their powers for certain purposes to Presidency Small Cause Courts. This is indirectly a revival of the clause in the Bill for the Presidency Court of Small Causes which proposed to invest those Courts with insolvency jurisdiction. The public feeling against the project was then strong, and it was therefore withdrawn. The modified form in which it is now proposed appears to me to be not only unobjectionable, but likely to prove very useful. I would respectfully urge, however, that the money limit of the jurisdiction should be fixed by law, and not left to the discretion of the High Courts. In matters of jurisdiction the law can never be too precise.

From E. HICKIE, Esq., Secretary, Calcutta Trades Association, to Secretary to Government, Bengal,—(dated 14th December, 1885).

I HAVE now the honour to place before you, for submission to His Honour the Lieutenant-Governor, the views of the Committee of the Trades Association on the Bill to amend the law of Bankruptcy and Insolvency in British India.

2. It would be impossible, the Committee feel, to overrate the importance of the proposed Act to the trading community throughout India; they have consequently given to its provisions the most careful consideration, and are unanimously of opinion that the measure, as a whole, will afford assistance and protection to both debtor and creditor.

3. In order, however, that the protection to be given by the Act may be adequate and complete, the Committee would beg to suggest that the Government of India might be moved to amend the Bill in so far as it deals with the following important points, which appear to be deserving of further consideration.

4. In regard to this section, the Committee are of opinion that the jurisdiction clause should be extended to all cases in which the High Court has jurisdiction. For example, a person ordinarily resident in the Mufussal is liable to be sued in the High Court in respect of contracts made by him in Calcutta, but a Calcutta firm holding a decree of the High Court against such a person could not, under the Bill as drawn, avail itself of the provisions of the Bankruptcy Act. This seems to the Committee to be a serious anomaly, and one which will materially lessen the usefulness of the Act.

Conditions on which creditor may petition.

(d) the debtor is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling-house or place of business within those limits.

5. The Committee are of opinion that the

34. (1) In the distribution of the property of a bankrupt there shall be paid in priority to all other debts—

(b) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees;

mittee that due regard should be given to this fact on a further consideration of this portion of the Bill. They would strongly recommend that not less than three months' salary should be granted.

6. The Committee would beg to suggest that in this section "three months" should be substituted for

36. (1) The landlord or other person to whom any rent is due from the bankrupt may at any time, either before or after the commencement of the bankruptcy, exercise his right of distrain (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress for rent be levied after the commencement of the bankruptcy it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

39. The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars—

But it shall comprise the following particulars—

(iii) All moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof. Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

40. (1) Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian Marine Service, or an officer or clerk or other person employed or engaged in the Civil Service of the Crown, the trustee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as the Court, on the application of the trustee, with the consent of the chief officer of the department under which the pay or salary is enjoyed, may direct. Before making any order under this sub-section the Court shall communicate with the chief officer of the department as to the amount, time and manner of the payment to the trustee, and shall obtain the written consent of the chief officer to the terms of such payment.

9. Finally, the Bill makes no provision for the registration of mortgages of moveable property, or bills of sale as they are termed in England; such a provision would, it is believed, be a very material protection to creditors, and I have accordingly to express the hope of the Committee that it will be conceded by the proposed Act.

The Committee trust that the suggestions contained in this letter will meet with the approval and support of His Honour the Lieutenant-Governor.

From J. O. MILLER, Esq., Under-Secretary to Government, North-Western Provinces and Oudh, to Secretary to Government of India, Legislative Department,—(No. 998—VII-78-7, dated 14th November, 1885).

With reference to your letter No. 1010, dated the 17th June, 1885, asking for opinions on the provisions of

Note by Legal Remembrancer to Government, North-Western Provinces and Oudh, dated 8th October, 1885.

Letter No. 2701, dated 3rd November, 1885, from the Registrar, High Court of Judicature, North-Western Provinces.

2. As the Act is not to be extended to these Provinces at present, the Lieutenant-Governor and Chief Commissioner thinks it unnecessary to add any remarks on the provisions of the Bill.

Note by Legal Remembrancer to Government, North-Western Provinces and Oudh,—(dated 8th October, 1885).

I HAVE gone through the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, together with the draft Statement of Objects and Reasons for the same.

I note that in the draft Statement it is proposed to apply the Bill, if it becomes law, in the first instance only to the Presidency-towns and to certain commercial centres in Burma.

8. In this section the words "with the consent of the chief officer of the department," and "the written consent of the chief officer," deprive it, in the opinion of the Committee, of all its value. The present laws under which Courts are empowered to issue attachments against a debtor's salary are absolute, and do not require the consent of any third party to the appropriation of a moiety of a debtor's pay. The Committee, therefore, think it would be inadvisable that the Indian Bankruptcy Act should differ in this important particular from other Acts.

7. In reference to this section, the Committee would observe that the Bill as drawn leaves the order and disposition clause still open to be defeated by the ruling in *ex parte Gubbay re Morgan*, which decided that the absence from the country of a partner in an insolvent firm prevented the clause in the Insolvency Act applying, on the highly technical ground that property left by the true owner in the possession of such a firm was not in the sole possession of the partner or partners who happened to be resident in this country.



As regards the North-Western Provinces and Oudh we shall have ample opportunity of seeing how the law works before we extend it to any commercial centre. My experience as a Judge leads me to think that it will be some time before we shall require any extension, and that when it is extended we shall need stronger Courts and Courts with more leisure than they at present enjoy.

Many of the large commercial firms in these Provinces have houses in the Presidency-towns, and, as I understand section 4, creditors would be entitled to present bankruptcy-petitions against such firms; so that some considerable portion of the class for whom the Act is intended will be covered by the provisions of the Act.

It is worth noticing that increased use is being made by debtors of Chapter XX of the Civil Procedure Code. The number of applications for insolvency must vary more or less in concert with fluctuations in the number of applications for execution of decrees. Compared with these, the percentage of applications for insolvency has steadily increased from 15 per cent. in 1881 to 35 in 1882, to 37 in 1883 and 30 in 1884. I feel convinced that, inasmuch as the provisions of Chapter XX now are, they are still too intricate and expensive for the poor insolvent; but for this we should have a still greater number of applications.

With a few alterations the provisions of Chapter XX would meet the present wants of these Provinces, but the present paper is no place to discuss those alterations.

I see little use in discussing *seriatim* the provisions of a Bill which is not to be applied to these Provinces, and I doubt whether I could do so to much purpose. It would need more acquaintance with the customs and wants of Presidency-towns to do so effectually.

From Registrar, High Court, North-Western Provinces, to Secretary to Government, North-Western Provinces and Oudh,—(No. 2701, dated 3rd November, 1885).

I AM directed to acknowledge the receipt of your letter No. 674—VII-78-2, dated 26th June, 1885, in the Judicial (Civil) Department, forwarding a Bill to amend the Law relating to Bankruptcy and Insolvency in British India, and requesting to be favoured with the Court's opinion thereon, and in reply to state as follows.

2. The Hon'ble the Chief Justice has forwarded a minute on the subject direct to the Hon'ble Mr. Albert, Legislative Member of Council.

3. The Hon'ble Mr. Justice Straight regrets he has had no leisure to consider the provisions of the Bill or offer any remarks thereon.

4. The Hon'ble Mr. Justice Brodhurst believes it is not intended that any Court in these Provinces shall, for the present at all events, have jurisdiction under the proposed Act, and he therefore refrains from offering any remarks on the proposed legislation.

5. The Hon'ble Mr. Justice Tyrrell also has no remarks to offer on the Bill.

From C. L. TOPPER, Esq., Officiating Secretary to Government, Punjab, to Secretary to Government of India, Legislative Department,—(No. 974, dated 26th November, 1885).

(1) Judges of the Chief Court (Registrar's No. 2582, dated 14th August, 1885).

(2) Government Advocate (No. 370-D.A., dated 21st September, 1885).

(3) Bunssee Lal Ram Bhattan, Rai Bahadur (No. 982, dated 2nd September, 1885).

(4) Rai Moh Ram (died 27th August, 1885).

(5) Ram Kishen Das, Honorary Magistrate, Delhi (dated 25th September, 1885).

(6) Rai Bahadur Kallam Singh, Honorary Magistrate, Amritsar (dated 1st September, 1885).

(7) Chota Lal, Lahore, (dated 16th October, 1885).

(8) Lala Gaur Mal, Honorary Magistrate, Amritsar, (dated 16th October, 1885).

(9) Baggan Lal, Honorary Magistrate, Amritsar, (dated 1st September, 1885).

WITH reference to your letter No. 1012, dated the 17th of June, 1885, I am desired by the Lieutenant Governor to submit, for the information of the Government of India, the opinions of the officers noted on the margin, who have been consulted upon the draft Bill to amend the law of Bankruptcy and Insolvency in British India.

From T. G. WALKER, Esq., Registrar, Chief Court, Punjab, to Officiating Secretary to Government, Punjab,—(No. 2582, dated 13th August, 1885).

IN reply to your letter No. 661-S., dated 13th July, 1885, forwarding, for the opinion of the Judges, a copy of a Draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, I am desired to say that as it is proposed to limit the application of the Bill to the Presidency-towns and certain other commercial centres, the Judges have no remarks to offer on the Bill.

From E. P. HENDERSON, Esq., Government Advocate, Punjab, to Officiating Secretary to Government, Punjab,—(No. 370-D.A., dated 21st September, 1885).

I HAVE the honour to acknowledge your letter No. 665-S. of 13th July last, forwarding for opinion draft Bill to amend the law of Bankruptcy and Insolvency in British India.

2. I observe that the Act only constitutes by its direct operation four Courts of Bankruptcy, namely, the High Courts of Judicature at Calcutta, Madras and Bombay and the Court of the Recorder of Rangoon. I also observe that while power is taken to confer upon Local Governments authority, with the previous sanction of the Governor General in Council, to constitute other Courts of Bankruptcy in the territories administered by them, the insolvency sections of the Punjab Laws Act (1872) have not been repealed.

As moreover I am now, and have been for some time past, much pressed with important references, I trust that I may be permitted to refrain from discussing in detail a measure which is not intended to apply to this Province, and which appears to me to be far too advanced and technical for the state of things prevailing here.

From BUNSEE LAL RAM BATTAN, Rai Bahadur, to Under-Secretary to Government, Punjab.—(No. 982, dated 2nd September, 1885).

As directed in your letter No. 844-S. of 30th July 1885, which you have very kindly sent for any remarks that I may wish to offer, I have the pleasure to state for your information that the Draft Bill to amend the law of bankruptcy and insolvency in India is worth of maintenance, and that the draft Statement of Objects and Reasons is worth of consideration.

I beg to suggest to afford the following remarks after full examination of the documents you have so kindly sent.

1st.—The cost of Court for advertising notices, &c., should be defrayed from the estate concerned, but the Court expenses should not exceed some fixed allowances at the rate of percentage which after full consideration the Legislative ought to fix.

**Section 42, clause (1).—**Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three\* months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy.

\* Should be six months: three months is too little a time.

## PART V.

### TRUSTEES.

#### Remuneration of Trustee.

**Section 63, clause (1).—**Where the creditors appoint any person to be trustee of a debtor's estate, his remuneration (if any) shall be fixed by an ordinary resolution of the creditors, or, if the creditors so resolve, by the committee of inspection, and shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realized after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend.

**Section 83, clause (c).—**The local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

**Section 91, clause (c).—**An appeal shall lie from the order of a Court appointed by a Local Government under section 82 of the High Court of the province.

The remuneration of the trustees should be fixed by the Court itself in every instance. It will be very improper to give this power to the creditors. It is sure to be abused.

It will be quite unnecessary to obtain the Governor General's previous sanction on a matter like this. The words in *italics* should be omitted.

The appealable orders should be *specified*. At present the law (which is the same as this) is very unsatisfactory. Some orders are appealable and some are not. Further, why should an appeal lie to the Chief Court direct? This is a *hardship*. It will be convenient to give this power to the Divisional Courts in this Province and other corresponding Courts in other Provinces.

There should be a final appeal to the Chief Court or High Court, as sometimes intricate questions arise in such cases.

## PART VII.

### SMALL BANKRUPTCIES.

**Section 103.—**When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official receiver reports to the Court, that the property of the debtor is not likely to exceed in value *three thousand rupees*, the Court may make an order that the debtor's estate be administered in a summary manner.

**Section 105.—**Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with imprisonment which may extend to two years or with fine or with both, \*

**Small Bankruptcies.—**This should not be with regard to the *amount* of the debtor's property. It should be the reverse, *i.e.*, with reference to the amount of *debts due*, and the *amount* to make a bankruptcy *small* should be Rs. 1,500 only, and not more; otherwise some dishonest people may succeed in arranging that their property may not exceed Rs. 3,000.

**Imprisonment**—Simple or what?  
**Fine.**—What amount?

### Notices.

**Section 125.—**All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

**Section 133 (1).—**In this Act, unless the context otherwise requires,—

#### Interpretation.

"Province" means the territories under the administration of a Local Government:

"High Court of the province" means the highest Civil Court of appeal for the province:

"The Court" means the Court having jurisdiction in bankruptcy under this Act:

"Affidavit" includes declarations under any legislative enactment, affirmations and attestations on honour

"Available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made:

Insert *registered* between the words "prepaid" and "part."

These interpretation clauses should be placed in the beginning.



Should be *one hour*.

24. If within *half* an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

From BAGGAN LAL, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,—(dated 1st September, 1885).

With reference to your letter dated 30th July 1885, I have to submit my few remarks as to the Draft Bill to amend the Law of Bankruptcy and Insolvency in certain parts of British India, and they are as follows.

2. In section 3 it is necessary that the British India may be defined, that it may be more clear whether the foreign States come within the definition. Amongst the General Clauses Act, I of 1858, defines the British India, but still remains doubtful as to its limits supposing, for instance *Biluchistan*, &c. &c.

3. In the same section clause (b) is somewhat better, that by fixing the process of sale in execution of decree cannot be said that the debtor has committed an act of bankruptcy.

4. In section 5, clause (d), paragraph 2nd, where it is said within a year before the date of presentation of the petition ordinary sale, &c., the clause in the section is not clear to fix the period gives rise to a doubt.

5. In the same section 6, clause 1, it should be added that the copy of petition must be furnished to the opposite party that the opposite party may come prepared and no undue delay may not occur.

6. In the section 6 clause 5, that the words to take security for payment of debts is to put the hindrances in the way, but to ask security for the costs of the proceedings is not so.

7. In the section 7, clause 1, where it is said that he is insolvent, &c. &c. should be added if he is left on security under section 333 of Civil Procedure Code, Act XIV of 1852, as there is generally the case with judgment debtors in execution of decree of civil courts.

8. Section 17, paragraph 1b, provides that the order made on the application may be executed as if it were a decree.

It ought to be for those persons only who would be entitled to dividend from the estate of bankrupt, and not for others who do not have such benefit by the payment of the Act.

9. Section 27 clause 1. Clause 1 should be added that who contracted debt *prokles by or exclusively*

10. Section 28 clause 1, should fix a period in which debt may be repaid, say 12 years is a reasonable term. After that he must be held free from debts and debt, otherwise it would be over a bankrupt always a bankrupt.

From Officiating Secretary to Chief Commissioner, Central Provinces, to Secretary to Government of India, Legislative Department—(No. 1331—292, dated 24th October, 1885).

I am directed to acknowledge by No. 1043, dated 17th June last, forwarding for opinion a draft Bill to amend the Law of Bankruptcy and Insolvency in British India.

2. The Bill will affect only the Principal towns of the four chief towns in British Burma and the few large commercial centres, which may hereafter be established. There are no large commercial centres in the Central Provinces at present, and the object of the extension of the Bill to any town in the Provinces in the future is remote. Under the circumstances the Chief Commissioner has not thought it necessary that he should make any observation on it.

3. The Bill was sent for opinion to two selected officers, Mr. J. W. Nall, Officiating Judicial Commissioner, and Mr. Venkayya, Chamberlain of Nagpur. Neither of the officers has offered any criticisms on it.

From E. S. SAVES, Esq., Officiating Secretary to Chief Commissioner, British Burma, to Secretary to Government of India, Legislative Department—(No. 252—26-L., dated 15th December, 1885).

I am directed to acknowledge the receipt of your letter No. 1044, dated the 17th June last, regarding a draft Bill to amend the law relating to Bankruptcy and Insolvency.

2. I am now to submit copies of the letter cited in the margin, which contain expressions of the opinion of the Recorder of Rangoon, of the Judge of Moulmein, and of the Rangoon Chamber of Commerce on the provisions of the Bill. The opinion of the learned Judicial Commissioner is still awaited. It will be submitted in due course. The delay in replying to your reference has been occasioned by the Chief Commissioner's desire to be in possession of the views of the Chamber of Commerce and, if possible, of the Judicial Commissioner, before taking the matter into consideration.

3. The Chief Commissioner agrees that for the present, as regards this province, the new Act should apply only to the four principal seaport towns. By Act XIV of 1885 power has been conferred on the Chief Commissioner to transfer the jurisdiction in insolvency matters of the Recorder of Rangoon to the chief Civil Courts of Moulmein, Akyab, and Bassein in respect of those towns. Subject to the assent of the Governor General in Council, a similar power is conferred on the Chief Commissioner by sections 82 and 83 of the Bill. It would seem necessary to take care that the provisions of the Bill should not conflict with those of the Act above cited. But the Chief Commissioner does not support the suggestion made by the Judge of Moulmein that the power at present exercised by the Local Government of conferring insolvency jurisdiction on and withdrawing it from the Moulmein Court should be annulled by the constitution of that Court as an insolvency Court under section 82 of the Bill.

4. The Chief Commissioner supports the proposal made by Mr. Meadham that power should be taken in section 88 to confer on the Court of Small Causes in Rangoon the jurisdiction in bankruptcy matters which it is proposed to enable the High Court to confer on the Small Courts in the principal seaport towns.

**Section 21 (1)** - The sign to summon a witness should be limit 1, as in the Civil Procedure Code, with reference to the actual communication between the place of residence and the court-house.

(2) I would add after the word "sum" the words "for his travelling expenses and subsistence."

**Section 45.**—It is, I think, desirable that the power of the Courts to seize the property of a bankrupt should extend to any part of Her Majesty's dominions, suitable provision being made for the presentation of the necessary authority from the Court having jurisdiction where the property is situated.

**Sections 82 and 83.**—As the Bill was drafted before the amendment of the Baroda Courts Act, 1875, by the Act of 1885, whereby the insolvent jurisdiction heretofore vested by the Registrar of Baroda in Moulmein has been vested in the Judge of Moulmein, these sections should be altered so as to give this Court at Moulmein jurisdiction in bankruptcy by the direct operation of the proposed Act.

**Part VII.**—The usefulness of this chapter would be extended by providing that the Official Receiver shall not be required to pay the court-fees payable for proceedings in Court for the recovery of debt, but that the amount due for such fees shall be a first charge on any proceeds that may be obtained by him, or that it shall be payable out of the general funds of the estate. The difficulty also of any stipulating small claims of insolvents must, I should think, not prohibitively against the institution of suits for the recovery of such claims. If such suits were allowed to be brought on the statements made by insolvents in their schedules, greater responsibility would attach to such statements, and the burden of the suit would be rightly thrown on the person who, but for the intervention of the Receiver, would be the party to sue. The Official Receiver of course would be bound to satisfy himself as to the legality of the claims disclosed by the facts stated in the schedule, but every other facility should be given him to make the property of the debtor in the way I have indicated. No. 25 of the rules of the Calcutta High Court, framed under the provisions of the Insolvency Act, provides that the Official Assignee may sue without payment of office fees if he have no fees, but this does not include stamp-duty to which my remarks are intended to apply.

**Second Schedule 12 (c).**—To meet the claims of mortgagees whose securities exceed in value the amount of the debt, corresponding rights should, I think, be to the trustee for the benefit of mortgagees in a rate created price equal to the amount due on the mortgage, a price that may not always be a proper one to obtain.

The trustee should also have the right to sell the equity of redemption in mortgaged property if the mortgage does not seek to foreclose the mortgage within some specified time.

From R. S. T. MacEwen, Esq., Officiating Registrar of Rangoon, to Secretary to Chief Commissioner, British Burma,—(No. 161—51, dated the 29th August, 1885).

I HAVE the honour to acknowledge receipt of your letter No. 140—23 L, dated 16th July 1885, forwarding copy of a draft Bill to amend the Law of Insolvency and Bankruptcy in India, and asking for a revision of opinion on the provisions of the Bill.

2. The Bill itself is a large measure and deals with a somewhat difficult and complex subject. It is drawn on the lines of the recent English Bankruptcy Statute and would require considerable attention I have at present at my disposal to examine its provisions and to make a few observations on its merits and demerits. But I may say here and now that I do not think it is a particularly well-drawn Bill, and I have been led to believe that a more careful consideration of the subject has been given to it than I am able to give now. I am, however, of opinion that any measure of the kind which is undertaken should be a general one, and I am therefore in favour of the Bill. This Bill is a very good one, and it is a pity that it is not a more complete one, and that it is not a more complete one than I am now able to give to it.

3. Part I (sections 3-20) of the Bill deals with the procedure to be followed from the onset of bankruptcy to discharge, and more of large importance, when a bankrupt is made trustee, and the appointment of a trustee is considered, the provisions are no doubt for the benefit of the creditors, but they are more numerous than under the present system, and will lead to greater expense in the administration of bankrupt estates. They will add considerably to the work of the Court, and of the Official Assignee (as provided for in the Bill), and appear to contemplate a large number of trustees, and the appointment of a trustee, other than the Official Receiver, in each bankruptcy. The appointment of such a trustee, except in large and important cases, seems to me to be a waste of money, and I think it would be better to leave the matter to the Official Receiver and Trustee, and to have but only such cases as would yield little or no return; and as it is not a very difficult matter to do so, it seems to me that the services of competent persons as Official Receivers. If the number of trustees is to be increased, it is likely to be inadequate, the Government will have to pay a salary to the Official Receiver, and the cost of his establishment. For the duties imposed by the Bill on the Official Receiver are considerable and important, and must be performed by a professional body. At present the Official Assignee, an official establishment of the Government, does nothing. No doubt section 2 leaves it in the discretion of the Court to appoint an independent trustee, but the appointment might be applied for by the creditors, the Official Receiver would probably object. At all events there would be a conflict of interest, and it might be difficult to assess an application by the body or a majority of the creditors. Such application would have to be made in non-judicial bankruptcy, and the practical effect might be to leave these and no others in the hands of the Official Receiver. I am not to be understood that there would be difficulty in finding non-official persons qualified and willing to act in such cases. I do not think this is so much to be apprehended, as the competition there would be for paying trustee fees. There is always a considerable number of persons ready to offer for any business that may be expected to pay, and subsection (2) of section 61 contemplates the appointment of trustees. It appears to me, therefore, that some restrictions are placed upon the appointment of non-official trustees, there is likely to be a good deal of competition for the business, and if appointments were freely given it would be with the result put on record. On the whole, I think the business is likely to be better performed in the hands of a responsible professional Official Receiver, and in addition to the direction imposed upon the Court in the matter, I think no appointment of a non-official trustee should be made except upon a resolution of three-fourths in number and value of the creditors, and that section 20, sub-section (2), should be altered to that effect.

4. The Bill (section 63) provides for the remuneration of non-official trustees, but it does not appear how the Official Receiver is to be paid. Of course if it is decided that he shall be a salaried officer and receive no commissions, then the observations will be inapplicable, but if he is to be on the footing of the present Official Assignee, they appear the saving of consideration, and it is to be a salaried officer, it may be well to enquire from what source he is to be paid, and to what extent. The only court fee chargeable in insolvency cases is the ordinary petition fee of eight annas, and the fees for serving notices go to the messenger, and not to the credit of Government.

5. The provisions of Part I are, it seems to me, unnecessarily complex for the large number of small bankruptcies which occupy so much of the time of the courts at present. It is true Part VII provides a summary procedure for some, but not for all of these cases. It is only in cases where the property to be administered does



Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1882.

Number of insolvencies.	ASSETS AS PER SCHEDULE.					ACTUAL RECOVERIES.				Remarks.
	Liabilities in rupees.	Debt due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	..	...	...	...	...	...	...	...	...	Registry of bankruptcy in Scotland. The insolvent compromised with his creditors out of Court at four annas in the rupee.
2	9,305	309	...	...	309	...	920	...	920	
3	13,310	13,527	...	...	13,527	140	...	...	140	No schedule filed; insolvent settled with creditors out of Court and paid in Rs. 12,888, to be divided amongst creditors at four annas in the rupee.
4	5,579	...	...	...	...	...	...	...	...	
5	21,107	1,096	...	8,690	9,696	111	...	1,780	1,874	No schedule filed.
6	2,840	2,300	...	...	2,300	...	...	...	...	
7	..	...	...	...	...	...	673	...	673	No schedule filed.
8	11,097	...	...	...	...	...	...	8,050	8,050	
9	...	...	...	...	...	...	...	...	...	Rupees 1,317 was also realized from rents of houses. This insolvent compromised with his creditors out of Court for eight annas in the rupee.
10	21,054	...	...	...	...	...	...	...	...	
11	2,36,847	...	478	1,21,600	1,21,074	...	478	...	478	No schedule filed.
12	Cannot be ascertained as case is transferred to A. V. N. H.	...	...	...	...	46	...	...	46	
13	2,089	...	...	...	...	...	...	...	...	No schedule filed.
14	61,554	4,537	1,700	...	6,237	63	658	8,571	9,224	
15	5,971	3,513	80	750	4,314	25	...	1,554	1,578	No schedule filed.
16	14,600	10,500	...	...	10,500	...	...	...	...	
17	9,227	1,150	...	4,878	6,028	59	...	3,220	3,278	No schedule filed.
18	20,589	569	...	30,500	30,500	...	114	...	114	
19	5,184	...	...	...	...	...	...	...	...	No schedule filed.
20	3,006	1,756	...	1,800	3,555	...	25	...	25	
	4,51,401	30,712	2,268	1,71,526	2,12,526	455	2,869	20,103	23,497	

Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1883.

Number of insolvencies.	ASSETS AS PER SCHEDULE.					ACTUAL RECOVERIES.				Remarks.
	Liabilities in rupees.	Debt due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	716	...	...	...	...	...	...	...	...	No schedule filed
2	1,01,078	...	...	...	...	...	...	...	...	
3	...	...	...	...	...	...	...	...	...	This was for final discharge.
4	61,850	784	7,381	...	8,165	...	6,256	...	6,256	
5	...	...	...	...	...	...	...	...	...	This was for final discharge
6	6,802	3,310	...	...	3,310	...	...	...	...	
7	5,300	...	...	3,000	3,000	...	...	...	...	No schedule filed
8	6,055	3,190	...	...	3,190	...	...	...	...	
9	13,800	10,500	...	...	10,500	...	...	...	...	No schedule filed
10	2,005	...	233	...	233	...	33	...	33	
11	...	...	...	...	...	...	...	...	...	No schedule filed
12	65,203	7,292	...	675	7,967	...	...	...	...	
13	4,780	...	...	...	...	...	...	...	...	No schedule filed
14	2,800	575	...	...	575	...	...	...	...	
15	1,603	...	...	...	...	...	...	...	...	No schedule filed
16	8,800	2,094	...	...	2,094	...	...	422	422	
17	1,733	493	...	150	553	...	...	...	...	No schedule filed
18	3,17,881	41,000	...	3,08,110	3,49,110	...	630	...	630	
19	5,593	4,085	...	...	4,085	...	...	...	...	No schedule filed
20	8,703	...	...	...	...	...	...	8,325	8,325	
21	8,00,467	23,302	6,420	2,09,550	2,38,332	2,104	14,000	51,333	68,146	No schedule filed
22	2,800	1,554	...	...	1,554	112	...	...	112	
	14,17,824	98,204	13,071	6,21,404	6,32,702	2,306	20,437	60,080	82,823	

*Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1884.*

Number of insolventes.	Liabilities in rupees.	ASSETS AS PER SCHEDULE.				ACTUAL RECOVERIES.				Remarks.
		Debt due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	2,205	...	...	...	...	...	...	...	...	
2	4,718	281	...	...	281	...	...	...	...	
3	3,807	169	...	...	169	...	...	...	...	
4	5,642	788	...	...	788	...	...	...	...	
5	...	...	...	...	...	...	...	...	...	
6	8,365	...	127	...	127	...	43	...	43	
7	2,641	...	...	...	...	...	...	...	...	
8	2,560	306	...	...	306	...	...	...	...	
9	2,588	170	...	...	170	...	...	...	...	
10	2,635	...	300	...	300	...	108	...	108	
11	9,080	...	...	...	...	...	...	...	...	
12	...	...	...	...	...	...	...	...	...	No schedule filed.
13	2,050	2,624	...	...	2,624	...	...	...	...	
14	7,157	7,755	150	...	7,905	13	601	...	674	
15	28,660	...	...	...	...	...	525	...	525	
16	...	...	...	...	...	...	...	...	...	No schedule filed.
17	55,200	...	...	...	...	...	5,157	17,860	23,017	
18	9,879	3,046	995	...	4,041	...	628	...	628	
19	7,047	8,685	112	...	8,797	...	...	...	...	
20	5,266	785	183	...	968	...	420	...	420	
21	15,810	3,620	9,260	...	12,880	1,719	3,639	...	5,588	
22	20,693	2,957	...	7,300	10,257	...	...	5,032	5,032	
23	73,763	71,902	1,318	...	73,220	...	81	...	81	
24	57,947	67,349	2,579	...	69,928	...	1,313	...	1,313	The insolvents in these cases compromised with their creditors out of Court at eight annas in the rupee.
25	1,66,436	41,426	4,274	2,10,000	2,55,700	...	...	...	...	
26	55,336	50,957	3,684	...	54,641	...	...	...	...	
27	1,84,000	15,000	1,930	1,10,000	1,56,080	...	...	...	...	
28	...	...	...	...	...	...	...	...	...	This case is for final discharge.
29	11,095	...	...	...	...	...	629	...	629	
30	7,731	2,600	...	...	2,600	...	...	...	...	
31	10,950	5,300	141	6,776	12,207	...	516	1,500	2,016	
32	6,510	3,501	414	250	4,019	...	221	...	221	
33	3,100	...	20	...	20	...	...	...	...	
34	27,921	520	...	...	520	...	...	...	...	
35	8,173	269	7,207	14,000	20,167	...	...	...	...	
36	32,303	8,900	772	15,500	25,172	254	209	13,200	13,753	
37	...	...	...	...	...	...	...	...	...	No schedule filed.
38	Cannot be ascertained; case transferred to Moulmein	...	...	...	...	...	74	...	74	
39	10,519	4,230	...	...	4,230	...	...	...	...	
40	Cannot be ascertained; case transferred to Moulmein	...	...	...	...	...	...	...	...	
41	3,213	...	...	...	...	...	...	...	...	
42	3,163	...	...	...	...	...	...	...	...	
43	6,460	...	...	2,000	2,000	...	...	520	520	
44	14,108	10,922	...	...	10,922	...	...	...	...	
45	...	...	...	...	...	...	...	...	...	This case is for final discharge.
46	6,401	5,747	180	...	5,927	...	...	...	...	
47	51,903	21,421	...	11,500	33,921	...	...	525	525	
48	Cannot be ascertained; case transferred to Moulmein	...	...	...	...	...	134	...	134	
49	82,706	...	...	...	...	...	...	...	...	
50	10,03,037	3,12,807	53,710	1,0,42,520	1,48,937	2,916	11,613	39,782	56,140	

From J. STUART, Esq., Secretary, Rangoon Chamber of Commerce, to Secretary to Chief Commissioner, British Burma,—(dated the 5th December, 1885).

I HAVE the honour to acknowledge receipt of your No. 101—26-L., dated the 6th July, 1885, asking the opinion of this Chamber on the draft Bill to amend the law of bankruptcy and insolvency in British India.

In reply I am directed to inform you that, as this was a matter involving legal knowledge for a complete understanding of the proposed alterations, the members of the Chamber did not feel themselves qualified to express an opinion. They, therefore, referred the matter to their legal adviser, and I am directed to forward to you his remarks on the proposed amendments.

I have further to apologise for the long delay in submitting an opinion on this matter, a delay which was occasioned by the references which Mr. Gillbanks, the Chamber's adviser, had to make as to the course of legislation in England on the same subject.

Note by MR. J. C. GILLBANKS, Barrister-at-Law, Rangoon,—(dated the 5th December, 1885).

FROM the Statement of Objects and Reasons attached to the proposed draft Bill to amend the law of bankruptcy it would appear that in 1870 a proposal of Sir James Stephen's to introduce virtually the English Bankruptcy Act of 1869 was by general opinion negatived as being too complicated for the mofussil and because the principle of voluntary management by creditors was considered unsuited to India. We think that for the same reasons the present proposed Bill is unsuited for the mofussil in Burma. A proposal in 1881 to amend the existing insolvency law was rejected on the ground that the law required recasting rather than amendment. We fully agree with this opinion, and we believe that nothing short of re-casting the law would be satisfactory. The present law does not seem to us to be cumbersome, though it certainly is defective and out of date.

The proposed Bill adopts the English Bankruptcy Act of 1883; thus we pass at once from legislation in 1848 (our present Insolvent Act is dated 9th June 1818) to an Act of 1883, a gap 35 years in legislation. We consider that it is eminently desirable to assimilate the law in force in India in insolvency to that in force in England and thus to afford our Courts the advantage of English decisions.

In the face of the opinion elicited by previous proposals we are not prepared to recommend at present that the proposed Bill should extend beyond the limits of Rangoon, Moulmein, Akyab, and Bassein as far as Burma is concerned, but we think it desirable that a proviso should be inserted giving power to the local Government to extend the Act to other places in this province when it shall be deemed desirable or necessary. Further, we consider it advisable that the jurisdiction in bankruptcy shall be vested in the Court of the Recorder of Rangoon (or such Court as may be constituted in its place), except as to Moulmein, where there is already a Judge, in whose Court the jurisdiction might be vested with a right of appeal. Provisions on this point must, however, await the passing of the new Burma Courts Act.

Some of the most important provisions of the Bill are those which apply to a composition in satisfaction of the debts due from the bankrupt, or for a scheme of arrangement of his affairs. These provisions remove some of the gravest defects of the existing Indian insolvency law, and they show the enormous gap in our legislative enactments, for the principle of deeds of arrangement, by which the property of an insolvent trader was made available for the common benefit of his creditors without his being adjudicated a bankrupt, was introduced in England as far back as 1825. Now, without any preparatory legislation it is proposed at once to progress from our legislation of 1818 (which was then more backward than English legislation) to the latest English enactment. We must admit that we are legally advised that it appears somewhat doubtful whether the proposed Bill is shorn of whatever advantages were expected from the control of the Board of Trade, it is desirable to follow so closely the English Act of 1883.

It may be briefly stated that the chief defects of the English Bankruptcy Act of 1869 were in the provisions for liquidation of the debtor's affairs by arrangement and composition. These defects, it has been alleged, arose mostly from the improper use of proxies and the supineness of creditors, which led to the adoption of inadequate compositions through the influence of the debtor's friends and from the want of control over trustees in bankruptcy in case of liquidation by arrangement, the trustees being exempted from the control of the Court.

We presume that the principle of liquidation by arrangement under the voluntary management of creditors is no longer (as in 1870) considered unsuitable to India. From our experience in Rangoon and Burma we do not think the principle unsuited for this province. We may add that many instances of a desire to carry out such arrangements have come within our experience. Sometimes they have been frustrated because there was no method of making them compulsory, and no control could be exercised by the Insolvent Court. A similar want has been felt when a petition has been withdrawn upon arrangement with creditors.

In so far as a provisional order is only made for the protection of the bankrupt's estate when necessary in the first instance, and the creditors are to have a voice in deciding whether the debtor shall be adjudicated a bankrupt or his affairs be liquidated by composition or arrangement, we approve of the principle of the proposed Bill. If it appears that the approval of the Court, which is necessary, was obtained by fraud, or if it appears that in consequence of legal difficulties, or for any sufficient cause, the composition or scheme cannot proceed without injustice or undue delay to the creditors or the debtor, the composition or scheme may be annulled without prejudice to anything done under it. This is a departure which we approve thoroughly, but at the same time we feel some doubt as to whether the proposed Bill is a forced march to Indian circumstances. It is extremely stringent in many of its provisions, and we think complicated. We should prefer an Act embodying the main principles and features (with the exception of the important changes just noticed, which should be engrafted) of the English Bankruptcy Act of 1869, which was not found to work badly, and could have been amended without much difficulty, rather than a close copy of an enactment, which has not been in force for two years, and of the working of which doubts have already been expressed.

We are hardly prepared at present to recommend the abolition of imprisonment for debt or the introduction of more of the provisions of the Debtors Act, 1869, than the proposed Bill contains.

The duties to be discharged under the English Act by the Board of Trade can, we conceive, only be undertaken by the Courts through properly appointed officers. The appointment of such an officer is much needed in Burma.

We can see no object in preserving any distinction between traders and non-traders.

The limitation of the jurisdiction of the Court, and the departure from the corresponding provisions of the English Act, are adapted to this province, and we think that domicile should be rejected as a ground of jurisdiction.

With regard to bankruptcy being a disqualification for certain officers, we consider that a provision for the removal of the disqualification on a bankruptcy being annulled might be provided for.

In sections 39 and 40 of the proposed Bill the provisions of section 295 of the Civil Procedure Code as to the time at which an attaching creditor's sale becomes complete as against rival decree-holders will be that at which it becomes complete as against the trustee in bankruptcy. This seems to be a sufficient provision and one which it is desirable to insert, for although it is in consonance with a decision in the Court of the Recorder of Rangoon there are decisions which conflict with that law.

At present it would not be desirable to confer on the Small Cause Court by jurisdiction in bankruptcy in petty cases transferred. But a provision for the delegation of such powers might be inserted, to be exercised when desirable, as it appears to have worked well in Madras.



The following are instances of the stringency of the proposed Bill:—

*Section 3. (1) (c).*—“If execution issued against him has been levied by sale of his property in any civil proceeding in British India.”

If this is intended to include a foreclosure of a mortgage or order of sale in a suit on a mortgage, it is, we consider, too stringent; such a provision as that contained in the Bankruptcy Act, 1869, would be sufficient.

“That execution issued against the debtor on any legal process for the purpose of obtaining payment of not less than Rs. 500 has been levied by seizure and sale of his goods.”

*Section 15 (2).*—The time for filing a statement of, and in relation to, his affairs by the debtor is extremely short; it is true that the Court may, for special reasons, extend it. By the present Act a debtor is allowed such time as the Court may deem reasonable.

*Section 27*, relating to the discharge of the bankrupt, especially 3 (a), which requires him to keep such accounts as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position for three years preceding his bankruptcy. For the present the analogous provisions of section 18 of the Bankruptcy Act of 1869 would suffice for Burma, which are shortly as follows:—(1) assent of creditors to closing of bankruptcy by special resolution; (2) that he has paid eight annas in the rupee, unless prevented by trustees conduct or circumstances, for which the bankrupt is not justly responsible, and that they desire his discharge, unless he has made default in giving up property required to be given up by the Act, or that he is being prosecuted under the Debtors Act, 1869. This might be coupled with the provisions of the Bankruptcy Act, 1869, as to the status of an undischarged bankrupt (section 54).

*Section 28*, is stringent enough as to those debtors who are likely to make settlements on their wives, but it does not touch the case of immoveable property which is bought by a debtor and conveyed to his wife or child. Such transactions are, unfortunately, not uncommon, and some provisions might be inserted as to them. Partially provided for in section 11.

*Section 34*, restricted to Rs. 500. Under the present Act, no restriction as to amount. The rate of interest, 4 per cent., is very low; the usual Court rate allowed is 6 per cent., 9 per cent. being an average rate of interest.

*Section 18*—Property not divisible among creditors, only Rs. 200. At present Rs. 300. In the present state of exchange this is much below the value allowed by the English Act, 1883, nearly £20 (111) of this section is less stringent than section 23 of the present Insolvent Act on the words “in his trade or business” are inserted. Having regard to the abolition of the distinction between traders and non-traders, it would seem hardly desirable to insert these words, but rather to continue the former provisions of the reputed ownership clause.

Considering the heavy stamp duties exacted in India, and that certain conveyances, letters-of-attorney, &c., are by section 75 of the present Insolvent Act exempt from stamp duty, we hope that a section similar thereto, or to section 144 of the Bankruptcy Act, 1883, may be inserted in the new Act.

The provision that a creditor may convey his dissent to a composition or scheme by a letter in a prescribed form attested by a witness, section 17 (2) does not appear adapted to this country; a more formal attestation is necessary.

In section 59 it will be necessary to insert such provisions as would include a senior Judge of a Court not being a High Court, but this will depend on the new Burma Courts Act as far as this province is concerned.

We consider that it is unnecessary at present to introduce the most stringent provisions of the English Bankruptcy Act of 1883, as they are, we think, not adapted to the circumstances of this province. And for the present, and until the English Act of 1883 has been longer in operation, and its advantages practically demonstrated, we would suggest that the main principles of the English Bankruptcy Act of 1869 should be adopted with the requisite amendments, already mentioned, and with the adoption of the principle that the creditors are to have a voice in deciding whether the debtor shall be adjudicated a bankrupt or his affairs shall be liquidated by composition or arrangement. We hold that less complication and greater simplicity is necessary both to adapt the Act to Indian circumstances and to render it possible for our Courts and their officers to work an Act which will be such an enormous stride in legislation. Finally, we are glad that there has been a return to the older and more usual nomenclature, and that the terms ‘bankrupt’ and ‘bankruptcy’ will replace ‘insolvent’ and ‘insolvency’.

From E. S. SYMES, Esq., Officiating Secretary to Chief Commissioner, British Burma, to Secretary to Government of India, Legislative Department,—(No. 259—3L, dated 15th January, 1886).

WITH reference to paragraph 2 of my letter No. 352—26 L., dated the 15th ultimo, I am directed to submit a copy of a note by the Judicial Commissioner on the Bill to amend the Law relating to Bankruptcy and Insolvency.

#### Note by Judicial Commissioner, British Burma.

I HAVE compared the Bill with the English Statute, 46 & 47 Vic., cap. 52. With very few alterations the Bill reproduces the Statute. To criticize the bill is in effect to discuss the Statute, which became law in England after very full consideration, and which is the outcome of the experience of some twenty years of the working of the Statutes which it displaces. That Statute came into force just two years ago. I have no experience of its working and I can find very few cases bearing upon it.

It is desirable that the Bankruptcy law of the Presidency-towns should as closely resemble that in force in England and local conditions will allow. I approve of the proposal to restrict the operation of the Bill to selected areas in which business is usually conducted on Western usages. As far as my own experience goes the greater part of the provisions of the Bill are unsuited to the small bankruptcies which usually come before the Courts of the interior, and those Courts have no agency for working the Bill.

From E. STACK, Esq., Officiating Secretary to Chief Commissioner, Assam, to Secretary to Government of India, Legislative Department,—(No. 1047, dated 7th June, 1885).

IN reply to your letter No. 1015, dated the 17th June, 1885, I am directed to say that the Chief Commissioner thinks it unnecessary to offer any remarks on the Bill to amend and consolidate the Law of Bankruptcy and Insolvency, as the proposed Act is not likely to be wanted in this Province.

From A. MARTINDALE, Esq., Secretary to Chief Commissioner, Coorg, to Secretary to Government of India, Legislative Department,—(No. 610—70, dated 3rd July, 1885).

I AM directed to acknowledge the receipt of your letter No. 1046, dated the 17th of June, 1885, forwarding, for an expression of the Chief Commissioner's opinion, a draft Bill to amend the Law relating to Bankruptcy and Insolvency in British India, with draft Statement of Objects and Reasons.

2. In reply, I am to say that, so far as the Officiating Chief Commissioner is able to judge, the Bill seems suited to the circumstances of the places to which it is proposed to apply it in the event of its becoming law.

From LIEUT.-COLONEL SIR E. R. C. BRADFORD, Chief Commissioner, Ajmer-Merwara, to Secretary to Government of India, Legislative Department,—(No. 807, dated 29th July, 1885).

I HAVE the honour to acknowledge the receipt of your letter No. 1017, dated the 17th of May, 1885, forwarding copies of the papers noted on the margin, and in reply to state that I have no observations to offer on the provisions of the draft Bill.

From J. R. FITZGERALD, Esq., Secretary for Berar to Resident, Hyderabad, to Secretary to Government of India, Legislative Department,—(No. 5706, dated 7th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1018, dated the 17th June, forwarding, for the opinion of the Resident at Hyderabad, a draft Bill to amend the Law of Bankruptcy and Insolvency in British India.

2. In reply, I am to inform you that, as the operation of the Bill is by paragraph 11 of the Statement of Objects and Reasons expressly and closely limited to certain seaport towns and commercial centres, of which none exist in the Hyderabad Assigned Districts, Mr. Coadery has no observations to offer in the matter.

From R. BELCHAMBERS, Esq., Registrar, High Court, Calcutta, to Secretary to Government of India, Legislative Department,—(No. 107, dated 13th February, 1886).

I SEND herewith copy of a letter from the Official Assignee and the original note received therewith.

From J. C. MACGREGOR, Esq., Official Assignee, Calcutta, to Registrar, High Court, Calcutta,—(No. 76, dated 13th February, 1886).

I HAVE the honour to enclose herewith a note on the Draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

#### Note.

THE draft Bankruptcy Bill is, in my opinion, calculated to effect a great improvement on the existing law, but I think that it follows the lines of the English Statute too closely, and requires certain alterations and modifications to adapt it to the requirements of this country. In the following note I have attempted to indicate section by section the amendments which seem to me to be most necessary or desirable.

*Section 3 (1) (d).*—I would add the words "or closes his place of business". A considerable number of the persons who pass through the Insolvent Court are Marwaries, who reside in Native States and carry on business in the Presidency-towns by their gumstias. Some such words as I have suggested would seem to be required to meet their cases.

I think the following clause, or one to the same effect, might be added with advantage:—"or suffers himself to be arrested or taken in execution for a debt not due, or submits collusively or fraudulently to an adverse decree, or procures himself, or his property, movable or immovable, to be attached or taken in execution."

*Section 3 (1) (c) and (g).*—These clauses are very sweeping; I think they should be modified.

*Section 7.*—I think the question is worthy of consideration whether up-country debtors, Native or European, should not be allowed to seek relief in the Bankruptcy Courts. The provisions of Chapter XX of the Civil Procedure Code apply only to judgment-debtors; they are very defective in many respects, and residents in the Mufassal have practically no really effective insolvency law.

*Section 9 (2).*—The power given to the Bankruptcy Court to stay suits, executions and other proceedings against the debtor in any Court should prove highly useful. When a debtor having property in the Mufassal files a petition of insolvency, his up-country creditors at once proceed to sue him in the local Courts and to attach his property, and, as the staying of such proceedings is, under the present law, a matter of some difficulty, the trouble, cost and delay of winding up his estate are greatly increased.

*Section 11.*—The Official Receiver should be empowered to appoint a special manager, with or without an application by the creditor, whenever he considers such a course may be necessary. He should also be empowered to appoint the debtor to be special manager if he considers such a course prudent, and without having imposed upon him the necessity of first procuring the sanction of the Court. It should further be provided that in the event of a private trader not being appointed the special manager should be continued so long as the Official Receiver deems his services necessary.

The Official Receiver, who makes the appointment, might also be allowed to settle what security should be given by the special manager, and what remuneration, within certain limits prescribed by rule, he should be allowed. For reasons of economy, as well as of expedition, it is desirable to dispense, as far as may be, with frequent applications to the Court.

*Section 14.*—The provisions as to meetings of creditors do not seem to me to be suited for India. I believe that, in nine cases out of ten, creditors will not take the trouble to attend, or, at any rate, that only two or three of them will do so. In my opinion it would be well to omit all the provisions and rules as to meetings; or the proceeding by meetings might be made the exception instead of the rule, power being given to the Court to direct that, in any particular bankruptcy, meetings should be held. When no such direction is given the holding of meetings should not be compulsory but should be left to the discretion of the Official Receiver or Trustee. It might also be provided that a meeting should be called on a requisition signed by a certain number of creditors.

*Section 15 (2).*—Provision should be made for the preparation of the statement of affairs in the event of the debtor absconding or neglecting to prepare it. The present practice seems a convenient one and might be adopted. The Court, on the application of the Official Assignee or a creditor, directs the Chief Clerk to issue advertisements calling upon creditors to bring in statements of their claims supported by affidavit before a fixed date, and the Chief Clerk prepares a schedule from such statements.

The proviso to section 62 (2) authorizes the Official Receiver to employ some persons to assist "in the preparation of a statement of affairs" when the debtor himself cannot prepare it, but that does not go far enough, and will not be found sufficient in the not uncommon cases of residents up-country who hide in their native villages and put the Court at defiance.

*Section 16 (9).*—The declaration that the debtor's examination is concluded should not prevent his being brought up for further examination in the event of fresh facts transpiring which render such further examination desirable.

*Section 17.*—If, as I have suggested above, the provisions regarding meetings are omitted or not made compulsory in all cases, this section must be altered. The best plan would seem to be to enact that when a debtor makes a proposal for composition such proposal shall be submitted, in the first instance, to the Official Receiver who, if he considers it reasonable, shall either call a meeting of, or submit the proposal by circular to, the credi-

tors. If the creditors, or a sufficient majority of them accept the proposal, it should then be submitted to the Court for sanction.

**Section 20.**—The power to appoint some person other than the Official Receiver to be trustee of the bankrupt's property is similar to that which the Court now possesses, under section 17 of the present Act, to order the election of a special assignee. I have not known a single instance in which that power has been used, and I believe the instances are very rare. In this country there will always be some difficulty in finding a fit and proper person who has the leisure and inclination to accept a very troublesome and responsible office. Again, it is a fact that native creditors are generally suspicious of one another, and prefer a responsible public officer to one of their own body. Nor is it likely that the creditors will often agree as to the person to be appointed, and the making of a selection by the Court will almost always involve delay, and possibly a tedious and contentious enquiry, attended with some considerable expense. The frequent changes among the European population would involve constant changes in the office of trustee of European bankrupts and the cost and delay of repeated applications to the Court for appointment of a new trustee in place of a former one who has died or gone home. Management by a public officer has the further advantage of being cheaper than management by a private trustee. The former would not find himself under the constant necessity of consulting a solicitor, while, as a responsible permanent officer of the Court, he might be safely entrusted with a wide discretion and be allowed to take steps for which a private trustee would require the previous sanction of the Court. I have already adverted to the advisability of avoiding frequent applications to the Court. The little use that has been made of the existing power to appoint a special assignee seems to show clearly that administration of insolvent estates by official agency is better adapted to the circumstances of this country than their administration by private agency. I believe that if this section is passed in its present form it will be rarely, if ever, used, and I think, therefore, that it would be well to omit altogether the power to appoint a private trustee, and to entrust the administration of all bankrupt estates to a public officer.

If, however, it is thought expedient to retain that power, then I am clearly of opinion that the person appointed private trustee should always be one of the creditors of the bankrupt; otherwise there will be some danger that the provisions, if used at all, may give rise to a class of professional trustees, and that, when an estate which is likely to be lucrative is brought into Court, we may see several such persons canvassing for the trusteeship and trying to outbid one another.

**Section 20 (6).**—If it is thought expedient to retain the provisions as to appointment of private trustees in certain cases, then I would suggest that a trustee once appointed and approved by the Court should be removable from his office only by order of the Court on cause shown. It seems to me that this sub-section will increase the difficulty of getting proper persons to accept the office, inasmuch as it makes their tenure of office dependent upon the will of the creditors. The trustee should hold office, during good behaviour and not at the will of the creditors.

**Section 21.**—I think the power to appoint a committee of inspection will be as little used as the power to appoint a trustee, and that, whenever it is used, the committee will serve no useful purpose but will be a hindrance to the proper discharge of his duties by the trustee. I would, therefore, entirely omit this section. In the event of a private trustee being appointed, the functions which the Bill gives to the committee of inspection might be exercised by the Official Receiver, while in cases when that officer is acting as trustee no controlling or inspecting authority other than the Court would seem to be necessary.

**Section 22.**—See my note on section 17, *ante*.

**Section 23.**—This and the three following sections should prove most useful. One of the great defects of the present Act is that it is comparatively easy for the insolvent to keep the Court and the Official Assignee at arms' length.

**Section 26 (1).**—I would add "or of any creditor who has proved his debt" after the word "trustee."

**Section 26 (1) and (a).**—Instead of the words "If any person on examination before the Court admits" I would say "If it shall appear to the Court on such examination that any person is indebted," &c. I would further suggest that the Court should be empowered to order the person examined, or any other person, to deliver any money or property which the examination showed him to have received from the debtor under such circumstances as to render it a fraudulent preference, also any property which the debtor has settled upon him by a settlement which would be void under section 41, and also any property which he appeared to hold *bénéficiaire* for the debtor.

**Section 27 (3).**—The following might be added to the list of *facts* proof of which shall render a bankrupt liable to have his discharge refused or suspended, namely:—(1) failing to give proper assistance in the realization of his assets; (2) procuring or assisting any person to raise a false claim to property of the bankrupt; or it would perhaps be better to add these to the offences punishable under section 165, in which case it would be unnecessary to repeat them here.

**Section 27 (5).**—When there are creditors residing out of India longer notice than 14 days should be given.

**Section 27 (7).**—This ought to be useful. One of the great difficulties of the present Act is that, in the great majority of cases, insolvents after obtaining personal discharge take no further trouble and give no assistance. The only way of punishing them is by refusing their final discharge, but this is practically ineffectual, as about 90 per cent. of the persons who become insolvent never apply for final discharge.

**Section 32.**—Would it not be well to specify who shall take the account—whether the Court or the trustee?

**Section 34 (1) (b) and (c).**—The present Act gives six months' wages, which seems reasonable.

**Section 38 (2).**—The present Act gives Rs. 300 as the limit of value of excepted articles. That does not seem excessive, especially in the case of Europeans.

**Section 38 (2).**—The concluding words of this clause seem to be unnecessary in India.

**Section 48 (1).**—The time allowed to the trustee to disclaim onerous property is the same as that given by the English Statute; but the circumstances of the two countries are so different that that time would frequently not suffice in India. I think the various periods mentioned should be doubled.

**Section 50.**—I have already said that I believe a committee of inspection will be rarely appointed, and even when one has been appointed I do not think the trustee should be obliged to ask its permission before he can exercise the powers specified in this section. To obtain that sanction will almost always involve delay, and in many of the matters specified expedition may be of the utmost importance. In cases when a person other than the Official Receiver is acting as trustee I would suggest that he should obtain the permission of the Official Receiver to exercise these powers. When the Official Receiver is acting as trustee he might be safely left to exercise them on his own responsibility and without sanction. See note on section 20.

**Section 51 (2) and (3).**—In a large number of cases it is quite impossible to declare a dividend within four months after the adjudication, or indeed to specify any time within which it will be possible to declare a first or any subsequent dividend. I would omit these two sub-sections. The words in sub-section (1)—"with all convenient speed"—will suffice to show that the trustee is to avoid all needless delay, and it will always be open to the creditors to bring undue delay to the notice of the Court.

**Section 52 (2).**—It will not always be possible to declare dividends of joint and separate property together, for instance, in the not uncommon case of a partner whose separate estate is not sufficient to pay any, or more than one, dividend, while the joint estate may suffice for several dividends; or the perhaps still more common case when the separate estate can pay 100 per cent. at once, while the difficulties connected with the winding up of the business render it impossible to declare a dividend on the joint estate for many months.

**Section 57 (1) and (2).**—For the reasons given in my notes on sections 20 and 50 I would omit the reference to the committee of inspection and would substitute the Official Receiver as the authority to give the requisite permission to a private trustee, while in cases in which the Official Receiver is acting as trustee I would allow him to exercise the powers without previous permission.

**Sections 59 to 62.**—Part IV, which treats of Official Receivers, is one of the most important parts of the Bill, and seems to me to require a good deal of amendment to make it, as it should be, one of the most useful.

In the first place I would observe that the title "Official Receiver" will be likely to cause some confusion. There is already in Calcutta an officer whose official designation is Receiver of the High Court, but who is commonly described as the Official Receiver. Why not retain for the officer to be appointed under the new Act the title of "Official Assignee," with which the Indian public are now familiar?

I would submit that in common justice it should be expressly provided that the persons who, when this measure passes into law, may be Official Assignees of the present Insolvent Courts should be appointed to be the first Official Receivers (or whatever other title may be given to that officer), and that the rights of their respective establishments to employment not less remunerative than they now enjoy, or to compensation, should be expressly preserved. The Bill to amend the Insolvency Law, introduced by Sir J. F. Stephen in 1871, proposed to substitute Comptrollers in Bankruptcy for the Official Assignees, and contained an express provision that the existing Official Assignees should be the first Comptroller in their respective Presidencies. Similarly the English Act of 1883 (sections 94 and 153) saves the rights of all persons holding office under the old Act.

The only reference to the Official Assignee made in the Bill is in section 131 (4), which provides that proceedings pending when the measure comes in to force shall be continued as if the Act had not been passed, and that for the purposes of such proceedings the Official Receiver shall be deemed to have been appointed Official Assignee. This shows that the framers of the measure consider the new office analogous to the old one, and it would certainly save much confusion, so long as any proceedings continue under the old law, that is to say, for at least two or three years after the new law comes into force, if the Official Assignees are retained in office as Official Receivers, and use is made of their experience to bring the new procedure into working order.

In a country like India where fraud is not only more common and more subtle, but where the facilities for its successful prosecution are infinitely greater than in England, it is in the highest degree essential that the powers of the Official Receiver or Trustee (I continue to use the titles used in the Bill, although I have suggested that the former should be changed and that trustees should be altogether omitted) should be strengthened.

One of the main defects of the existing law, and one of the principal reasons,—perhaps the principal reason,—why it works so unsatisfactorily, is because of the very limited power it gives to the Official Assignee. I admit that these powers are theoretically fairly extensive, but practically they are all but non-existent. He can hardly take a step save at great risk of personal liability. To give only a few examples: an insolvent has no property in Calcutta, but the Official Assignee is informed, perhaps by the insolvent himself, that there is large property in the Mufassal; he takes possession of that property and proceeds to sell it; it almost invariably happens that a number of claimants spring up, who at once file suits against him in the local Courts; the Official Assignee having no assets in hand, is obliged to decide whether to withdraw from possession at once at the risk of being blamed by the Court or the creditors, or to defend the suits at the risk of being made personally liable for costs. Or again, the Official Assignee ascertains that property which is in the possession of a third party is really the property of the insolvent; if, as often happens, he has no assets, he cannot seize that property without exposing himself to the risk of being held personally liable in a suit for damages. I might multiply instances of the difficulties which confront the Official Assignee under the present law, but I will give only one more—one of not uncommon occurrence. A man files his petition with no other object than that of gaining time and avoiding arrest; he brings in little or no assets, and, as soon as he has got his order for *ad interim* protection, he studiously absents himself from the Official Assignee's Office, and begins behind that Officer's back, to settle with his creditors taking the more impudent first. If the operation takes a long time he applies from time to time for an adjournment of the hearing; and when he has thus purchased the acquiescence or silence of all of them he comes before the Court; there is no opposition, and he gets his discharge almost as a matter of course. This is generally the true explanation of a very common occurrence in the Insolvency Court, namely, the sudden and apparently unaccountable collapse of an opposition which had commenced with every appearance of vigour and *bona fides*. It is easy to say that when the Official Assignee has reason to believe that anything of this kind is going on he has only to bring it to the notice of the Court, and to apply for an order which shall force all creditors who have been paid behind his back to disgorge. But this is not so easy in practice as in theory. When there are no assets, or only nominal assets, in the Official Assignee's hands, it is practically impossible, and even when he has assets he cannot do it, as the law now stands, without running the risk of personal liability for costs.

For these reasons I think that the principal pro-estatal officer in each bankruptcy should be invested with very extensive inquisitorial, and even quasi-judicial powers. He should be empowered to enter upon the premises of the debtor at all times, and to seize any property which he has reason to believe to be the property of the debtor, even though it be in the actual possession of a third party; he should be allowed to summon before him the debtor or any person whom he believes to be in a position to throw light on the debtor's affairs, and to examine them upon oath; perjury committed on such examinations should be liable to the same punishment as perjury committed in Court, and disobedience to such summons should be treated as a contempt of Court and a ground for refusing discharge; in all suits brought by or against him he should be described by his official title, and no suit should lie against him personally for any act done by him *bona fide* in the performance of his duties; he should be entitled to two or three months' notice prior to the institution of any suit against him, and suits not instituted within twelve months from the date of the cause of action should be barred; he should be allowed to apply to the Court at all times for advice and instructions, and should have power to bring before it any debtor or person whom he suspects to hold property of the debtor. If an estate is being administered by a private trustee, that trustee should have all, or most, of the same powers and privileges. It may perhaps be objected that such powers are too extensive to be conferred upon any person whom the creditors might select as trustee. That may be, and I think is, a strong argument against the whole system of private trusteeship in Indian bankruptcies. But it does not follow that the powers are too extensive to confer upon a responsible public officer, who would doubtless be selected with a view to his special fitness for their exercise, and who, it may be presumed, although the Bill does not expressly say so, would in all cases be a professional lawyer. It might be well to provide expressly that the Official Receiver shall always be a barrister.

Finally, if the provisions as to private trustees are not abandoned, then the Official Receiver should exercise over private trustees the functions which the Bill gives to the committee of inspection; the trustees should be subordinated to his authority and control, and should be required to furnish him with periodical accounts and reports, and to obey his directions in all matters respecting the estates under their charge.

**Section 63.**—If, as I have already suggested, the idea of allowing private trustees is abandoned, this section will be unnecessary or will require much alteration. Assuming, however, that that idea is retained as part of the Bill, I would remark that the proposed method of remunerating trustees by a commission, calculated partly on the assets realised and partly on the amount distributed in dividends, is very much fairer than the present system, whereby the Official Assignee is remunerated only by a commission on dividends—a system which has the result

that a large number of estates, some of them involving great labour and responsibility, bring him absolutely no remuneration. But I fail to see the justice of denying him commission on sums which he may pay to secured creditors out of the proceeds of their securities. If he has the trouble of realising those securities he should surely be paid for that trouble. This is recognised by the general rules passed under several of the English Bankruptcy Acts (see General Rules under Act of 1883, Nos. 65 to 69), which direct that when a trustee sells mortgaged property under order of Court his commission and costs shall be a first charge on the proceeds.

I would further remark that the fixing of the remuneration should not be left to the creditors; to do so will give rise to bargaining and will have the effect of degrading the office of trustee. The remuneration should be regulated either by the Act or by a rule of court.

Section 64 (3) would seem to imply that the trustees must get the sanction of the Court before employing solicitors, auctioneers, &c. This will necessitate frequent applications to the Court, always attended with more or less expense and delay. The employment of such persons might be left to the discretion of the trustee.

Section 66.—The provisions regarding the bankruptcy estates account will impose considerable labour upon the Court, and will necessitate the creation of a new establishment. At present all moneys and securities belonging to insolvent estates are deposited in the Bank of England in the name of the Official Assignee, and that officer has a staff which is specially adapted for, and well acquainted with, the keeping of the necessary accounts, while the fact that his accounts are regularly and strictly audited by the Comptroller General's Office affords an effectual guarantee against fraud or carelessness. I have already suggested that the Official Assignee should be appointed Official Receiver, and that his staff should be taken over by the Official Receiver. I would add to the former suggestion that the bankruptcy estates account should be kept in his name and under his control, the system of a Government audit and a half yearly report by the auditors to the Chief Justice being continued as at present.

Section 67 (1).—The investment in Government securities should stand in the name of the Official Receiver, and the interest should be devoted to paying his salary and pension (if he is to be remunerated by salary), the salaries and pensions of his establishment, his office and audit charges, and to the costs of advertising and of administering poor estates, so as to leave as large a portion as possible of the assets available for the creditors. This is the present system, which was established many years ago with the sanction of the then Chief Justice on the recommendation of the auditors of the Official Assignee's accounts. It has the advantage of utilising for the general purposes of administration of insolvent estates a large number of cash-balances of individual estates which, by reason of their smallness or liability to immediate demands, could not be separately invested. It removes from the corpus of individual estates the heavy burden of a proportional share of the cost of administration, and substitutes a simple and economical machinery for a clumsy and costly system.

Section 67 (2).—The proposed procedure will take time and cause some expense. If the invested funds are allowed to stand in the name of the Official Receiver for the time being, he can, when necessary, sell them with a minimum of delay and expense, and the audit will be an effectual check upon any misuse of that power.

Section 68.—In this section I would substitute "Official Receiver" for "Court" in respect of all cases in which a private trustee is appointed. Where the Official Receiver is acting as trustee the regular Government audit of, and periodical report upon, his accounts will suffice. These alterations would save the Court much labour, without diminishing the efficacy of the proposed checks.

Section 72. My remarks on section 68 will apply, *mutatis mutandis*, to this section also.

Section 79.—I would substitute the words "Official Receiver" for "committee of inspection." See notes on sections 20 and 50, *ante*.

Section 88.—The delegation of powers to a Judge of the Small Cause Court seems most objectionable. The time of the Judges of that Court is already very fully occupied; examinations of debtors or of persons suspected of having in their possession property of the debtor frequently take up several days; and it is certain that in a large number of cases the Small Cause Court would not be able, without a considerable increase to the number of Judges, to give those matters the time and attention they require. Moreover, complicated and difficult questions of law arise so frequently in bankruptcy-proceedings that it is most desirable that every step should be taken before a Judge of the High Court. I agree with the Select Committee on the Small Cause Courts Bill of 1880 in thinking that unless the Small Cause Courts are to hear cases which, owing to their length, intricacy and difficulty, ought to be removed to the High Court, the saving of time to the latter tribunal will be altogether unimportant. If, as before suggested, the powers of the Official Receiver are extended, he will be able to dispose of a large portion of the petty business. Should his aid not suffice, it would, I believe, be found better and cheaper to appoint a special Registrar for bankruptcy-business, as in England, than to delegate a portion of that business to the already over-burdened Small Cause Court.

Section 91.—If the Bankruptcy Courts are allowed to delegate powers to a Small Cause Court Judge, there should be a provision for appeal from his orders.

Section 91.—I think it would be advisable to empower the Court to give the carriage of proceedings to the Official Receiver or trustee, whenever it has reason to suspect that the want of diligence on the part of the petitioning creditor is due to his having made an illegal arrangement with the debtor. The case is one of frequent occurrence in this country.

Section 103 (b).—I would omit the words "with the permission of the Court", as their retention will necessitate frequent applications to the Court with their attendant delay and cost. The Official Receiver, as a permanent officer of the Court, may be entrusted with a wide discretion, and his position will be a sufficient guarantee against abuse of that discretion.

Section 105.—The following offences, all of which are common in this country, might be added to the list of offences which will render a creditor liable to punishment under this section, namely:—fraudulently making away with property; improperly interfering with, or hindering, the trustee in the realization of the bankrupt's property; doing, or procuring the doing of, any act which is likely to prevent the disposal of the property at its full value (for instance, inducing bidders to abstain themselves from the trustee's sales); showing fraudulent preference to any creditor; entering into a composition with his creditors, or any of them, without giving notice thereof to the Official Receiver or trustee; inducing any creditor by an illegal gratification or preference to withdraw, or neglect to proceed with, a petition, or to acquiesce in the discharge of the bankrupt.

Section 110.—The Bankruptcy Court should be empowered to try offences under the Act, and to pass sentence, without sending the offender to the ordinary Criminal Courts.

Section 112.—This section would seem to exclude ordinary business partnerships from the operation of the Act. It is not, however, likely to be held to have that meaning, as it follows the words of the English Statute, and there is no doubt that such partnerships are constantly adjudicated in England. Still it might be well to make the wording clear.

Section 132 (2).—The present system of investing unclaimed dividends in the name of the Official Assignee, and devoting the interest to the maintenance of his office and to administering poor estates, works well, and there seems no reason why it should not be continued. See note on section 67 (1) *ante*.

Schedule II.—The English rules regarding the sale of mortgaged property and the taking of mortgagees' accounts (General Rules 65 to 69) are frequently followed here. They have been found to work admirably and to effect a considerable saving of time and expense in realizing mortgage-securities. I would suggest their incorporation in this schedule. The rules in question are substantially the same as those issued by Lord



Loughborough in 1791, and the fact that they have been retained, with slight alterations, under the various Bankruptcy Acts passed since that date is strong evidence of their utility.

I have now finished my remarks on the Draft Bill, but before closing my note I desire to add a few words on subjects not mentioned therein.

*First.*—I submit that Chapter XX of the Civil Procedure Code should be repealed as regards the local limits of the Courts created under the new law. There is no valid reason for maintaining in the same place two entirely distinct systems of insolvency law. That the application of Chapter XX to the Presidency-towns has not caused very great confusion is, I take it due only to the rarity of the instances in which the provisions of that chapter have been used. There is, however, a recent case in which the two systems came into direct conflict, I allude to *Paget v. Hustie* (1 L.R. 11 Cal.). The defendant, Mr. Hustie, was on his own application declared an insolvent under the Civil Procedure Code, and was on the same day adjudicated under the provisions of 11 & 12 Vic., c. 21, on the petition of the plaintiff. The fact that the Official Assignee, in whom his estate became vested under the latter proceeding, was also appointed Receiver under the former, alone prevented the raising of serious difficulties and confusion. Moreover, the principles of the Civil Procedure Code insolvency, although they may be adapted for the Mufassal, are altogether unsuited for the Presidency-towns, and will be quite out of place beside the elaborate system of the new measure.

*Second.*—The introduction, either as part of the Bill or as a separate enactment, of a system of compulsory registration of mortgages on moveable property, similar to the English Bills of Sale Acts, would be a most valuable auxiliary to the bankruptcy law. It is a matter of frequent occurrence, when a trade man comes before the Insolvency Court, to find that his entire asset are mortgaged to one or two creditors, and that he has been trading for years on a credit which he would certainly never have obtained had there been any means of ascertaining the real state of his affairs. A notable instance of this kind occurred some months ago, when, on the occasion of a well-known and old established trading firm in Calcutta becoming insolvent, it transpired for the first time that three fine stock-in-trade and four landings were mortgaged to two creditors, who stopped in at once and seized and sold the property. There are some 500 other creditors, to some of whom the firm owed large sums, and none of whom are likely to get any dividend, the entire assets having been swallowed up by the mortgage debts. It may safely be assumed that had the mortgages been registered, the suffering the public an opportunity of learning their existence, the firm in question would not have obtained such long and extensive credit, and many of the 500 concerned creditors would have been saved from serious loss. This is only one of many similar instances which have occurred lately.

*Third.*—A system of compulsory registration of business-partnerships would also be highly valuable.

*Fourth.*—The system of what are known as *bhāgān* transactions is one of the most serious difficulties in the administration of insolvent estates and if any means could be devised of grappling with it successfully an enormous boon would be conferred upon the country. I am well aware of the great difficulty of the subject, and I merely throw out the suggestion as one which might be appropriately considered concurrently with the amendment of the bankruptcy law.

From C. A. WILKINS, Esq., Registrar, High Court, Calcutta, to Secretary to Government of India, Legislative Department,—(No. 579, dated 27th February, 1886).

IN continuation of my letter No. 3049 of the 30th November, 1885, I am directed to forward the accompanying printed copy of a report prepared by a sub-committee of the Judges of the Court, as well as a printed copy of a note by the Official Assignee, on the provisions of the Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

2. I am to request that you will be good enough to submit these papers for the consideration of the Governor General in Council.

3. I am to add that the High Court convene generally in the observations made by its sub-committee, and that any further observations that may occur to any individual Judge will be communicated in due course for the information of His Excellency in Council.

#### Report of the Committee of Judges appointed to consider the provisions of the Bankruptcy Bill.

WE regret the lapse of time which has occurred since the Bankruptcy Bill was submitted for our opinion; but the changes which have since been introduced by the Bill required grave consideration, and it has therefore been impossible to reach the delay which has taken place.

We have held three sittings, and have come to the conclusions which are hereafter particularly mentioned.

We were not by the preliminary difficulty that the Bill as drafted is, as it professes to be, a reproduction of the last English Bankruptcy Act, with alterations in details, and methods of procedure, and English phraseology, and we had to be slow to take the proposal to introduce the English Bankruptcy Act with modifications into this country, offensively enough sufficient to our minds, to an effect of completely uprooting a system to which, from the practice of many years, the Court, the practitioners and the suitors had become accustomed.

We have come to the general conclusion that the substance of the English law and system of procedure may be introduced in India, but that some important parts of it are wholly unsuitable.

On the other hand, we think it not viable to adopt the phraseology of the English Act, except where there is strong reason for so doing so, as thereby the Courts in this country will have the assistance of the decisions of the English Courts.

For the sake of convenience we have dealt with the Bill in the order of the sections.

The following are our recommendations:—

1. We think the proposed form of legislation open to objection. An enabling Statute followed by an Indian Act will give rise to questions as to whether the Indian Act has exceeded the powers given to it by the English Statute. The best course will be for the Indian Legislature to pass such Acts as may be deemed suited to the requirements of the country, and then to obtain from Parliament a Statute confirming and ratifying the Indian Act.

2. We do not think that the provisions for the appointment of trustees and of committees of inspection are suited to this country. It will be very difficult in most cases to induce creditors to meet together, and in many cases it will be quite impossible to expect creditors residing at a distance to attend any meeting.

Power is given to the Court by section 17 of the Indian Insolvent Act (11 & 12 Vic., cap. 21) to order the election of assignees by the creditors; but such power has rarely, if ever, been exercised. As far as we can ascertain, in only one case in recent years have creditors applied to the Court for an order under this section; but, although this shows that creditors prefer to see the estates of insolvents administered by the Official Assignee, there would be no harm in inserting in the new Act a provision similar to that contained in section 17 of the present Act.

Shortly, the objections to the administration of insolvent estates by creditors through trustees and committees of inspection are—

- (1) danger to the interests of creditors residing at a distance: the whole administration would be in the hands of Calcutta creditors;
- (2) the general body of creditors would not place the same amount of confidence in a trustee or in a committee of inspection as they would in a competent court officer such as the Official Assignee;
- (3) the expenses of administration by the creditors would be very large. In the cases of the trustee, and in many cases the committee of inspection, would have to be remunerated: the former would be paid by commission, but the latter would be paid according to the number of their meetings, and would therefore not be inclined to keep the creditors' meeting up of the estates; with an Official Assignee representing the claims, the legal expenses of the administration are minimized, as the Official Assignee is usually a Barrister of some standing; in the case of administration by the creditors, no step would be taken without legal assistance, and a good deal would have to be paid for out of the estate.

For these reasons we would suggest some amendments to the Bill, as now drawn, the following sections, namely:—sections 11, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

3. We think it important that the insolvency sections of the Procedure Code should cease to apply to the Presidency towns.

As the law at present stands it is possible for a debtor in Calcutta to seek relief from his debts both under the Civil Procedure Code and under the Insolvency Act. The main advantage to an insolvent of proceeding under the Code is that he can obtain a stay of proceedings against him as soon as he is arrested. The main advantage of proceeding under the Act is that he can get his final discharge without paying any portion of his debts. There are also many other points of difference between the two systems of insolvency, that under the Code being very unsatisfactory to the requirements of a community like Calcutta.

The disadvantages of having two different systems of insolvency law and procedure applicable to the same place do not require mention. They have been much apparent in two cases, in which recently attempts have been made to work the two systems concurrently (in the matter of *Hisco*, L. R. 11 Cal. 151, and in the matter of *Zick*, now pending).

4. We recommend that the expression "vesting order" should take the place of the expression "receiving order" in the Act, and that the same officer, viz., the manager of the estates of insolvents is to be entrusted should be called the "Official Assignee" and not the "Official Receiver." There is already an Official Receiver of the High Court, and it is a mistake to call another officer with the same official designation but with different powers and duties, "Official Receiver."

5. Section 3, sub-section (1) of the present Bill is framed to meet the case of a man carrying on a business by himself, or by his agent or partner, and then ceasing to do so. Under the present Insolvency Act, a trader who withdraws from his business and his creditors depart from his usual place of business within the jurisdiction of the High Court is held to be an insolvent, and it is on this ground that most adjudications are made.

We do not think that paragraph (b) and (c) of sub-section (1) of section 3 ought to be retained. In their place we would recommend the introduction of provisions similar to those contained in sections 8 and 9 of the present Act, to persons who in the course of 21 days, and in fraudulent evasions, including not only executions in fraud of creditors generally but also executions in the nature of fraudulent preferences.

6. The effect of the proposed Act would be to limit the insolvency jurisdiction of the High Court. By section 18 of the Charter of the Calcutta High Court (1835) it is provided that the Court for Relief of Insolvent Debtors at Calcutta shall be held before one or more Judges of the High Court of Judicature at Fort William in Bengal; and the said High Court, and any such Judge thereof, shall have and exercise, within the Bengal Division of the Presidency of Fort William, such powers and authorities with respect to original and appellate jurisdiction and otherwise as are conferred by the laws relating to insolvent debtors in India. By section 5 of the Indian Insolvency Act, an insolvent debtor who is in person within the limits of the town of Calcutta, or who resides within the limits of the town of Calcutta, may petition for relief. The Supreme Court at Calcutta had a personal jurisdiction over all European British subjects residing in Bengal. Their jurisdiction over persons other than European British subjects was limited to the town of Calcutta. It is settled law that the effect of these provisions is to limit all European British subjects who reside in Bengal to petition for relief from their debts, but that persons other than European British subjects cannot so petition unless they actually reside within the limits of Calcutta. In the cases of creditors' petitions the only limit of jurisdiction seems to arise from the acts of bankruptcy, some of which are restricted to the areas mentioned in the Insolvency Act. This is not a question of choice between two jurisdictions, as the insolvency procedure applicable to Courts outside Calcutta is not subject to local jurisdiction or to act in the same manner as the requirements of the commercial law. We think therefore that the present insolvency jurisdiction of the High Court in this respect should not be curtailed.

7. We think that in the case of a debtor's petition the vesting order should be made once, and as a matter of course, on the receipt of the petition.

In the case of a creditor's petition we think that, as at present, if a *prima facie* case be made out on the petition, the Court should be empowered to make an order on the debtor to pay to the Official Assignee at once. Any delay in making the vesting order would make it impossible for the Official Assignee to take possession of the debtor's property for his creditors. In order to give effect to a summary procedure it will be well to provide that the debtor may at any time before the vesting order is made apply to have his adjudication annulled, and that it shall be annulled if he does so before the vesting order is made. We think that the debtor has committed himself to bankruptcy.

8. Section 9 of the proposed Bill does not provide for *ad interim* protection orders, and therefore we recommend that provision should be made for such orders similar to the provisions of section 13 of the Indian Insolvency Act, to grant orders for the maintenance of insolvents for such time as the Court might direct. The granting of such protection should be within the discretion of the Court, and the Court should have power to revoke a protection order at any time.

9. We think that the more exacting that a majority of the creditors in number and value are resident in the United Kingdom or any other part of His Majesty's dominions beyond the limits of British India should not give a creditor or other person the right to set aside an adjudication, and we recommend that in section 13 of the Bill the words "other person" should be transposed and placed between the words "the debtor," and the words "other person" in the next sentence.

10. With reference to section 15, sub-section (1), we think that the statement of affairs should be filed in court, and that a copy should be filed in the office of the Official Assignee. It is necessary that there should be two copies, and if it is desired that of the two copies filed in court one should be taken as the original statement with respect to sub-section (b) of section 15. We think that the statement therein mentioned should be in a written application for inspection, to be filed in court.

11. Section 16, sub-section (2), should empower the Court at any subsequent stage to reopen the public examination and to order a fresh examination of the debtor.



12. We do not think that in this country any creditors, however superior in number or value, should be able to force a composition upon the other creditors.

13. Section 23 should require the insolvent to attend at the Official Assignee's office or wherever required by the Official Assignee, and to give that officer every assistance in realizing his estate and distributing the proceeds.

14. All references to a *bankruptcy-notice* should be struck out of section 24.

15. In addition to the powers mentioned in section 25 we think that the Court should have power at any time after a vesting order has been made, upon application by the Official Assignee *ex parte*, to make an order empowering the Official Assignee to take possession of any property as the property of the insolvent. With regard to such property and also with regard to other property which may be claimed by the Official Assignee or the creditors to belong to the estate, we think that the Court should have the same power as in a regular suit, and with the same right of appeal to determine finally all questions between the insolvent's estate and persons in possession of or claiming such property. The High Court should be empowered to frame rules of procedure for the trial of these questions, and also for the payment of the expenses of witnesses to be examined under section 26.

16. Section 27 of the proposed Bill seems to place upon the opposing creditor the burden of proving that the debtor is unworthy of obtaining his discharge. We think that a debtor who has already received relief is granted to him, satisfy the Court, not only that he has no responsibility of the acts specified in the Bill as disentitling him to his discharge, but also that he has been in other respects in no default, nor culpably imprudent in respect of his personal expenditure or the conduct of his business. This principle has been recognized by the legislature in section 551 of the Civil Procedure Code.

We think that section 27 should be altered so as to permit the debtor, should the Court refuse to grant him a discharge, to renew his application for such discharge at a future date; otherwise it might be held that if the Court had once refused to grant an order of discharge the debtor was for ever thereafter debarred from obtaining such discharge. On the other hand it will be necessary by some limitation to prevent frequent applications to the Court upon the same materials.

17. It will be necessary to provide for the discharge of the debtor in the case of the whole body of his creditors releasing him from the whole or a portion of his debts. Section 58 will also have to be altered to meet this event.

18. With reference to section 29 of the Bill we think it will be as well to give the Court power in discharging an insolvent to exempt him from arrest, either generally, or with the exception of particular debts, or after such period as to the Court may seem fit.

We would also recommend that in this section the words "any person for any offence against an enactment relating to any branch of the public revenue" should be struck out, and that the words "Secretary of State" be substituted therefor.

19. In the case of an appeal from a judgment on the ground that the debt alleged by the petitioning creditor was not a good debt, we think that the Court should have power to allow the bankruptcy to proceed as upon the debt of another creditor.

20. With reference to section 36, we would point out that in Calcutta rents are payable monthly, and that, therefore, the landlord could not be entitled after the bankruptcy to levy for more than three months' rent.

21. We would also recommend that in section 37 we think that in the case of a debtor's petition the assignee's title should commence at the date of the vesting order, and not before.

22. We do not think that an attaching creditor should be entitled to any priority over other creditors, unless the proceeds of execution have been paid to him. This alteration might be effected by striking out from section 39 the words "realised in the course of execution by sale or otherwise," and substituting therefor the words "actually received by such person."

As the law at present stands, a creditor who procures an attachment before the vesting order is in a better position by reason of the insolvency of his debtor than he would be without it, as he obtains a title preferable to that of the general body of creditors, and other secured creditors who would, under the Code, on obtaining orders for attachment, be entitled to share *pari passu* with him, are prevented by the insolvency from effecting attachments.

23. Section 59 should be altered so as to give the Official Assignee, with the leave of the Court, power to do the acts therein mentioned.

24. As to sub-section (1) of section 62, the only part which, having regard to our previous recommendation, need remain, is the part relating to avert sentences. The duties, powers, and liabilities of the Official Assignee should, however, be clearly defined. We think that his liability should only extend to assets in his hands, unless the Court should find that he had not acted *bona fide* in the performance of his duties. We also recommend that he should be entitled to at least one month's notice of action in respect of acts done by him in his official capacity.

25. In sub-section (2) of section 62 the words from "but shall" to "claiming to be creditors" should be struck out.

26. Part V of the Bill requires alteration to meet the case of the Official Assignee, who is an officer of the court. The Court should have power to determine the amount of commission or percentage payable to him. We think that, at the request of a secured creditor, he realizes the security, the Court should have power to sanction the payment to him of a percentage on the amount realised.

27. We do not think it desirable that the extension of the Act to local Courts, as contemplated by section 82, clause (c), and section 83, clause (c), should be carried out, except through the action of the supreme legislature.

28. We have already discussed the effect of section 83, clause (a).

29. We think that section 85 should be struck out, and that the Insolvency Court at Calcutta should have power to transfer to it if any insolvent proceedings under the Civil Procedure Code which may at any time be pending in the Civil Courts subject to the High Court.

30. We think that section 84 should be struck out.

31. It should be made clear that the powers proposed to be given to the Court by section 90 extend to persons other than insolvent debtors and their creditors.

32. Having regard to our other recommendations, section 99 requires alteration, and section 103 (b) and the proviso at the end of section 103 should be struck out.

33. If section 109 is intended to apply to compositions under the Act, it should in our opinion be struck out.

34. We presume that it is intended by section 113 to prevent a receiving order being made against a partnership in its firm name. If so, the section should be made clearer.

35. We do not recommend that estates of persons dying insolvent should be administered in the Bankruptcy Court, except in the cases where they die during the pendency of bankruptcy proceedings.

36. Having regard to our previous recommendations, it will be unnecessary to retain the second paragraph of section 132.

37. We think that the rights of present officers of the Insolvent Court in respect of pension or otherwise should be saved.



It is a frequent subject of complaint that an insolvent's books are not promptly forthcoming, that his accounts are confused and in many cases unintelligible, that there is a want of system in presenting an insolvent's accounts, and that schedules are amended as a matter of form. Reviewing these matters it appears desirable that the office of the Official Receiver should be strengthened by having attached to it an experienced professional accountant. The books of an insolvent should vest in the Official Receiver from the date of the adjudication order. A report should be made at the next sitting of the Court that the books are either in the Official Receiver's hands or under his authority and control. The accounts of the estate could then, as might prove most convenient, be made up either in the office of the Official Receiver, where the insolvent would attend for this purpose, or in the insolvent's office under the inspection of the official accountant. In either case creditors would receive additional and much needed security, time would be saved and a greater interest in the settlement of the estate be exhibited on the part of creditors. It will be seen that this suggestion does not in any way throw obstacles in the way of a bankrupt's access to his books or to his closing of them correctly. It would compel him rather to avoid all unnecessary delays, and to furnish the Court with as correct a statement of his position as possible at the earliest possible moment. The immediate supervision of the preparation of this statement by the official accountant, or his close inspection of the books whilst it was being drawn up, would effectually deprive insolvents of the many common excuses which are now put forward for delaying the making over to the Official Assignee of the records of a business. The provisions of the draft Act as to the delivering up of a bankrupt's books should be thoroughly and carefully enforced, and as a corollary means should be provided to secure that the books shall be properly cared for. There are not a few insolvents who require experienced and capable assistants to enable them to close their books. At the same time the knowledge that upon the occurrence of an act of insolvency the closing of the books would be imperative and prompt would tend to greater strictness in the keeping of accounts, and would in itself cure that carelessness which Insolvency Commissioners in India are constantly reproaching. The suggestion that the office of the Official Receiver should be strengthened in the way above indicated has been put forward by my Committee because of the great importance which cannot but be attached to the speedy closing of an insolvent's books. They would prefer that, so far as possible, this should be done by a professional and experienced officer responsible to the Official Receiver and the Court rather than by some skilled but outside agency. In connection with this particular question, and as pointing to a branch of duty which would devolve upon an official accountant it is extremely desirable that information as to the position of an insolvent's estate should be more generally and more readily available than it is at present. This end could only be attained with the greatest advantage to all concerned. My Committee would therefore suggest that it should be a duty on the Official Receiver or other trustee in bankruptcy to issue periodical reports duly certified by the official accountant and the progress made in realising the assets of each estate. These reports should be circulated at reasonably brief intervals, and should give creditors all the information needed to enable them to understand the progress made in settling a bankrupt's affairs. It is very desirable that creditors should be encouraged to take a steady and persistent interest in the liquidation of an estate, and nothing seems so likely to produce this result as an assurance that delays will be reduced to a minimum, and that the Official Receiver or Trustee shall as a matter of course keep the creditors informed of that which it most concerns them to know. In this way the reproach which now attaches but too often to the proceedings in the Insolvency Courts, that they are more or less of a purely formal character, would be done away with, and the Courts themselves would be in a better position to judge of the character of an insolvent's dealings and to distinguish between unjustifiable and speculative trading and bad fortune arising from accidents of trade or of living.

The suggestion for the periodical circulation amongst creditors of statements showing the progress made in liquidating an estate applies equally to a trustee other than the Official Receiver or to a Committee of Inspection. Hitherto one of the main difficulties in working the existing Act has been the apathy shown by creditors; and it is, in the opinion of my Committee, necessary to show creditors that they can with little trouble acquaint themselves with all that concerns them as regards an insolvent estate, to induce them to attend meetings, and to take an active part in the winding up of their debtor's affairs. So long as creditors have to go to attend meetings to be greeted without knowledge, to arrive at no result or practically to waste time, so long will they avoid, unless under necessity, attendance at such meetings. Where the amount involved in a bankruptcy is small, the chances of getting together the creditors are small indeed, and in such cases it may be useful to reserve to the Official Receiver power to call a meeting of creditors at his discretion.

The attention of the Committee, in the course of the discussions on the draft Bill has been in various ways strongly drawn to the question of protection against *bendami* deals and the fraudulent transfer of property of a trader who might be actually insolvent at the time of the transfer but who might continue to carry on his business and thus secure to the firm for some time a time section. *Bendami* dealings, especially in cases of insolvency, are somewhat common and ought to be in a special way guarded against. In this connection it would seem that sections 28 and 41 of the draft Bill should be read together. In section 28 it is not as clear as it should be that the property therein indicated, as dealt with in the case of a settlement made before and in consideration of marriage, or in the case of a covenant made in consideration of a marriage for a future provision of the settlor's wife or children, that the property so disposed of would be regarded by the Court as an asset of the estate. This section is governed by the provisions of section 41, but still the matter is one which should not be left in doubt. So long as there may be a doubt there will be a temptation to endeavour to evade the law.

My Committee accept the limitation of time in section 41 after the lapse of which settlements made by persons who may become bankrupts cannot be impeached as reasonable and proper. Allusion has been made to *bendami* cases and to the frequency with which such transactions are resorted to by Natives. The provisions of section 41 should be made sufficiently wide to take in cases of *bendami* purchases in the names of the wives and children or other relatives of bankrupts or the transfer of property to them. So far as my Committee can see, such cases are not provided for in the proposed Act. They would commend this question to the attention of the legislature. On the one hand, it has been urged that property standing in the names of wives or children of a Native bankrupt should be presumed to be the property of the bankrupt and dealt with accordingly until the contrary was shown. But it would be unjust to throw upon a wife or children the burden of proving their right to property made over to them in good faith and at a time when the transferor was in a solvent position or in a position which would make the transfer a measure of prudence. In such a case the property so transferred, should the transferor subsequently become bankrupt, would be all that the wife or children could look to for their support. Such cases require protection. Still it is extremely desirable that *bendami* transactions should be provided for, and my Committee would commend this subject to the attention of the legislature.

There is another matter which ought to receive attention, and in regard to which it appears desirable that the present opportunity should be taken to provide a much needed remedy. Cases occasionally crop up where, although there may not be an application to the Bankruptcy Court, still one creditor steps and only in, closes a business and takes possession of all its assets. In such cases the general body of creditors are shut out altogether from participation in the assets, or find their interests postponed to those of a special creditor of whose rights they have been kept in ignorance. That such a state of things is possible opens a wide door to reckless trading and still more reckless borrowing. As the law in India at present stands, a lender is entirely at the mercy of the representations which may be made to him, and may in perfect good faith advance money for the assistance of a business which is not only actually insolvent but which may be in a condition where for







GOVERNMENT OF INDIA.  
REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE  
WEEK ENDING 19th MAY, 1886.

GENERAL REMARKS.—Slight rain has fallen in Madras and Mysore, in parts of the Deccan and Southern Mahratta districts of the Bombay Presidency, in some districts of the Punjab and the Central Provinces, in Assam, and in some places in Rajputana and Central India. Heavy falls have taken place in Bengal, the North-Western Provinces and Oudh, and British Burma.

Agricultural prospects continue fair in Madras, in most parts of Mysore, and in Coorg.

Preparations for the *kharif* sowings continue in Bombay, Berar, and the Central Provinces. In Hyderabad, where the *rabi* harvest has commenced, prospects continue favourable.

In the North-Western Provinces and Oudh some injury has been caused to crops by hail, but prospects are on the whole good. The harvest is in progress in the Punjab, and promises well.

In Bengal agricultural operations are generally in progress, and prospects are favourable. More rain is wanted in parts of Assam.

Cholera continues severe in the Chhattisgarh District of the Central Provinces, but elsewhere the public health is generally good.

Prices are fluctuating in the North-Western Provinces and Oudh and in parts of the Punjab, and have fallen slightly in Mysore; elsewhere they remain stationary.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(May 19th)</b>		
Bellary . . . .	Average '15	Standing wet crops generally good in parts of two taluks, but water insufficient; harvest paddy, sugarcane, and cotton, yield about average. Cattle-disease in three taluks.
Kurnool . . . .	Average '07	Harvest second crop paddy almost completed, yield average. Small-pox and cattle-disease in three taluks.
Ganjam . . . .	Average '54	Fever in two, small-pox in six, cholera in three, and cattle-disease in four taluks. Average number employed on Chilka canal 838.
Kistna . . . .	Average last week since revised, '10; this week '18.	Slight fever and cholera in seven taluks and one division.
Chingleput (Madras) . . . .	'35	Standing crops fair, except in parts of one taluk, where withering; harvest paddy and dry goods, outturn below average. Fever and small-pox in one and cattle-disease in two taluks.
Coimbatore . . . .	Average '80	Standing crops good; harvest paddy and <i>maida</i> , outturn generally above average. Fever in one and small-pox in parts of two taluks.
Tanjore . . . .	Average last week since revised, '31; this week, '33.	Standing crops good, except in parts of one taluk, where rain is wanted; harvest gingelly and tobacco, outturn below average.
Madura . . . .	Average last week since revised, '05; this week, '23.	Harvest paddy, yield about average. Small-pox in one taluk.
Malabar . . . .	Average '45	Harvest third crop paddy, outturn below average. Fever in one, slight small-pox in eight, and cholera in three taluks; cattle-disease in one taluk.
Travancore . . . .	'61	Small-pox and fever in parts.
<b>Bombay—(May 19th)</b>		
Kurrachee . . . .	Last week at Kotri, '29.	River at Kotri on 17th, 14 feet 3 inches against 11 feet 4 inches on same date last year. <i>Kharif</i> sowings in progress in six talukas; area of <i>rabi</i> 12,811 acres less than that of previous year; assessment Rs. 27,436, produce 10 annas in rupee; loss due to scarcity of rain. Fever in eight and cattle-disease in three talukas; no fresh case of small-pox, one remaining.
Hyderabad . . . .	Nil	<i>Rabi</i> harvest almost over in the district, but in some places small patches continue to be trodden; preparation for <i>kharif</i> cultivation in progress in the Tando subdivision, seed is being sown. River at Kotri on 17th, 14 feet 3 inches against 11 feet 4 inches on same date last year. Fever in four, small-pox in one, and cattle-disease in five talukas. Prices of grain steady. Weather cloudy.
Ahmedabad . . . .	Nil	Weather very hot. Public health good. Wheat 35 and <i>bajri</i> 32 pounds per rupee.



Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—contd.</b>		
Baroda . . . .	<i>Nil</i>	Public health good. Cattle-disease in Velacha taluka of Naosari division; small-pox in Naosari town. Standing crops in good condition. <i>Bajri</i> 28, wheat 22, and rice 18 pounds per rupee.
Surat . . . . .	<i>Nil</i>	Fever in Mandvi and Bardoli talukas. <i>Juar</i> 38 and <i>nagli</i> 46 pounds per rupee.
Nasik . . . . .	Baglaft, '03	<i>Kabi</i> threshing nearly over; land being prepared for the next year's sowing throughout the district. Weather very hot. Public health generally good. Wheat 34, <i>bajri</i> 33, and rice 17 pounds per rupee.
Colaba (Bombay) . . . .	<i>Nil</i>	Average abnormal temperature 2° warm; vapour in air excessive; abnormal wind southerly on 15th and 16th, wind normal on all other days; distant lightning on 18th.
Poona . . . . .	<i>Nil</i>	Cattle-disease in Junnar and small-pox in Sirur talukas. <i>Bajri</i> 34 and <i>juari</i> 45, in Poona <i>bajri</i> 32 and <i>juari</i> 35 pounds per rupee.
Ahmednagar . . . . .	Slight rain in south	Reaping completed. Public health good. <i>Bajri</i> average 48 and <i>juari</i> 60 pounds per rupee.
Sholapur . . . . .	'06; Pandharpur, '20	<i>Juar</i> 51 and <i>bajri</i> 44 pounds per rupee.
Dharwar . . . . .	'68	Sowing of rice commenced in Mugad and Hanganal; ground being prepared for early crops. Scarcity of drinking-water in Navalgund, Gadag, Karagi, and Kod. Cattle-disease in Kod; public health good. Rice 20 to 30 and <i>juari</i> 43 to 50 pounds per rupee.
Kanara . . . . .	<i>Nil</i>	Scarcity of water in Bhatkal and Haliyal. Ploughing and manuring for monsoon crops. Cattle-disease in Karwar and Supa; small-pox in Siddapur, Sui, and Yellapur. Common rice at Karwar 14 seers, in district average 13½ seers per rupee. Weather cloudy.
Rajkot . . . . .	<i>Nil</i>	Fever in Kotri and Sangani. Weather hot and windy. Public health generally good. Wheat 35, <i>bajri</i> 32, and <i>juari</i> 46 pounds per rupee.
<b>General Remarks.</b> —Slight rain in parts of the Deccan and Southern Mahratta Country and Kurrachee. Scarcity of drinking-water in four talukas of Dharwar and two of Karwar. Fever and cattle-disease in parts of nine and small-pox in parts of seven districts; other conditions unchanged.		
<b>Bengal—(May 15th)</b>		
Chittagong . . . . .	1'08	Weather variable. Prospects of crops fair. Prices stationary. Public health good.
Dacca . . . . .	3'02	Sowing nearly completed; harvesting of <i>boro</i> paddy continues; prospects of the crops good. Public health generally good.
24-Pergunnahs (Calcutta). . . .	5'43	Sugarcane prospects good; lands being prepared for paddy crops. Rain has done much good. Sporadic cholera in Sadr subdivision; public health generally good.
Moorshedabad . . . . .	Good rain	Weather cool. <i>Aus</i> paddy being sown; land being prepared for <i>aman</i> paddy; prospects of indigo and sugarcane good. Price of rice stationary. Public health fair.
Rungpore . . . . .	1'4	<i>Aus</i> and jute prospects good; <i>cherma</i> and <i>kuon</i> ripe in places. Public health good.
Burdwan . . . . .	5'4	Rain has done much good. Ploughing going on everywhere.
Bhagalpur . . . . .	0'40	Rain has assisted cultivation and will do good to sugarcane and other crops on ground; more rain wanted. Public health good.
Purneah . . . . .	0'03	Crops fair; ploughing going on. Public health not very good.
Patna . . . . .	1'4	Collection of cotton continues; <i>boro</i> rice promising; sugarcane growing well. Public health good.
Durbhanga . . . . .	1'55	Rain very useful for purposes of cultivation. Early paddy sowing in progress. Prices stationary. Public health good.
Hazratbagh . . . . .	0'03	Weather unsettled and cool. Ploughing in progress; mango and sugarcane doing well. General health good.
Cuttack . . . . .	2'05	Weather hot and cloudy. Ploughing in progress; sowing of <i>barli</i> crops commenced. Price of rice almost unchanged. Public health generally good.
Madnapore . . . . .	3'30	Indigo damaged by excessive rain; tillage being actively pressed on. Public health fair.
Khoolna . . . . .	4'40	Weather hot. <i>Boro</i> rice harvest over, outturn good; <i>aus</i> paddy being sown. A little cholera and cattle-disease in Satkhira; public health fair.
Dinagapore . . . . .	3'15	Weather cool; general rain. Cultivation progressing. Cattle-disease in three thanas.
Pubna (Serajgunge) . . . .	2'07	Rain very beneficial. Sowing progressing. Cholera abated.
Crya . . . . .	Showers in parts of district.	Sugarcane progressing well. Prices moderate. Public health fair.
Chumparun . . . . .	2'11	Rain has facilitated <i>bludoi</i> sowings and done much good to indigo. Prices stationary. Some cases of fever and small-pox reported.
<b>General Remarks.</b> —Good general rain during week in a few districts, where it was slight; more wanted. Agricultural operations now generally in full progress; <i>aus</i> rice and jute already sown in many places, growing well; prospects of sugarcane and indigo favourable; <i>boro</i> rice harvest still proceeding in some districts, with good outturn. Price of rice stationary. General health fair.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>N.-W. Provinces and Oudh—(May 19th)</b>		
Benares (May 18th)	50 at Sadr	Weather fine. Supplies ample. Prices slightly fluctuating. Health good.
Gorakhpore ( „ 16th)	250 at Sadr	Threshing nearly completed.
Fyzabad ( „ 18th)	Heavy rain throughout the district.	The rain has benefited sugarcane and indigo. Prices steady. Supplies ample. Health of men and cattle good.
Lucknow ( „ 17th)	From 80 to 240; and heavy wind storm on the night of the 12th and 15th; fall of hail also reported in the Sadr and Mahabud tahsils.	The rain and hailstorm have injured the summer crops to some extent.
Rae Bareilly ( „ „ )	140 on the night of the 15th at Sadr.	Weather cloudy; wind easterly. Markets well stocked. Prices steady. Health good.
Partabgarh ( „ 18th)	Rain throughout the district; 120 on the 16th at Sadr.	Prices stationary. Health of men and cattle good.
Allahabad ( „ „ )	Average 40 in the Doab and Trans-Ganges.	Weather seasonable. Markets amply supplied. Prices show a slight rise. Health generally good.
Cawnpore ( „ 17th)	90 in Cawnpore and Bilhaur.	Weather cool; high winds. Harvesting nearly finished. Prices almost stationary. Condition of people good; foot and mouth disease in Bilhaur.
Farakhabad ( „ 18th)	Storm with heavy rain in Kaimgarh and Chhibrahman, on 15th; little rain fell elsewhere.	East wind during the week. Supplies ample. Health of people fair.
Sitapur ( „ „ )	There have been heavy showers at Sidhauri and Mirrikh.	The rain has caused damage to grain and <i>bhuska</i> in grain pits. The wind has been easterly during the week, but the weather is now clear. Prices are steady. Public health good.
Bareilly ( „ „ )	Slight rain varying from 40 to 80 in all tahsils, except Faridpur.	Prices show a tendency to rise. Weather cool; easterly winds.
Banda ( „ 17th)	Constant storms and high winds, and some rain.	Weather abnormally cool. <i>Rabi</i> harvested. Prices falling. Public health good; cattle-disease in two villages.
Kumaon ( „ 18th)	Rain and hailstorms	Weather unsettled. <i>Rabi</i> being reaped; <i>kharif</i> sowing in progress. Prices falling. General health fair; cattle-disease decreasing.
Agra ( „ 17th)	In five parganas 20 to 110 on 16th, and hail in two on same date.	Weather cloudy. Prices show a slight fall. Health good.
Jhansi ( „ „ )	A little rain	<i>Rabi</i> operations completed; lands being manured for <i>kharif</i> cultivation. Prices firm. Public health good; slight cattle-disease.
Ballia ( „ 18th)	Some showers	Weather cool, with strong easterly wind. Harvesting over. Two deaths from cholera reported; general health good.
Meerut ( „ „ )	Rain all over the district from 20 to 110 on the evening of the 15th, when an unprecedentedly severe storm, accompanied by hail, swept over the district from west to east.	The hail storm has done great damage to mango, tobacco, and melon crops; cane and indigo fortunately too young for injury; some loss of life amongst men and cattle. Prices show a slight tendency to rise, as supplies come in insufficient and limited quantity.
<b>General Remarks.</b> —Heavy rain has fallen throughout the provinces; in a few districts injury has been caused to crops by hail, but prospects are, on the whole, good. Markets are well-supplied, though prices are fluctuating. Public health generally good.		
<b>Punjab—(May 19th)</b>		
Delhi (May 18th)	64	Health good. Prices fluctuating.
Hissar . . .	Nil	Health good. Prices rising.
Umballa . . .	77	Health good. Prices rising. Prospects of current harvest good.
Jullundur . . .	Nil	Health good. Prices stationary. Prospects of current harvest good.
Sialkot . . .	90	Health good. Prices stationary.
Ferozepore . . .	Nil	Health good. Prices stationary.
Lahore . . .	Nil	Health good. Prices almost stationary.
Rawalpindi . . .	10	Health good. Prices stationary. Prospects of current harvest average.
Shahpur . . .	Rain throughout the district.	Health good. Prices almost stationary.
Mooltan . . .	Nil	Health good. Prices stationary.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Punjab—contd.</b>		
Dera Ismail Khan . . . Peshawar . . .	<i>Nil</i> <i>Nil</i>	Small-pox slightly prevalent in city. Prices stationary. Health good. Prices slightly rising. <i>General Remarks.</i> —Rain in five districts. Small-pox slightly prevalent in Dera Ismail Khan city, otherwise health of province good. Prices rising in Hissar, Umballa, and Peshawar districts, stationary in others. Harvest in progress. Hailstorm in Delhi has caused damage to the first crop.
<b>Central Provinces—</b>		
(May 19th)		
Nagpur . . .	<i>Nil</i>	Weather hot and cloudy. <i>Kharif</i> preparations continue. Fever, small-pox, and cattle-disease in places. Prices stationary.
Jubbulpore . . .	<i>01</i>	Weather stormy. Health good. Prices easy.
Saugor (May 18th)	<i>Nil</i>	Weather cooler. Fever, small-pox, and cattle-disease continue. Prices fallen in one tahsil.
Seoni . . .	<i>30</i>	Weather cloudy and hot. Fields being prepared for <i>kharif</i> sowings. Health good. Prices steady.
Hoshangabad . . .	<i>Nil</i>	Weather hot and stormy. Ploughings commenced. Small-pox and cattle-disease in places. Prices steady.
Khandwa . . .	Slight shower	Weather hot and cloudy, with high winds. <i>Kharif</i> preparations in progress. Health fair. Prices unchanged.
Raipur . . .	Slight showers daily	Weather cooler. Lands being prepared for sowings. Cholera continues. Prices steady.
Sambalpur (May 15th)	<i>82</i>	Weather hot and stormy. Sugarcane doing well. Cholera in places. Prices stationary. <i>General Remarks.</i> —Weather cloudy occasionally, with slight showers. Land is being prepared for <i>kharif</i> sowings. Fever and small-pox in places; cholera continues virulent in Chhattisgarh. Prices steady.
<b>British Burma—</b>		
(May 19th)		
Akyab . (May 15th)	<i>Nil</i>	Public health good; cattle healthy.
Basscin . . .	<i>Nil</i>	Public health good; cattle healthy.
Rangoon . . .	<i>1.32</i>	Total rainfall 7.37. Public health good; cattle healthy.
Amherst (Moulmein) . . .	<i>4.34</i>	Total rainfall 8.83. Public health good; cattle healthy.
Pegu . . .	<i>0.09</i>	Total rainfall 4.64. Public health and health of cattle good.
Henzada . . .	<i>1.37</i>	Total rainfall 2.57. Public health good; slight cattle-disease in one township.
Prome . . .	<i>6.02</i>	Total rainfall 0.35. Public health good; cattle healthy.
Toungthoo . . .	<i>2.28</i>	Total rainfall 5.82. Public health good; cattle healthy.
Thayetmayo . . .	<i>0.24</i>	Total rainfall 2.4. Public health good; cattle healthy. <i>General Remarks.</i> —Slight cholera in Thongwa district, elsewhere public health good; cattle-disease in Hanthawaddy and Henzada districts, elsewhere cattle healthy.
<b>Assam—(May 19th)</b>		
Gauhati (May 15th) . . .	<i>Nil</i>	Weather hot. Cholera diminishing in Sadr station, but still prevalent in the rural area; cattle-disease abating in some mouzahs, but prevalent in others. Planting of sugarcane almost finished; tea doing well, but more rain greatly wanted. State and prospects same as last week.
Sylhet . . .	<i>0.11</i>	Weather warm. A severe storm on the night of the 16th instant. Ploughing for <i>asra</i> crops continues. Common rice 14 seers 8½ chittacks per rupee. General health good.
Cachar . . .	<i>87</i>	Weather warm; rain wanted. <i>Ahu</i> growing on well; planting of sugarcane commenced. Cholera decreasing in North Lakhimpur. Prospects of crops good. District healthy.
Dibrugarh . . .	<i>13</i>	
<b>Mysore and Coorg—</b>		
(May 15th)		
Bangalore . . .	17 in Tumkur; slight rain reported in all other districts with the exception of Kadur.	Rain needed in Kadur district. Standing crops fading in parts of the Kolar and Shimoga districts, elsewhere in good condition; prospects of season fair. Supply of fodder diminishing in parts of the Bangalore, Kolar, and Kadur districts. Public health generally good; small-pox prevalent in parts of the Bangalore and Tumkur districts; cattle-disease in parts of the Bangalore, Kolar, and Shimoga districts. Prices slightly fallen in the Kolar and Shimoga districts. The rain has fallen generally, though too late, in some parts for maturing the coffee crop before monsoon rains; the rain was much needed for preparing the ground for the rice crops. Prospects of season fair. Public health good.
Mysore . . .		
Mercara . . .	<i>2.11</i>	
<b>Berar and Hyderabad—</b>		
Amraoti (May 19th) . . .	<i>Nil</i>	Weather hot and windy. Preparation of land for <i>kharif</i> sowings in progress. Wheat 22 and <i>juari</i> 26 seers per rupee.
Akola . . .	<i>Nil</i>	Weather hot and cloudy. Preparations for ensuing <i>kharif</i> sowings continue.
Hyderabad . . .	<i>21</i>	Total rainfall 4.59. Reaping of <i>rabi</i> crops commenced. General health fair. Prices—wheat 15, coarse rice 11½, yellow <i>juar</i> 20½, white <i>juar</i> 19½, and <i>tur</i> 16½ seers per current sicca rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central India States—(May 16th)</b>		
Indore . . . . .	<i>Nil</i>	Weather cloudy and hot, with duststorms.
Morar (Gwalior) . . . . .	17	Weather cloudy and hot.
Sutna . . . . .	27	Weather cool. Health good.
Neemuch . . . . .	<i>Nil</i>	Weather cloudy, with high winds. A few cases of small-pox in the bazar, health otherwise good.
Goona . . . . .	<i>Nil</i>	Weather very hot. Health and prospects good.
Agar . . . . .	<i>Nil</i>	Health and prospects fair.
Nowgong . . . . .	<i>Nil</i>	Weather hot and cloudy. Health fair. Price steady.
Bhopawar (Manpur) . . . . .	<i>Nil</i>	Weather cloudy; mornings cool; signs of rain. Health good. Prices moderate.
<b>Rajputana—(May 19th)</b>		
Abu (May 19th) . . . . .	40	Much thunder yesterday; weather cooler in consequence and seasonable.
Sirohi ( „ 16th) . . . . .	<i>Nil</i>	No water in tanks, wells fair. A few cases of measles, otherwise health good. Weather hot, dry, and calm.
Marwar ( „ 14th) . . . . .	<i>Nil</i>	About four months' water in tanks. Health good. Crops being still gathered. Hot winds. Prices rising.
Kherwara ( „ 16th) . . . . .	<i>Nil</i>	Tanks and wells lower. Crops nearly all stored. Health good. Prices steady. Weather very hot and windy.
Perdabgarh ( „ 15th) . . . . .	48	Tanks and wells drying. Health good. Prices rising. Heat great.
Meywar ( „ „ ) . . . . .	16	Tanks and wells low. Health good. Prices rising. Weather cloudy.
Jhallawar ( „ 14th) . . . . .	<i>Nil</i>	Weather seasonable.
Kotah ( „ 15th) . . . . .	<i>Nil</i>	Health good. Weather hot.
Haroti ( „ „ ) . . . . .	Duststorms and slight rain on 14th.	Weather hot. Health good. Prices steady.
Ajmere ( „ 18th) . . . . .	<i>Nil</i>	Weather hot. Tanks and wells diminishing. Fever, small-pox, and guineaworm still prevalent. Price stationary.
Jevpore ( „ „ ) . . . . .	<i>Nil</i>	Weather seasonable. Price steady. Health fair.
Ujwar ( „ „ ) . . . . .	<i>Nil</i>	Wells low. Fever in parts. Price steady.
Bikanir ( „ 15th) . . . . .	<i>Nil</i>	Measles in Bikanir; fever and small-pox in districts. Prices low. Weather very hot. Heavy sandstorms.
<b>Nepal—(May 14th)</b>		
Katmandu . . . . .	184	Prospects good.

No. 90Met.  
12—4

*Extract from the Proceedings of the Government of India, in the Revenue and Agricultural Department (Meteorology),—dated Simla, 20th May, 1886.*

Read the following :—

Summary of the Weather Reports for March and April, 1886.

The early portion of March was characterised by a very low barometric pressure in the Punjab and the adjacent parts of the country, but elsewhere it was not much below the average. Though pressure rose steadily during the latter half of the month, the average of the whole month showed a slight deficiency over the greater portion of India and British Burma. In the North-Western Provinces the variations were irregular, and in Bengal there was a slight excess. In April the pressure was generally very near the average, the variations ranging slightly below the normal in Bombay, Bengal, and Central India, and above it in all the other provinces.

In March damp rain-bearing winds were more frequent than usual throughout the Upper Provinces, and there was a great excess of rainfall over the whole of Northern India. In Sind and Central India also there was a slight excess; but little or no rain fell in any part of the peninsula, and less than the average amount in Ceylon. Snow fell on the lower ranges of the North-Western Himalaya on the 7th and 8th March, and again on 1st April. On the latter date there was a considerable fall of temperature in North-Western India, and the mean temperature at Murree was not less than 10° below the normal. After this, however, the weather cleared, and any further rain was slight, and fell at long intervals. In April there was a general absence of rain. Dry north-west winds continued to blow steadily over the whole of North-Western and Central India as far east as Behar. On the Malabar Coast also the winds were from the north-west, sometimes north; and on the Coromandel Coast from between south and south-west. Except along the Madras Coast and in Lower Bengal, the humidity of the air was much below the average, more especially in Central India and Behar.

In March the temperature was everywhere more or less below the average, the depression being greatest in the Punjab, Rajputana, and Sind, where it ranged between 2° and 4·5°.

In April the variations from the normal were generally small, and, except in Bombay and Central India, where there was an excess of 1° to 3°, were everywhere within 1° of the average.

The following table shows the amount of rain and the difference from the average during the months of March and April 1886 according to districts as far as is indicated by the telegraphic reports. The first column shows the number of stations used to determine the average for the district :—

Districts.	Number of stations.	Average rainfall in March.	Difference from the average in March 1886.	Average rainfall in April.	Difference from the average in April 1886.
Punjab, west ... ..	7	1·52	+2·81	1·75	—1·04
Punjab, east ... ..	4	1·45	+0·61	1·17	—1·09
North-Western Provinces, trans-Gangetic.	8	1·04	+1·44	0·60	—0·55
North-Western Provinces, cis-Gangetic.	3	0·34	+0·37	0·15	—0·15
Behar ... ..	2	0·36	+0·54	0·62	—0·62
Northern Bengal ... ..	2	1·34	+0·34	2·63	—1·57
Assam, Cachar ... ..	3	4·71	+1·24	9·43	—1·66
Lower Bengal, Chutia Nagpur ...	6	1·42	+3·00	2·79	—1·69
Orissa, Northern Circar ... ..	6	0·65	+1·40	1·11	—1·11
Central Provinces, south ... ..	7	0·41	+0·07	0·33	—0·33
Berar, Khandesh ... ..	2	0·42	—0·42	0·18	—0·18
Rajputana, Central India, Saugor, and Nerbudda.	7	0·18	+0·02	0·12	—0·11
Sind, Cutch ... ..	4	0·17	+0·16	0·19	—0·19
Guzerat ... ..	3	0·04	—0·04	0·03	—0·03
Konkan ... ..	4	0·01	—0·01	0·11	—0·11
Deccan, Hyderabad ... ..	5	0·43	—0·34	0·95	—0·62
Malabar ... ..	4	0·88	—0·85	2·24	—0·76
Mysore, Bellary ... ..	4	1·06	—0·58	1·78	—1·39
Karnatic ... ..	6	0·45	—0·04	1·30	—1·09
British Burma ... ..	6	0·13	+0·11	1·81	—1·72
Ceylon ... ..	1	5·60	—1·72	8·84	—1·60

SIMLA ;  
The 10th April, 1886. }

RUCHI RAM SAHNI,  
2nd Asst. Meteorological Reporter to the Govt. of India.

RESOLUTION.—Resolved that the papers be published in the Supplement to the *Gazette of India*.

## ABSTRACT SHOWING THE RESULT OF EMIGRATION FROM THE PORT OF CALCUTTA DURING THE MONTH OF MARCH, 1886.

*No I.—As to Age and Sex.*

	Fiji.				• TOTAL.		Grand Total.
	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	
Under 2 years . . . . .	9	12	21	40·87 women to every 100 men.	9	12	21
From 2 to 10 years . . . . .	11	14	25		11	14	25
„ 10 „ 20 „ . . . . .	83	24	107		83	24	107
„ 20 „ 30 „ . . . . .	202	90	292		202	90	292
„ 30 „ 40 „ . . . . .	11	7	18		11	7	18
„ 40 „ 50 „ . . . . .	...	...	...		...	...	...
Above 50 years . . . . .	...	...	...		...	...	...
GRAND TOTAL . . . . .	316	147	463		316	147	463

*No. II.—As to places whence Emigrants come to Calcutta for embarkation.*

	Fiji.			Total.		Grand Total.
	Males.	Females.	Total.	Males.	Females.	
Orissa . . . . .	...	...	...	...	...	...
Western Bengal . . . . .	1	1	2	1	1	2
Central ditto . . . . .	3	...	3	3	...	3
Eastern ditto . . . . .	...	...	...	...	...	...
Behar . . . . .	61	47	108	61	47	108
North-Western Provinces . . . . .	125	66	191	125	66	191
Oudh . . . . .	93	27	120	93	27	120
Central India . . . . .	1	...	1	1	...	1
Punjab . . . . .	3	...	3	3	...	3
Nepal . . . . .	26	6	32	26	6	32
Mixed, Madras and Bombay, &c. . . . .	3	...	3	3	...	3
GRAND TOTAL . . . . .	316	147	463	316	147	463

*No. III.—As to Caste and Religion.*

		Fiji.			Total.		Grand Total.
		Males.	Females.	Total.	Males.	Females.	
Brahmins, high caste . . . . .		34	103	69	34	103	103
Agriculturist . . . . .		26	92	66	26	92	92
Artisans . . . . .	Hindus	24	75	51	24	75	75
Low castes . . . . .		35	114	79	35	114	114
Musulmans . . . . .		27	77	50	27	77	77
Christians . . . . .		1	2	1	1	2	2
GRAND TOTAL . . . . .		147	463	316	147	463	463

*Memo.*

	Male.	Female.	Total.
1 Hindus . . . . .	265	119	384
2 Musulmans . . . . .	50	27	77
3 Christians . . . . .	1	1	2
TOTAL . . . . .	316	147	463

C. J. LYALL,  
*Officiating Secretary to the Government of India.*

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. III OF 1886-87.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	RECEIPTS FOR WEEK ENDING 25TH APRIL 1885.		Total mean length open.	RECEIPTS FOR WEEK ENDING 24TH APRIL 1886.		TOTAL RECEIPTS FROM 1ST TO 25TH APRIL 1885.		TOTAL RECEIPTS FROM 1ST TO 24TH APRIL 1886.		Total Increase in 1886-87.	Total Decrease in 1886-87.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		<i>Rs.</i>	<i>Rs.</i>		<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>
1st May 1886	Oudh and Rohilkhand	608	1,44,422	238	680	1,55,494	229	4,76,077	210	5,37,141	230	61,064	...
1st do.	Madras	861	1,19,038	173	801	1,44,057	167	5,11,030	160	4,89,504	160	21,532	...
24th April	South Indian	654	80,373	137	634	1,00,652	103	3,12,004	134	3,41,830	153	29,846	...
1st May	Great Indian Peninsula	1,504	10,88,790	724	1,504	10,58,805	704	35,71,157	695	35,02,145	679	69,012	...
1st do.	Bombay, Baroda and Central India	461	3,23,804	703	461	3,48,000	755	10,70,441	636	11,56,286	731	76,845	...
	<b>TOTAL</b>	<b>4,688</b>	<b>17,05,517</b>	<b>439</b>	<b>4,100</b>	<b>18,13,008</b>	<b>439</b>	<b>50,49,715</b>	<b>407</b>	<b>60,00,926</b>	<b>423</b>	<b>77,211</b>	<b>...</b>
	<i>State.</i>												
1st May 1886	East Indian	1,500	10,90,225	682	1,515	10,09,241	666	36,20,020	673	34,47,153	663	...	1,86,867
24th April	Eastern Bengal	233	83,349	358	234	77,871	333	3,34,314	402	2,72,061	349	...	61,353
1st May	Nalhati	27	1,338	49	27	1,707	63	5,720	59	6,707	72	1,041	...
1st do.	Northern Bengal	240	48,021	103	249	43,800	176	1,39,817	154	1,40,100	103	3,343	...
1st do.	Kauma-Dharla	37	3,104	84	37	2,607	72	11,391	80	8,077	61	...	3,384
1st do.	Tahoot	226	26,534	119	240	30,043	122	1,12,553	139	1,13,170	131	617	...
1st do.	Patna-Gya	57	10,478	81	57	13,069	230	30,830	195	48,008	241	8,812	...
1st do.	Cawnpore-Achneia	240	16,314	65	233	22,251	88	59,454	67	7,173	54	13,121	...
1st do.	Dildarnagar Ghazipur	12	1,415	118	12	1,075	140	4,215	98	4,231	103	36	...
1st do.	Rajputana-Malwa	1,411	3,20,344	233	1,411	3,71,000	205	11,39,040	235	12,70,000	203	1,33,960	...
1st do.	Wardha Coal	45	14,500	322	45	19,155	426	4,0394	307	61,838	401	12,464	...
24th April	Nagpur and Chhattisgarh	149	63,462	426	149	60,773	408	1,01,010	366	1,81,303	375	...	13,717
1st May	British Burma	251	53,549	211	317	49,716	152	1,01,516	214	1,11,002	170	...	2,454
8th do.	Sadia	75	7,544	161	75	8,759	117	28,340	106	27,529	109	...	511
8th do.	North-Western	1,503	7,70,081	427	1,503	4,08,705	277	26,83,643	417	18,12,915	293	...	8,70,738
24th do.	Amritsar-Pathankot	66	6,500	95	66	5,330	82	25,507	108	23,833	105	...	1,674
24th April	Bureilly-Pilibhit	30	1,874	52	30	1,845	51	6,000	47	6,033	54	574	...
1st May	Dacca	10	2,725	273	10	3,604	43	7,000	224	13,050	48	5,990	...
24th April	Joithit	23	183	8	30	593	19	1,207	15	2,048	20	841	...
8th May	Cawnpore-Kalpi	...	...	...	42	1,073	47	...	...	8,021	50	8,021	...
	<b>TOTAL</b>	<b>1,976</b>	<b>14,49,441</b>	<b>200</b>	<b>5,185</b>	<b>12,17,630</b>	<b>235</b>	<b>50,39,911</b>	<b>284</b>	<b>47,60,610</b>	<b>240</b>	<b>...</b>	<b>7,64,901</b>
<b>GRAND TOTAL (GUARANTEED AND STATE)</b>		<b>10,553</b>	<b>47,65,163</b>	<b>494</b>	<b>10,800</b>	<b>40,39,935</b>	<b>372</b>	<b>1,10,09,626</b>	<b>387</b>	<b>1,37,37,089</b>	<b>391</b>	<b>...</b>	<b>8,74,557</b>
<b>GROSS ESTIMATED EXPENSES</b>								<b>67,0437</b>	<b>178</b>	<b>70,04,805</b>	<b>188</b>	<b>...</b>	<b>...</b>
<b>NET RECEIPTS</b>								<b>75,81,701</b>	<b>209</b>	<b>67,39,104</b>	<b>151</b>	<b>...</b>	<b>11,59,015</b>
<i>A. Local Companies.</i>													
24th April 1886	Bombay-Central	106	8,830	70	106	10,121	80	40,133	81	31,477	80	...	5,656
24th do.	Bombay and Kanpur	67	7,751	116	67	7,645	113	10,128	80	20,310	115	7,183	...
24th do.	Amritsar	78	4,379	54	78	6,135	81	17,048	61	23,078	58	6,010	...
1st May	Eastern Malwa	114	1,000	79	316	32,189	102	41,073	53	1,00,072	97	63,099	...
1st do.	Bombay and North-Western	303	24,770	82	303	48,040	159	96,103	89	1,55,291	153	62,188	...
1st do.	Tarakesur	22	4,029	274	22	6,403	291	55,848	309	75,803	310	45	...
	<b>TOTAL</b>	<b>810</b>	<b>63,018</b>	<b>73</b>	<b>911</b>	<b>1,10,771</b>	<b>121</b>	<b>2,29,333</b>	<b>83</b>	<b>3,73,791</b>	<b>120</b>	<b>1,31,368</b>	<b>...</b>
<i>Native States.</i>													
1st May 1886	Bhavnagar-Gondal	103	20,126	151	103	29,583	153	90,800	132	88,031	133	...	2,788
1st do.	Jodhpore	64	1,887	30	64	4,630	72	9,030	43	11,777	67	4,842	...
17th April	Nizam's	...	(a)	...	...	(a)	...	(b) 51,759	160	(c) 47,039	95	...	3,823
24th do.	Mysore	140	7,780	56	140	8,487	61	20,177	52	26,320	55	349	...
8th May	Rajputana-Patiala	10	1,391	81	10	1,202	75	4,535	77	4,668	85	273	...
	<b>TOTAL</b>	<b>416</b>	<b>40,494</b>	<b>96</b>	<b>413</b>	<b>43,902</b>	<b>101</b>	<b>1,83,130</b>	<b>96</b>	<b>1,81,933</b>	<b>85</b>	<b>...</b>	<b>1,147</b>

N.B.—As regards the figures in column "Total Receipts from 1st April to date," audited figures have been availed of as far as possible.

(a) Return not received.

(b) Total receipts from 1st to 18th April 1885.

(c) Total receipts from 1st to 17th April 1886.

SIMLA,

FRED. FIREBRACE, Major, R.E.,

The 19th May, 1886.

Under Secretary.



GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL  
OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND  
REGULATIONS UNDER THE PROVISIONS OF THE ACT OF  
PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Viceregal Lodge, Simla, on Thursday, the 20th May, 1886.

PRESENT:

His Excellency the Viceroy and Governor General of India, K.P., G.C.B.,  
G.C.M.G., G.M.S.I., G.M.I.E., P.C., *presiding*.

His Excellency the Commander-in-Chief, Bart., G.C.B., C.I.E., V.C.

The Hon'ble C. P. Ilbert, C.S.I., C.I.E.

The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.

The Hon'ble T. C. Hope, C.S.I., C.I.E.

The Hon'ble Sir A. Colvin, K.C.M.G., C.I.E.

The Hon'ble W. W. Hunter, C.S.I., C.I.E., LL.D.

Colonel the Hon'ble W. G. Davies, C.S.I.

INDIAN BANKRUPTCY BILL.

The Hon'ble MR. ILBERT introduced the Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, and moved that it be referred to a Select Committee consisting of the Hon'ble Sir S. Bayley, the Hon'ble Messrs. Evans and Steel, the Hon'ble Rao Saheb Vishvanath Narayan Mandlik and the Mover. He said:—

“Although I am now nominating the Committee on this Bill, I do not propose that the Committee should begin its sittings until after the Government has returned to Calcutta. But I hope it will be arranged that such further suggestions and criticisms as we may receive will reach us in ample time to allow of their being considered in the Legislative Department before we leave Simla, so that no time may be lost after our return to Calcutta.

“I have already said that the Bill follows generally the arrangement and lines of the English Act, and I will take this opportunity of explaining the most important points of difference between the two measures.

“The Indian Bill is given as extensive an operation, local and personal, as can be conferred on it by this legislature. In order to obtain for it further operation in Her Majesty's dominions beyond India we must go to Parliament: in order to obtain for it further operation in Native States within India we must rely on executive arrangements with the rulers of those States. The Local Governments will, I feel sure, appreciate the importance of considering how far it may be practicable to make and give effect to such arrangements.

“The acts of bankruptcy enumerated in the Indian Bill are not precisely identical with those specified in the English Act. It would not be desirable in India to make the mere levy of execution an act of bankruptcy. On the other hand, it is suggested in some of the papers on the draft Bill that it would be desirable to retain some of the acts of bankruptcy recognized in the existing Indian Act. I have adopted this suggestion, and have also made some further modifications of and additions to the corresponding English section which have been suggested by the working of the Act in England.

“The Court will not ordinarily exercise jurisdiction on a bankruptcy petition unless the debtor is either in prison for debt within the limits of the ordinary original jurisdiction of the Court, or he or his partner resides or has a place of business within those limits. But for the purpose of empowering the Court, in

exceptional cases, to deal with up-country debtors, I have qualified these restrictions by two provisos, of which the first enables the Court to transfer before itself and dispose of under the bankruptcy law any case of indebtedness which may have been brought before an inferior Court under the Insolvency chapter of the Civil Procedure Code; whilst the second empowers the Court in classes of cases to be defined by rules to exercise jurisdiction notwithstanding the restrictions imposed by the earlier part of the section. It will be for the High Courts to consider whether these provisos will suffice to give them the requisite power of dealing with such cases. I have myself some doubt about the necessity for the second proviso. And I do not contemplate that a High Court should, under it, attempt to deal with cases arising outside its own province. If, for instance, the High Court at Calcutta were to exercise jurisdiction in a Cawnpore case, it might bring itself into conflict with the High Court at Allahabad. Should it be found desirable to deal under the bankruptcy law with any classes of indebtedness arising at Cawnpore, probably the most convenient mode of doing so will be to confer on the Allahabad Court a bankruptcy jurisdiction subject to such limitations as may be found expedient. This could be done under section 79 of the Bill.

"It has been suggested that the application of the Insolvency chapter of the Civil Procedure Code to the High Courts of the Presidency-towns should be barred. But it is possible that this chapter may still be needed for cases where the total amount of the debtor's liabilities does not amount to Rs. 500, and I think it will be sufficient to give full power to stay proceedings under the Code where concurrent proceedings are being taken under the Act. Such a power is given by section 9 of the Bill.

"Under ordinary circumstances, where the petition is presented by the debtor, the Court will make an order as a matter of course, but it need not make an order in cases where in its opinion the proceedings ought to have been taken before some other Court having jurisdiction (section 7). Unless this qualification were made, a debtor against whom proceedings have, quite properly, been taken in Calcutta might, to the great inconvenience of his creditors, get himself adjudged bankrupt at Bombay by migrating and petitioning there.

"The order to be made on a bankruptcy petition is in the Bill, as in the English Act, called a receiving order. The effect of a receiving order is not quite the same as that of a vesting order under the existing Indian Act. A receiving order transfers the possession of, but not the property in, the debtor's estate: the debtor is not divested of his estate unless or until he is adjudged bankrupt. An interval was designedly allowed by the English law for the purpose of enabling a debtor to escape the consequences of bankruptcy by making suitable arrangements with his creditors under the control and supervision of the Court; and although the adjudication of bankruptcy may, and in many cases will, follow immediately on the receiving order (see section 20), yet I think it is desirable that we should follow the English law by making it possible for an interval to elapse between the two stages. The person who is constituted receiver under the order, and to whom the possession of the debtor's property is given, is the official assignee, who, however, may appoint a special manager in cases where he thinks it expedient to do so.

"One important effect of a receiving order under the Bill, as now revised, is that the debtor, if in prison for debt, is thereupon released. It might be objected that, inasmuch as an imprisoned debtor can obtain a receiving order on his own petition, this provision nullifies the law of imprisonment for debt. But if the Bill is carefully examined it will be found that this objection is not really valid. The state in which a debtor will find himself on being released from prison under a receiving order will be very far removed from a state of liberty. He will remain at the beck and call of the official assignee, who is invested with inquisitorial powers over his person and property, and on whom he has to dance attendance whenever required (see section 22). If he attempts to escape or evade the requirements of the law, he is liable to be summarily committed to prison. Such a situation, though inconvenient to persons fraudulently disposed, need present no terrors to the debtor who is honestly anxious to assist in the realization and distribution of his estate, and will

give a much better chance to the creditors generally than the present law, under which the debtor usually strikes a bargain with some favoured creditor as to the terms on which he is to obtain immunity from arrest or be released from prison if arrested. Precautions are also taken against allowing the proceedings to slumber after the debtor has obtained the protection given him by a receiving order. The Court has power either to rescind its order (section 88) or to give the carriage of the proceedings to the official assignee (section 91).

"Under the English law the first step consequent on a receiving order is to summon a general meeting of the creditors. Under the Indian Bill such meetings need not be summoned except under directions from the Court or the official assignee or in pursuance of a requisition from a specified proportion of creditors (see section 17, and First Schedule, Rule 4). But the debtor is required to make at once full discovery of his estate and liabilities, and it will be then for the creditors to consider, with the assistance of the official assignee, whether any proposal which the debtor may make for a composition or scheme of arrangement should be entertained, or whether the debtor should not be adjudged bankrupt. The main provisions of the English Act with respect to the public examination of the debtor have been retained, and, although they may involve revelations which are not always pleasant to creditors, I think it is desirable in the interests of justice that they should be retained. We must be very careful against giving facilities to creditors for smothering up doubtful transactions.

"Where a debtor is adjudged bankrupt, his property is thereby vested, not, as under the English Act, in a trustee appointed by the creditors, but in the official assignee, to whom possession will already have been given under the receiving order. If the creditors desire to substitute a special assignee of their own nomination, they must take proceedings for doing so under Part V of the Bill. But it would appear from what has been said by the Calcutta Judges that such proceedings are not likely to be of frequent occurrence.

"The Official Assignee will not be assisted or hampered by any committee of inspection, but he will, as I have already said, be given extensive powers of inquisitorial control over the person and property of the debtor. I agree with Mr. Macgregor that such powers ought to be given, and I think he will find that the provisions of the Bill will be sufficient to remove the risks and impediments which the official assignee experiences in the performance of his duties under the existing law. If section 25 of the Bill is compared with the corresponding section of the English Act, it will be found that I have ventured to confer on the official assignee somewhat larger powers of discovery than are given by the English law.

"The provisions of the Bill with respect to the bankrupt's discharge—by which is meant his discharge from liabilities, not his release from prison—follow closely those of the English Act, with one or two modifications suggested by Indian circumstances. I think that for the purpose of obtaining recognition of our proceedings in other parts of the British dominions it is important that on this point the English and Indian law should be substantially identical.

"I have added to the Bill a Part corresponding to Part II of the English Act, which disqualifies bankrupts for holding certain public offices. Similar disqualifications are already imposed by the several Indian Acts relating to municipal and other local authorities, but I think it is convenient that they should be gathered up and generalized in a Bankruptcy Act.

"In Part III of the English Act, which contains the rules for the administration of the debtor's estate, I have not deviated from the English Act except so far as is necessary for the purpose of meeting the peculiarities of Indian circumstances. Thus, the provisions as to execution are made to square with those of the Civil Procedure Code; the custom of paying rent monthly is recognised by limiting the landlord's right of distraint after bankruptcy to one month's rent; the language of one of the sections is so modified as to allow a debtor to retain, as necessaries, not only his clothes, bedding and tools, but the cooking-pot which is so indispensable to an Indian; and the power of attaching salaries and pensions is limited with reference to the provisions of

the Civil Procedure Code and of the Indian Pensions Act. The Calcutta Chamber of Commerce, in a paper which has only reached me within the last week, have renewed a suggestion which was made some years ago that the section relating to reputed ownership should be amended to meet a reported Calcutta case (*Gubboy v. Miller*, I. L. R. 6 Cal. 633). But I agree with the judicial authorities who considered the same suggestion in 1881 that it would be extremely dangerous to meddle with this very difficult clause, and that our safest course is to follow the English law. I am, however, disposed to agree with the Official Assignee at Calcutta that some further provision is required to prevent persons from trading on the credit of property which is in their possession but which does not really belong to them, and that for this purpose it may be desirable to legislate on the lines of the English Bills of Sale Acts, by requiring mortgages of moveable property to be registered, at all events, in certain classes of cases. My chief doubt is as to whether and how far transfers of moveable property should be recognized at all unless accompanied by possession. But in any case such legislation as is required would be most conveniently embodied in an enactment separate from the Bankruptcy Bill, and we are now considering in the Legislative Department what form it should assume.

"Part IV of the Indian Bill contains such of the provisions of Parts IV and V of the English Act as appear applicable to the official who will in almost every case discharge the functions both of the official receiver and of the trustee under that Act. I propose to retain for this official the title of official assignee which he now bears under the Indian Insolvency Act, and which apparently he wishes to continue to bear. I believe that the chief reason why the term 'official assignee' was not used in the last English Bankruptcy Act was that it was not desired to revive certain associations which had gathered round the official assignees appointed under earlier Acts, and it was thought that the official administrator might smell more sweet under another name. I am glad to think that the titles of the existing Indian assignees do not call up similar associations, and to hope that the actions of their predecessors smell sweet and blossom in their dusty surroundings. I have inserted a saving (section 58 (3)) for the rights and interests of the gentlemen now acting as official assignees, and when the Bill is in Committee I dare say that they will help me to see that this saving does all that is required. With respect to the mode in which the official assignee is to keep his accounts and make his payments and investments, I am anxious to make no greater change than is necessary in so much of the existing rules and practice as may have worked well, but it seems to be desirable as a matter of principle that money received on account of bankruptcy estates should, like money received by ordinary Civil Courts, be paid into a Government treasury or into a bank conducting treasury business for the Government, in order that there may be the security of the Government for its safe custody, and that the safeguards against the occurrence of error provided by the rules of the Government with respect to payments from Government treasuries may be brought into operation. In framing the clauses on this subject which I have inserted in the Bill, I have had the assistance of Messrs. Barbour, Westland and Hardie, all of whom are, I believe, of opinion that they will not fetter the official assignee in any unnecessary shackles of red tape.

"I need not dwell on Part V of the Bill, which relates to special assignees, and the provisions of which are not likely to be much used.

"Part VI of the Bill deals with the constitution, procedure and powers of the Courts which are to exercise jurisdiction under this measure. These Courts will be the High Courts of the Presidency-towns, the Recorder's Court at Rangoon, unless that Court is merged in a Chief Court before this Bill comes into operation, and any other Courts on which it may be found convenient to confer bankruptcy jurisdiction. It may possibly be desirable to confer such jurisdiction on the Courts at such places as Allahabad, Lahore or Karachi, and the Bill has been so framed as to admit of the jurisdiction thus conferred being limited to particular classes of cases. Power is given to each of the High Courts at the Presidency-towns to delegate part of the bankruptcy jurisdiction either to a Small Cause Court Judge or to an officer of its own. I understand that the former arrangement is preferred at Madras, and the latter at Calcutta and Bombay.

"Part VII of the Bill, like Part VII of the English Act, enables the provisions of the law to be modified and simplified in the case of small bankruptcies. I have nothing to say about this Part, except that I am inclined to think that the pecuniary limit fixed for small bankruptcies might be raised.

"Part VIII of the Bill, following the English Act, contains stringent provisions for the punishment of fraudulent creditors and debtors. Suggestions have been made for adding to the list of offences dealt with by this Part of the Bill, but I think it will be found that provision has been made either by this Part of the Bill or by the Penal Code for all the offences which need be covered.

"Last of all comes a Part containing supplemental provisions, near the end of which will be found a clause for the distribution of certain unclaimed dividends for which creditors have not proved, and which appear from the note furnished to me by Mr. Turner, the Official Assignee of Bombay, to have been accumulating for some time in the Bombay Insolvency Court, and to amount there to some two lakhs or more. Mr. Turner has also referred in his note to a question which has been raised about the validity of certain rules under which the interest on unclaimed or undistributed assets has been applied towards defraying charges connected with the administration of insolvent estates. But if, and so far as, the validity of those rules is open to question, the doubt can only be set at rest by Parliamentary legislation, which would, I feel sure, be granted if necessary, and accordingly I have not dealt with the point in the present Bill.

"With these explanations, which have necessarily been of a somewhat technical character, I commend the Bill to the favourable consideration of the Council."

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

#### INDIAN MUSEUM BILL.

The Hon'ble SIR S. BAYLEY moved for leave to introduce a Bill to alter the constitution of the body corporate known as the Trustees of the Indian Museum, and to confer certain additional powers on that body. He said:—

"The matter with which this Bill has to deal is, practically, a small executive arrangement, which it becomes necessary to trouble the Council with; because the constitution of the Trustees of the Indian Museum was itself settled in a somewhat elaborate form by an Act of the legislature—XXII of 1876. The special object of this Bill is to give effect to an arrangement which had been come to by the Government of Bengal with the Trustees of the Museum and with the sanction of the Government of India. Apart from the collections in the Indian Museum, the Government of Bengal have for some years been gathering together a valuable Economic Museum, which was considerably assisted by the Revenue and Agricultural Department with a view to the Calcutta Exhibition of two years ago. They have also got an ethnological collection, a collection of Indian Art-ware and a Fine Art collection. These have all been under separate management under the Government of Bengal. There has been a good deal of difficulty in finding for them a proper local habitation and in arranging for their proper maintenance and custody and for their being available to the public. An arrangement has now been come to by the Government of Bengal with the Trustees of the Museum that all these collections shall be brought under the maintenance, control and administration of the Trustees of the Museum. But in order that the wishes of the Government of Bengal with respect to these collections—of which the property remains with them although the administration will be in the hands of the Trustees—in order that the Government of Bengal may have a proper amount of influence in their management, it is necessary that they should be represented on the body of the Trustees.

At present they are not so represented. For this purpose it becomes necessary to alter the number of Trustees at present regulated by the Act of 1876. The Trustees under that Act are sixteen in number; three of them are *ex officio*, namely, the Accountant General, a Secretary to the Government of India, and the Superintendent of the Geological Survey. Five of the Trustees are appointed by the Government of India; five represent the Asiatic Society; and the other three are elected by the general body of the Trustees. That is the present constitution. It will now be altered under the proposed Bill, and the number of Trustees will be twenty-one. Of the *ex officio* Trustees, only one, the Accountant General, will remain; the Government of India will still nominate five; the Asiatic Society will still be represented by five; and the new feature in the case is that the Government of Bengal will nominate five Trustees on its own account, and this united body will elect five additional Trustees to act with them.

"These are the main alterations of the constitution of the Trusteeship.

"The Bill will also enable the Trustees to deal with those collections which will be under their administration, although not their property; and the Bill will also provide for a subsidiary matter, which is that the Trustees shall have the power to make over to the Government of Bengal certain land attached to the Museum, in order that the Government of Bengal may thereon provide the accommodation which becomes necessary to meet the additional responsibilities which the Trustees of the Museum now take upon them."

The Motion was put and agreed to.

#### NORTH-WESTERN PROVINCES RENT ACT, 1881, AMENDMENT BILL.

The Hon'ble MR. ILBERT presented the Report of the Select Committee on the Bill to amend the North-Western Provinces Rent Act, 1881.

#### NORTH-WESTERN PROVINCES LAND-REVENUE ACT, 1873, AMENDMENT BILL.

The Hon'ble MR. ILBERT also presented the Report of the Select Committee on the Bill to amend the North-Western Provinces Land-revenue Act, 1873.

The Council adjourned to Wednesday, the 2nd June, 1886.

S. HARVEY JAMES,

*Offg. Secretary to the Govt. of India,*

*Legislative Department.*

SIMLA ;  
The 21st May, 1886. }





# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 22, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 15th March 1886.*

From the 10th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's *Gazette*.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

*Publisher, Gazette of India.*

### SURVEY OF INDIA.

#### NOTIFICATIONS.

*Simla, the 12th May 1886.*

No. 556.—Mr. T. J. J. Mills, Assistant Surveyor, 3rd Grade, Survey of India, is granted privilege leave for two months, under Section 138, Chapter X, of the Civil Leave Code, with effect from 13th instant, or such subsequent date as his services can be spared.

*The 14th May 1886.*

No. 563.—Lieutenant H. M. Jackson, R.E., Officiating Deputy Superintendent, Survey of India, is granted privilege leave for one month, under Sections 71 to 74, Chapter V, of the Civil Leave Code, with effect from the 20th June 1886, or such subsequent date as he may avail himself of the same.

H. R. THUILLIER, *Lieut.-Colonel, R.E.,*

*Offg. Surveyor General of India.*



## Statement of the Affairs of the Bank of Bengal for the week ending 18th May 1886.

LIABILITIES.				ASSETS.			
	₹	a.	p.		₹	a.	p.
Capital paid-up	2,00,00,000	0	0	Government Securities	62,26,203	8	0
Reserve Fund	41,56,684	15	0	Other authorized Investments	47,56,267	8	0
Public Deposits at Head Office	1,29,44,825	3	10	Loans on Government and other authorized Securities	1,15,64,282	12	9
Public Deposits at Branches	1,24,52,515	14	2	Accounts of Credit on Government and other authorized Securities	82,22,896	4	3
Other Deposits at Head Office and Branches	2,88,26,497	12	9	Bills discounted and purchased	2,36,64,971	5	6
Bank Post Bills, &c.	3,13,511	7	11	Balances with other Banks	9,80,101	6	7
Sundries	18,46,349	6	2	Bullion	19,742	3	1
				Dead Stock	11,40,538	2	6
				Stamps	8,673	14	0
				Sundries	6,52,667	15	3
					5,72,36,344	15	11
				Cash and Currency Notes at Head Office	1,10,20,567	4	3
				Cash and Currency Notes at Branches	1,22,83,472	7	8
					2,33,04,039	11	11
RUPERS	8,05,40,384	11	10	RUPERS	8,05,40,384	11	10

BANK OF BENGLA,  
Calcutta, 20th May 1886.

J. GORDON,  
Chief Acctt. & Dy. Secy.  
Rate for Demand Loans 6 per cent.  
Percentage 41'3.

By Order of the Directors,  
W. D. CRUICKSHANK,  
Offg. Secretary & Treasurer.

## ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The undermentioned Students have passed the Honours in Medicine Examination :—

## SURGERY.

Barat, Surendranath . . . . . Medical College.

## MIDWIFERY.

## In Order of Merit.

- 1 Bandyopadhyay, Trailokyanath . . . . . Medical College.
- 2 Ghatak, Annadiprasanna . . . . . Ditto.
- 3 Nallatamby, C W . . . . . Ditto.

SENATE HOUSE,  
The 11th May 1886.

The undermentioned candidates have passed the First Examination in Arts :—

## FIRST DIVISION.

## In Order of Merit.

- 1 Majumdar, Upendralal . . . . . Presidency College.
- 2 Brij Nandan Prasada Saith . . . . . Muir Central College.
- 3 Bhattacharyya, Munindranath . . . . . Presidency College.
- 4 Bandyopadhyay, Rakhalmohan . . . . . Sanskrit College.
- 5 Ghosh, Jogindrakumar . . . . . Dacca College.
- 6 Chattopadhyay, Rakhaldas . . . . . Krishnagar College.
- 7 Mitra, Narendrakumar . . . . . Presidency College.
- 8 Datta, Hirendranath . . . . . Ditto.
- 9 Sen, Ambikaprasad . . . . . Dacca College.
- 10 Bandyopadhyay, Harachandra, No. 1. . . . . Presidency College.
- 11 { Datta, Pramathanath . . . . . Ditto.
- { Pal, Sureschandra . . . . . Dacca College.
- 12 { Gangopadhyay, Herambakisor . . . . . Ditto.
- { Sen, Gopibhushan . . . . . Hughli College.
- 13 { Mallik, Debendranath . . . . . St. Xavier's College.
- 14 { Bhattacharyya, Haripada . . . . . Metropolitan Institution.
- 15 { Mukhopadhyay, Jogindranath . . . . . Free Church Institution, Calcutta.
- 16 { Mianbhair Abdul Hussain . . . . . Jabbalpur College.
- 17 { Isha, Syamlal . . . . . Free Church Institution, Calcutta.
- 18 { Do, Chintaharan . . . . . Dacca College.
- 19 { Mitra, Adharchandra . . . . . Muir Central College.
- 20 { Chakrabarti, Srischandra . . . . . Dacca College.
- 21 { Chaudhuri, Kunjamohan . . . . . Rajshahye College.
- 22 { Datta, Bankubihari . . . . . Metropolitan Institution.
- 23 { Sen, Mohitchandra . . . . . Ditto.
- 24 { Chattopadhyay, Phakirchandra . . . . . General Assembly's Institution.
- 25 { Mulhopadhyay, Syamadas . . . . . Hughli College.
- 26 { Ray, Debiprasad . . . . . Jabbalpur College.
- 27 { Mahendranath . . . . . St. Xavier's College.
- 28 { Chaudhuri, Saradacharan . . . . . Chittagong College.
- 29 { Mulhar Narayan Korday . . . . . Free Church Institution, Nagpur.
- 30 { Sen, Binayendranath . . . . . Albert College.
- 31 { Chakrabarti, Charuchandra . . . . . St. Xavier's College.

34	{ Set, Nibaranchandra	... General Assembly's Institution.
	{ Datta, Harischandra	... Ravenshaw College, Katak.
36	Chattopadhyay, Rajanimohan	... Metropolitan Institution.
37	Das, Abinashchandra	... Patna College.
	{ Biswas, Kshirodkrishna	... Presidency College.
38	{ Pandit, Akshaykumar	... Hughli College.
	{ Bhattacharyya, Srigopal	... Ravenshaw College, Katak.
41	Dover, R. W.	... La Martinière College.
42	Son, Akshaykumar	... Dacca College
43	Chattopadhyay, Susilchandra	... General Assembly's Institution.
	{ Mukhopadhyay, Nandagopal	... St. Xavier's College.
44	{ Amrit Ramchandra Bambawale	... Jabbalpur College.
	{ Abdul Hamid	... Doveton College.
	{ Gopal Ji	... Patna College.
47	{ Babonau, C. Jane	... Doveton College.
	{ Bandyopadhyay, Amulyachandra	... Free Church Institution, Calcutta.
50	" Nibaranchandra	... Hughli College.
51	Datta, Saratchandra	... Patna College.
52	Bhattacharyya, Basantakumar	... Ripon College.
53	{ Son, Harendranath	... Dacca College.
	{ Bandyopadhyay, Lalitkumar	... St. Xavier's College.
55	Ray, Baradakanta	... Metropolitan Institution.
56	Das, Jadabendranandan	... Midnapur College.
	{ Adhikari, Gopeschandra	... Free Church Institution, Calcutta.
57	{ Bhattacharyya, Naudalal	... Hughli College.
58	Kesho Das	... Muir Central College.
60	Baksi, Panchanan	... Krishnagar College.
61	Pal, Harischandra	... L. M. S. Institution, Bhowanipur.
62	Mallik, Prasaddas	... Hughli College.
	{ Lisle, Freda	... Girls' High School, Allahabad.
63	{ Khan, Saratchandra	... General Assembly's Institution.
	{ Chakrabarti, Indubhushan	... Ditto.
	{ Gupta, Jnanendranath	... Metropolitan Institution.
67	Abbasuli Sirdar	... Hughli College.

## SECOND DIVISION.

*In Alphabetical Order.*

	Ahmed Ullah	... Hughli College.
	Ali Hasan	... Patna College.
	Anant Lal	... Muir Central College.
	Anup Singh	... Bareilly College.
	Azad Ali	... Dacca College.
	Bagehi, Brajanath	... City College.
	" Kailaschandra	... Rajshahy College.
	Bagram, G.	... St. Xavier's College.
	Balkrishna Ramchandra Bakhale	... Jabbalpur College.
10	Bandyopadhyay, Abinashchandra	... Patna College.
	" Atulkrishna	... St. Xavier's College.
	" Baranasi	... Sanskrit College.
	" Harimohan	... M. A. O. College, Aligarh.
	" Jyotindranath	... Metropolitan Institution.
	" Jyotishchandra	... Ditto.
	" Manmohan	... Presidency College.
	" Matilal	... Metropolitan Institution.
	" Nibaranchandra	... Dacca College.
	" Nilratan	... Hughli College.
20	" Parbaticharan	... Dacca College.
	" Raghunath	... Hughli College.
	" Rasbihari	... Ripon College.
	" Saradaprasad	... St. Xavier's College.
	" Sasikumar	... Jagannath College.
	" Satischandra	... Ditto.
	" Sibnarayan	... Free Church Institution, Calcutta
	" Taranath	... Metropolitan Institution.
	" Tinkari	... Ditto.
	Barma, Kshetranath	... Burdwan Raj College.
30	Basak, Radhaballabh	... Jagannath College.
	Basu, Baikunthanath	... Metropolitan Institution.
	" Brajendrakumar	... Berhampur College.
	" Girishchandra	... Ripon College.
	" Gobindachandra	... Ditto.

	Basu, Hariprasad	...	Metropolitan Institution.
	„ Jyotindranath	...	Presidency College.
	„ Nityananda	...	Metropolitan Institution.
	„ Nripendranath	...	St. Xavier's College.
	Basudeva Narayen	...	L. M. College, Benares.
40	Belletty, L.	...	St. Xavier's College.
	Bera, Jayhari	...	Ripon College.
	Bhaduri, Indubhushan	...	Metropolitan Institution
	Bhagabandasa, Bhargaba	...	Muir Central College.
	Bhanja, Srischandra	...	L. M. S. Institution, Bhowanipur.
	Bhattacharyya, Biharilal	...	Free Church Institution, Calcutta.
	„ Biswanath	...	Metropolitan Institution.
	„ Jananranjan	...	Krishnagar College.
	„ Kartikchandr	...	General Assembly's Institution.
	„ Nandalal	...	City College.
50	„ Saratchandra	...	Rajshahye College.
	„ Surendranath	...	Burdwan Raj College.
	Bhaumik, Hemchandra	...	General Assembly's Institution.
	„ Maheschandra	...	City College.
	Biswas, Gopalchandra	...	Metropolitan Institution.
	„ Lalitkrishna	...	St. Xavier's College.
	„ Saratchandra	...	Free Church Institution, Calcutta.
	„ Taraprasad	...	Jagannath College.
	Blanchett, H.	...	Muir Central College.
	Bose, Bindubashini	...	Free Church Normal School.
60	Bromner, D. S.	...	La Martinière College.
	Cameron, Florence	...	Allahabad Girls' High School.
	Chakrabarti, Benimadhab	...	Krishnagar College.
	„ Brajendrakumar	...	L. M. S. Institution, Bhowanipur.
	„ Chandrakumar	...	Jagannath College.
	„ Girischandra	...	Midnapur College.
	„ Mahendranarayan	...	Metropolitan Institution.
	„ Rajanikanta	...	Chittagong College.
	„ Rajanikanta	...	Dacca College.
	„ Rasikbihari	...	Ditto.
70	„ Tarakeswar	...	Rajshahye College.
	Chandra, Rasmohan	..	Ditto.
	Chattopadhyay, Annadacharan	...	Metropolitan Institution.
	„ Asutosh	...	Ripon College.
	„ Bhupatibhushan	...	Metropolitan Institution.
	„ Binodbihari	...	L. M. S. Institution, Bhowanipur.
	„ Girijabhushan	...	Free Church Institution, Calcutta.
	„ Homchandra	...	Metropolitan Institution.
	„ Jogeschandra	...	Hughli College.
	„ Mathuranath	...	Dacca College.
80	„ Radhanath	...	Sanskrit College.
	„ Rajendranath	...	Metropolitan Institution.
	„ Rakhalechandra	...	Burdwan Raj College.
	Chaubo, Devakinandan	...	Agra College.
	Chaudhuri, Annadacharan	...	Chittagong College.
	„ Brindabanchandra	...	Free Church Institution, Calcutta.
	„ Kedarnath	...	Metropolitan Institution.
	„ Satisnarayan	...	Rajshahye College.
	„ Rakhaldas	...	Metropolitan Institution.
	Das, Jnanadaprasad	...	Jagannath College.
90	„ Kandarpakumar	...	City College.
	„ Krishnadhan	...	Metropolitan Institution.
	„ Nagendrachandra	...	Ditto.
	„ Radhamohan	...	Dacca College.
	Dasgupta, Jagneswar	...	Ditto.
	Datta, Binaykrishna	...	St. Xavier's College.
	„ Chandicharan	...	Hughli College.
	„ Girischandra	...	Rajshahye College.
	„ Gobindakisor	...	Ripon College.
	„ Jnanendramohan	...	Patna College.
100	„ Nabinkrishna	...	Metropolitan Institution.
	„ Sasibhushan	...	St. Xavier's College.
	„ Surendranath	...	Burdwan Raj College.
	De Kailaschandra	...	Metropolitan Institution.
	„ Nilmani	...	Free Church Institution, Calcutta.
	„ Sureschandra	...	Metropolitan Institution.
	„ Tulsicharan	...	Ditto.

	Deb, Gobindachandra	...	Patna College.
	,, Mahendrachandra	...	Dacca College.
	Deefholts, L. J.	...	St. Xavier's College
110	Dhar, Gopalchandra	...	General Assembly's Institution.
	,, Haridas	...	Presidency College.
	Dharmakirti, J. A.	...	Trinity College, Kandy.
	Din Dyal	...	M. A. O. College, Aligarh.
	F. Riyazuddin Quazi	...	St. Xavier's College.
	Gangadhar Sitaram Brahmaraakshas	...	Free Church Institution, Nagpur.
	Gangapadhyay, Haridas	...	Hughli College.
	,, Kaliprasanna	...	Ditto.
	Ghosh. Abinaschandra	...	Ravenshaw College, Katak.
120	,, Basantakumar	...	General Assembly's Institution.
	,, Bipinbihari	...	Rajshahye College.
	,, Bipinbihari	...	Midnapur College.
	,, Dharmadas	...	Metropolitan Institution.
	,, Haridas	...	Hughli College.
	,, Harigopal	...	L. M. S. Institution, Bhowanipur.
	,, Jaygopal	...	Ditto ditto.
	,, Kripanath	...	Jagannath College.
	,, Lalitmohan	...	Free Church Institution, Calcutta.
	,, Narayandas	...	L. M. S. Institution, Bhowanipur.
	,, Nityananda	...	Patna College.
130	,, Saratchandra	...	Metropolitan Institution.
	,, Sasibhushan	...	Ravenshaw College, Katak.
	,, Satischandra	...	Presidency College.
	,, Satischandra	...	Patna College.
	,, Sitanath	...	City College.
	,, Taraohand	...	Metropolitan Institution.
	,, Taraknath	...	Ripon College.
	,, Umeschandra	...	Ditto.
	Ghoshal, Bindobihari	...	Presidency College.
	,, Manmohan	...	Free Church Institution, Calcutta
140	Gopal Mukund Damlay	...	Jabalpur College.
	Goswami Jagadisachandra	...	Agra College.
	Guha, Biharilal	...	City College.
	,, Chandrakanata	...	Jagannath College.
	,, Ramchandra	...	Albert College.
	,, Umapasanna	...	St. Xavier's College.
	Gün, Taraknath	...	Dacca College.
	Gupta, Dwijendranath	...	Hughli College.
	,, Jagueswar	...	Jagannath College.
	Hajra, Amritlal	...	Metropolitan Institution.
150	Har Bilas	...	Ajmore Government College.
	Hiralal	...	Jabalpur College.
	Jaygobinda Sahay	...	Patna College.
	Jha, Bindhyanath	...	Benares College.
	Kar, Pramathachandra	...	Presidency College.
	Kastagiri, Hemendralal	...	Ditto.
	Kumar, Nrityagopal	...	Ditto.
	Kundu, Gopikrishna	...	Metropolitan Institution.
	,, Tarinicharan	...	City College.
	Kshatriya, Bhairablal	...	Presidency College.
160	Lahiri, Banamchandra	...	Rajshahye College
	,, Kalidas	...	Metropolitan Institution.
	,, Mohinimohan	...	City College.
	Lakshman Panditji	...	Free Church Institution, Nagpur.
	Mahadeo Gopal Borgaonkar	...	Jabalpur College.
	Mahanti, Narayanprasad	...	Teacher.
	Maitra, Haridas	...	Presidency College.
	,, Ramchandra	...	Krishnagar College.
	,, Syamaacharan	...	Metropolitan Institution.
	Majumdar, Asutosh	...	Rajshahye College.
170	,, Banamali	...	Metropolitan Institution.
	,, Harinath	...	Ripon College.
	,, Kshotragopal	...	Krishnagar College.
	Mallik, Amritakrishna	...	General Assembly's Institution.
	Mandal, Krittibas	...	Ripon College.
	Manley, H. F.	...	Teacher.
	Maula Baksh	...	Ditto.
	M. Farhat Ahmed	...	M. A. O. College, Aligarh.
	Misra, Bhubaneswar	...	Rajshahye College.
	,, Kanhaiya Lal	...	Bareilly College.

180	Mitra, Bijaykesab	... Metropolitan Institution.
	„ Gopalchandra	... Ditto.
	„ Jadunath	... Canning College.
	„ Jugalkisor	... St. Xavier's College.
	„ Jyotindralal	... Hughli College.
	„ Jyotishchandra	... Metropolitan Institution.
	„ Kshetranath	... Presidency College.
	„ Kumudbihari	... Metropolitan Institution.
	„ Narendranath	... Presidency College.
	„ Nareschandra	... City College.
190	„ Saratchandra	... Ditto.
	„ Upendramohan	... General Assembly's Institution.
	Mohan Lal	... Teacher.
	Moung Ohu Hpay	... Rangoon College.
	Muhammad Abdul Rafay Khan	... Bareilly College.
	Muhammad Hasan	... Dacca College.
	Mukhopadhyay, Amritasekhar	... Berhampur College.
	„ Asutosh	... Metropolitan Institution.
	„ Atulchandra	... Patna College.
	„ Gopalchandra	... Hughli College.
200	„ Harihar	... City College.
	„ Jaykrishna	... Metropolitan Institution.
	„ Jogindrachandra	... Hughli College.
	„ Jogindranath	... Burdwan Raj College.
	„ Kedarnath	... Hughli College.
	„ Kshetrachandra	... Presidency College.
	„ Nalinikanta	... Free Church Institution, Calcutta.
	„ Nilratna	... Burdwan Raj College.
	„ Tinkari	... Ditto ditto.
	„ Tulsidas	... St. Xavier's College.
210	„ Upendrachandra	... Jaganath College.
	Nag, Dakshinakumar	... City College.
	Nath, Amritlal	... Ditto.
	Ohdedar, Debendranath	... Muir Central College.
	Oliur Rahman	... Dacca College.
	Pal, Anantalal	... Free Church Institution, Calcutta.
	„ Annandaprasad	... Metropolitan Institution.
	„ Dwarkanath	... Dacca College.
	„ Mahendrachandra	... L. M. S. Institution, Bhowanipur.
	„ Surathnath	... Bishop's College.
220	Panda Baijnath Deoshanker	... Jabbalpur College.
	Pandit, Biswambharnath	... Presidency College.
	„ Kashinath Gaujur	... Canning College.
	Pathak, Chandrakanta	... City College.
	Poddar, Bipinbihari	... Ditto.
	Ponsonby, P.	... St. Thomas College, Colombo.
	Po Thoun	... Rangoon College.
	Raghunath Prasad Sonar	... Jabbalpur College.
	Routh, Jagatechandra	... Dacca College.
	Ray, Indukumar	... Krishnagar College.
230	„ Jadubananda	... Rajshahye College.
	„ Jadunath	... Hughli College.
	„ Madhusudan	... Rajshahye College.
	„ Mahendralal	... Dacca College.
	„ Mohinimohan	... St. Xavier's College.
	„ Mahimchandra	... Ripon College.
	„ Nanimadhab	... Patna College.
	„ Prasannakumar	... Ditto.
	„ Saradaprasad	... Krishnagar College.
	„ Satishchandra	... Ditto.
240	„ Satishchandra	... Dacca College.
	„ Satyendranath	... Metropolitan Institution.
	„ Umacharan	... St. Xavier's College.
	„ Upendranath	... Free Church Institution, Calcutta.
	Raymaulik, Binodbihari	... Dacca College.
	„ Priyabhushan	... Ditto.
	Rebeiro, E.	... St. Xavier's College.
	Saha, Jogindralal	... Metropolitan Institution.
	Sanyal, Chandranath	... Rajshahye College.
	„ Piyaial	... Ditto ditto.
250	Sarkar, Durgunath	... Sanskrit College.
	„ Krishnasundar	... General Assembly's Institution.
	„ Nagendranath	... Metropolitan Institution.

	Sarkar, Radhikaprasad	...	Ripon College.
	Sarma, Bishenlal	...	Agra College.
	" Kamalchandra	...	Metropolitan Institution.
	Sayyed Aulad Hosein	...	M. A. O. College, Aligarh.
	Sen, Bipinbihari	...	L. M. S. Institution, Bhowanipur.
	" Bishnupada	...	Free Church Institution, Calcutta.
	" Biswanath	...	Canning College.
260	" Gangaprasanna	...	Jagannath College.
	" Hemchandra	...	City College.
	" Jagadindrachandra	...	L. M. College, Benares.
	" Jnanendrakumar	...	L. M. S. Institution, Bhowanipur.
	" Kaliprasanna	...	Rajshahye College.
	" Nibaranchandra	...	Metropolitan Institution.
	" Narottandas	...	Ditto ditto.
	" Praphullanath	...	Ditto ditto.
	" Purnananda	...	L. M. College, Benares.
	" Saratchandra	...	L. M. S. Institution, Bhowanipur.
270	Set, Bipinbihari	...	Metropolitan Institution.
	" Radheschandra	...	Rajshahye College.
	Sheo Prasada	...	Fyzabad High School.
	Shivañam Sadashiva Pitambar	...	Jabalpur College
	Shore, J.	...	St. George's College, Mussoorie.
	Shum Suzzoha	...	Patna College.
	Siddha Gopal	...	L. M. College, Benares.
	Sil, Narayanprasad	...	Presidency College
	" Rasik Lal	...	Free Church Institution, Calcutta.
	Sinha, Kumar Kumadchandra	...	Presidency College.
280	" Manindralal	...	St. Xavier's College.
	" Mathuranath	...	Metropolitan Institution.
	" Matilal	...	Burdwan Raj College.
	" Narigopal	...	Midnapur College.
	" Tarakuath	...	City College.
	Singh, Shivanath	...	Patna College.
	Strange, H. R. W.	...	Doveton College.
	Syed Ahmed Ali	...	Patna College.
	Syed Golam Burwash	...	Ditto.
	Syed Mahmud Al Hasan	...	Agra College.
290	Thomas, E. H.	...	St. John's College, Agra
	Tiwari, Ambikacharan	...	Fyzabad High School.
	Trivedi, Ayodhya Prasad	...	Barcilly College.
	Ud., Ambikacharan	...	Ripon College

## THIRD DIVISION.

*In Alphabetical Order.*

	Abu Said	...	Patna College.
	Abul Mahmud	...	Calcutta Madrasa.
	Adhikari, Aghornath	...	General Assembly's Institution
	" Satkari	...	Berhampur College.
	Afzal Hossein	...	Muir Central College
	Aich, Ramaprasad	...	Burdwan Raj College.
	Akbar Hossain	...	Teacher.
	Anup Narayan	...	Patna College.
	Ashun Ullah	...	Jabalpur College.
10	Ashurfee Lal	...	Agra College.
	Bagchi, Durgadas	...	Metropolitan Institution
	" Manaranjan	...	Burdwan Raj College
	Baliram Anant Deshkar	...	Free Church Institution, Nagpur
	Baliram Naryan Deshmukh	...	Ditto.
	Bahram Das	...	Muir Central College.
	Banarsi Das	...	M. A. O. College, Aligarh.
	Bandyopadhyay, Akshaykumar	...	Hughli College.
	" Amritlal	...	Ripon College.
	" Aswinikumar	...	Dacca College.
20	" Basantakumar	...	Free Church Institution, Calcutta.
	" Bijaychandra	...	Dacca College.
	" Charuchandra	...	Free Church Institution, Calcutta.
	" Dibakar	...	Ditto
	" Haranchandra, No. 11	...	Presidency College.
	" Haripada	...	Ripon College.
	" Harendramohan	...	Jagannath College.
	" Jogindrachandra	...	Free Church Institution, Calcutta
	" Kalidas	...	Krishnagar College.

	Bandyopadhyay, Kalidas	...	Sanskrit College.
30	" Kesablal	...	Dacca College.
	" Kisorimohan	...	Metropolitan Institution.
	" Kshitischandra	...	Berhampur College.
	" Lalitmohan	...	St. Xavier's College.
	" Rakhalidas	...	Rajshahye College.
	" Ramchandra	...	City College.
	" Saratchandra	...	Ripon College.
	" Saratkumar	...	Ditto.
	" Surendranath	...	Berhampur College.
	" Sureschandra	...	Canning College.
40	" Upendranath	...	Free Church Institution, Calcutta.
	Basak, Biharilal	...	Dacca College.
	Basu, Amritlal,	...	Ripon College.
	" Baburam	...	Burdwan Raj College.
	" Bankubihari	...	Presidency College.
	" Baradaprasad	...	General Assembly's Institution.
	" Bhubaneswar	...	Metropolitan Institution.
	" Bidhubhushan	...	General Assembly's Institution.
	" Chandrakanta	...	Dacca College.
	" Dwijendranath	...	Berhampur College.
50	" Hirilal	...	Metropolitan Institution.
	" Jogindranath, No. I	...	Ripon College.
	" Kunjabihari	...	Canning College
	" Mahendranath	...	Metropolitan Institution.
	" Manmathanath	...	Ditto.
	" Nibaranachandra	...	Midnapur College.
	" Pannalal	...	Ripon College.
	" Pramodakumar	...	Metropolitan Institution.
	" Purnachandra, No. II	...	Ditto.
	" Sitaram	...	Teacher.
60	Bhaduri, Saratchandra	...	Muir Central College.
	Bhar, Kanailal	...	General Assembly's Institution.
	" Purnachandra	...	Ripon College.
	Bhairo Dyal	...	Patna College.
	Bhaskar Rao	...	Free Church Institution, Nagpur.
	Bhattacharyya, Bholanath	...	Sanskrit College.
	" Bipinbihari	...	Metropolitan Institution.
	" Chandroday	...	Albert College.
	" Debendranath	...	Patna College.
	" Ramakshay	...	Burdwan Raj College.
70	" Ramprasanna	...	Canning College.
	" Saratkumar	...	St. Xavier's College.
	" Sibunath	...	Teacher.
	Bhikkan Lal	...	Bareilly College.
	Bhunja, Radhakrishna	...	Metropolitan Institution.
	Bindeshwari Prasad Pande	...	Muir Central College.
	Bishwambhar Dayal	...	Canning College.
	Biswas, Kailaschandra	...	Burdwan Raj College.
	" Kamikshyanath	...	Metropolitan Institution
	" Kasigopal	...	Jagannath College.
80	" Rajanikanta	...	Krishnagar College.
	Blanchett, E. P.	...	Muir Central College.
	Chakrabarti, Durgadas	...	Hughli College.
	" Hridaynath	...	Free Church Institution, Calcutta
	" Jaykali	...	Ditto.
	" Kasinath	...	Burdwan Raj College.
	" Rajaninath	...	Jagannath College.
	" Ramkamal	...	General Assembly's Institution
	" Srischandra	...	Canning College.
	Chandra, Banamali	...	Midnapur College.
90	" Rajchandra	...	Presidency College.
	Changdar, Sasikisor	...	Rajshahye College.
	Chhatradhari Lal	...	Patna College.
	Chattopadhyay, Annadacharan	...	General Assembly's Institution.
	" Atulchandra	...	Ripon College
	" Binaykrishna	...	Free Church Institution, Calcutta
	" Girishchandra	...	Ditto.
	" Gurudas	...	Albert College.
	" Haridas	...	General Assembly's Institution.
	" Harinath	...	Free Church Institution, Calcutta
100	" Haripada	...	Krishnagar College.



	Chattopadhyay, Jitendraprasad	.. Krishnagar College.
	" Kanailal	... Presidency College.
	" Kshetranath	... Burdwan Raj College.
	" Nagendranath	... Ripon College.
	" Nilkanta	... Albert College.
	" Purnachandra	... Teacher.
	" Purnananda	... Ravenshaw College.
	" Santoshkumar	... Metropolitan Institution.
110	" Satkari	... L. M. S. Institution, Bhowanipur.
	" Satyacharan	... Hughli College.
	" Satyendranath	... City College.
	" Sitamath	... Jagannath College.
	Chaudhuri, Agnikumar	.. Ditto.
	" Akhilechandra	... Burdwan Raj College.
	" Benimadhab	... Albert College.
	" Harinath	... L. M. S. Institution, Bhowanipur.
	" Jogindranath	... Free Church Institution, Calcutta.
	" Madanmohan	... Burdwan Raj College.
120	" Maheshchandra	... Ripon College.
	" Mangobinda	... Hughli College.
	" Pramathanath	... Berhampur College.
	" Pratapchandra	... Jagannath College.
	" Purnachandra	... Dacca College.
	" Ramnarayan	... General Assembly's Institution.
	" Saratchandra	... Hughli College.
	" Sasikumar	... Ripon College.
	" Sitalechandra	... Ditto
	" Surendranath	... Metropolitan Institution.
130	Clarke, A. J.	.. Muir Central College.
	Dana, Nibaranachandra	... Burdwan Raj College.
	Das, Amulyacharan	.. Albert College.
	" Annadacharan	... General Assembly's Institution.
	" Basantkumar	... Hughli College
	" Bhagabanchandra	... Ripon College.
	" Biswambharcharan	.. Metropolitan Institution.
	" Dutiram	... City College
	" Gobindachandra	... Metropolitan Institution.
	" Harendranath	... Ditto.
	" Kuladiprasad	... Jagannath College.
140	" Kunjabihari	... Midnapur College.
	" Narendrachandra	... Metropolitan Institution.
	" Padmanath	... City College
	" Prakashchandra	... Jagannath College.
	" Ramanimohan	... Metropolitan Institution
	" Ramprasad	... Free Church Institution, Calcutta
	Dasgupta, Abinashchandra	.. Dacca College.
	" Sriskamal	... Free Church Institution, Calcutta.
	Dassawoo, Aghornath	.. Metropolitan Institution.
	Datta, Anilechandra	... Presidency College.
150	" Annadaprasad	... L. M. S. Institution, Bhowanipur.
	" Aswinikumar	... Jagannath College.
	" Atulchandra	.. Chittagong College.
	" Biharilal	... Ripon College.
	" Chandrakisor	.. General Assembly's Institution.
	" Charuchandra	.. Ditto.
	" Jogindrachandra	... Metropolitan Institution.
	" Janendranath	... Free Church Institution, Calcutta.
	" Kalikamal	... Rajshahye College.
	" Krishnamadhab	.. Burdwan Raj College.
160	" Lalbihari	.. L. M. S. Institution, Bhowanipur.
	" Madanmohan	... Presidency College.
	" Nagendrachandra	.. Ditto.
	" Rasbihari	... Hughli College.
	" Satyabhushan	.. Dacca College.
	" Sureschandra	.. Albert College
	" Tarunath	... Metropolitan Institution.
	De, Sasimohan	... General Assembly's Institution.
	Deb, Makundalal	... Rajshahye College.
	" Saratchandra	... Dacca College.
170	Devanath Sahay	... Patna College
	Dube, Har Dayal	... Canning College
	Edwards, J. R.	... Trinity College, Kandy.
	Enda, Kailashchandra	... Metropolitan Institution.
	Faizuddin Mollah	... Free Church Institution, Calcutta.

	Fernand, W. J. A.	... Teacher.
	Fuzlal Huq	.. St. Xavier's College.
	Gangopadhyay, Anisprakas	... Free Church Institution, Calcutta.
	Nanigopal	... Ripon College.
	Ghatak, Mohinimohan	... Rajshahye College.
180	Ghosh, Abinaschandra	... Free Church Institution, Calcutta.
	.. Akhilchandra	... Patna College
	.. Anukulchandra	... Ripon College.
	.. Anukulchandra	... Metropolitan Institution.
	.. Asutosh	... Bonmres College.
	.. E.	... St. Xavier's College.
	.. Gobindachandra	... Chittagong College
	.. Harischandra	... Muir Central College.
	.. Jnanachandra	... Metropolitan Institution.
	.. Jogindranath	... Free Church Institution, Calcutta.
190	.. Kedarnath	... Benares College.
	.. Kumudbihari	... Burdwan Raj College.
	.. Lalgopal	... City College
	.. Nibaranachandra	... Metropolitan Institution.
	.. Nrisinhachandra	... Ditto
	.. Umeschandra	... Ditto.
	Golam Hosein	... Hughli College.
	Gopal Ramchunder Kango	... Jabbalpur College.
	Gopinath	... Jaypur Maharaja's College.
	Gordon, J. W. D.	.. Muir Central College.
200	Goswami, Haridhan	... Free Church Institution, Calcutta.
	Gregory, G.	St. Xavier's College
	Guha, Atulechandra	Jagannath College.
	.. Hemendranath	Berhampur College.
	.. Jagadis	... Dacca College.
	.. Mukundanath	... Jagannath College.
	Gupta, Asutosh	.. Burdwan Raj College.
	.. Radhanath	Jagannath College.
	Handy, C. C.	Trinity College, Kandy.
	Harsaran	... St. John's College, Agra.
210	Haripur Prasad	.. Patna College.
	Harris, E. F.	... Agra College
	Hajra, Kalipada	Midnapur College.
	Herman, J. S.	Trinity College, Kandy.
	Jagadamba Prashad	St. John's College, Agra
	Jagannath Sahay	... Patna College.
	Jagat Narayan	.. Muir Central College.
	Kanbia Lal Srivastava	.. Canning College.
	Kazi Saiyid Haraid Ali	... M. A. O. College, Aligarh.
	Khalechur Rahman	.. Patna College.
220	Khattry, Kanhya Lal	... Canning College.
	Kishnu Sahay	... Patna College.
	Kundu, Chanilal	.. Metropolitan Institution
	Lala, Annadacharan	.. Chittagong College.
	Lal Bihari Naguma	.. Canning College
	Lalji Siba	... Patna College.
	Lalla Durgacharan Srivasto	.. Canning College.
	Matapattu, Tarapada	.. Free Church Institution, Calcutta
	Mahendra Prasad	... Patna College.
	Maitra Chandieharan	... Burdwan Raj College
230	.. Chandrabhushan	.. Ripon College.
	.. Radlika Vishua	Rajshahye College.
	.. Rajendralal	... Free Church Institution, Calcutta.
	Majumdar, Bidhubhushan	.. Rajshahye College.
	.. Haladhar	.. Jagannath College.
	.. Kedarnath	.. Free Church Institution, Calcutta
	.. Prabodhchandra	.. Ripon College.
	.. Priyanath	... Burdwan Raj College
	.. Sureschandra	... Rajshahye College.
	.. Tarinicharan	... Patna College.
240	Mallik, Debendrachandra	... Burdwan Raj College.
	Mandal, Sasadhar	Free Church Institution, Calcutta.
	Md. Karim Uldin	... Bareilly College.
	Md. Sakhawat Hosen	... Ditto.
	Meer Mushfi Hossain	.. Presidency College.
	Mirza Wajahut Hossain	... Patna College.
	.. Raja Dayal	... Canning College.
100	.. Phubaulbihari	... General Assembly's Institution.

	Mitra, Harendranath	...	General Assembly's Institution.
	" Jagindranath	...	City Collage.
250	" Kalibar	...	Metropolitan Institution.
	" Krittibas	...	L. M. S. Institution, Bhowanipur.
	" Madanmohan	...	Dacca College.
	" Nibaranchandra	...	Ripon College.
	" Saradaprasanna	...	Metropolitan Institution.
	" Sureschandra	...	Patna College.
	Muhammad Abdul Moqit	...	St. Xavier's College.
	Muhammad Hobibullah	...	Free Church Institution, Calcutta.
	Muhammad Maqboob Alam	...	Muir Central College.
	Muhammad Matin	...	Ditto.
260	Muhammad Noor	...	Patna College.
	Muhammad Zahur Alam	...	Free Church Institution, Calcutta.
	Mukhopahyay, Abinas chandra	...	Canning College.
	" Ayodhyanath	...	Hughli College.
	" Asatosh, No. II	...	Ripon College.
	" Baranasi	...	Krishnagar College.
	" Bhagubaticharan	...	Metropolitan Institution.
	" Bidhubhushan	...	Krishnagar College.
	" Debendranath	...	Metropolitan Institution.
	" Gopinath	...	Berhampur College.
270	" Jitendranath	...	Ditto.
	" Kanakul	...	St. Xavier's College
	" Krishnadhau*	...	Metropolitan Institution.
	" Kshirodkumar	...	Patna College.
	" Nagendranath (Sr.)	...	Metropolitan Institution.
	" Nagendranath	...	Muir Central College
	" Nanigopal	...	Sanskrit College.
	" Purnachandra	...	Patna College
	" Piyarnohan	...	Metropolitan Institution.
	" Radhikacharan	...	Free Church Institution, Calcutta.
280	" Rammohan	...	Ripon College.
	" Saratchandra	...	Ditto.
	" Sasadhur	...	Burdwan Raj College.
	" Sasankamohan	...	Dacca College.
	" Satischandra	...	Jagannath College.
	" Satsaran	...	L. M. S. Institution, Bhowanipur.
	" Upendranath	...	St. Xavier's College.
	Mundle, Bibhoolan	...	Bishop's College.
	Mustafi, Debendranath	...	Ripon College
	" Satischandra	...	Presidency College.
290	" Nandi, Dakshinacharan	...	City College
	Narayan Sahay	...	Patna College
	Niyogi, Brajanandan	...	Burdwan Raj College.
	" Saratchandra	...	Free Church Institution, Calcutta.
	Nisar Ahmed	...	M. A. O. College, Aligarh.
	Poddar, Gopiraman	...	Chittagong College.
	Pal, Akshaykumar	...	Barilly College.
	" Tarakchandra	...	Jagannath College
	Palit, Hridaynath	...	City College.
	" Satchitananda	...	Ripon College.
300	Pande, Kaliprasanna	...	Burdwan Raj College.
	Pandit, Shunkur Lal	...	Muir Central College.
	" Suraj Nath	...	Ditto
	Prag Din Shurma	...	Canning College.
	Qasem Beg Chagtai	...	Agra College.
	Radha Kishon	...	St. John's College, Agra
	Rahmot Ullah	...	Jalbalpur College.
	Rahmat Ullah	...	Agra College.
	Ramchandra Prasad	...	Patna College.
	Ram Das	...	St. John's College, Agra
310	Ram Newas	...	Jaypur Maharaja's College.
	Ram Prasad	...	M. A. O. College, Aligarh
	Ram Sarup	...	Muir Central College.
	Ray, Basantamohan	...	St. Xavier's College.
	" Bhabanicharan	...	Ripon College.
	" Binodechandra	...	Burdwan Raj College
	" Birajmohan	...	St. Xavier's College.
	" Brajendrachandra	...	Burdwan Raj College.
	" Churnilal	...	St. Xavier's College.
	" Dineschandra	...	City College.
320	" Dolgobinda	...	Burdwan Raj College.
	" Durgakanta	...	Metropolitan Institution.

\* While the First Arts list published in the *Calcutta Gazette* on Wednesday the 19th of May was being printed this name was omitted from it by oversight.

	Ray, Harendranarayan	...	Midnapur College.
	„ Harinath	...	Presidency College.
	„ Harinarayan	...	Rajshahye College
	„ Hariranjana	...	Burdwan Raj College.
	„ Janendramohan	...	Albert College.
	„ Kailasechandra	...	Jagannath College.
	„ Kshietraprasad	...	Burdwan Raj College
	„ Narayanachandra	...	General Assembly's Institution.
330	„ Arityagopal	...	Albert College.
	„ P. N.	...	Canning College
	„ Parbatidas	...	Berhampur College.
	„ Rasbihari	...	Dacca College.
	„ Saratchandra	...	Burdwan Raj College
	„ Sasibhusan	...	Ripon College.
	„ Surendranath	...	Burdwan Raj College,
	Raychaudhuri, Asutosh	...	Ditto.
	„ Brindabanchandra	...	Hughli College.
	„ Surendrakumar	...	Metropolitan Institution.
340	S. M. Ishaq	...	Muir Central College.
	Saha, Harilal	...	Metropolitan Institution.
	Salt, E. P.	...	St. Peter's College, Agra.
	Sambhu Nath	...	Patna College.
	San Ja	...	Rangoon College.
	Saughat Ali	...	Calcutta Madrasa
	Sanyal, Baidyanath	...	Dacca College.
	„ Chandramay	...	St. Xavier's College.
	„ Radhikaprakas	...	Free Church Institution, Calcutta.
	„ Satishchandra	...	Rajshahye College.
350	Sarkar, Baradakant	...	Free Church Institution, Calcutta.
	„ Haribhushan	...	Metropolitan Institution.
	„ Priyanath	...	Free Church Institution, Calcutta.
	Sarma, Gopinath	...	Agra College.
	Satishkrishna Swarup	...	Muir Central College.
	Sayyid Zaheduddin Ahmed	...	St. Xavier's College
	Sayyid Zamiruddin Ahmed	...	Presidency College
	Sen, Binodbilari	...	General Assembly's Institution.
	„ Jagindrakumar	...	Ditto.
	„ Kaliprasanna	...	Ditto
360	„ Kshirendrasenkar	...	Berhampur College.
	„ Mahendrakumar	...	Dacca College.
	„ Mahendrakumar	...	General Assembly's Institution
	„ Parmanath	...	Albert College.
	„ Purnachandra	...	Rajshahye College.
	„ Rajkumar	...	General Assembly's Institution.
	„ Syamacharan	...	Chittagong College.
	Sengupta, Saratchandra	...	Metropolitan Institution.
	„ Taraprasad	...	Sanskrit College.
	„ Upendranath	...	Free Church Institution, Calcutta
370	Shyam Lal	...	Fyzabad High School
	Sil, Jahanlal	...	Metropolitan Institution.
	Singam, D	...	Bishop's College.
	Singh, Gurusahay	...	Patna College
	„ Ramadhar	...	Ditto
	Sinha, Raikunthanath	...	Ripon College
	„ Ramnohan	...	General Assembly's Institution.
	„ Rimdal	...	Benares College.
	„ Kumar Pramodechandra	...	Presidency College.
380	„ Sasibhushan	...	Canning College.
	„ Srimohan	...	St. Xavier's College.
	Sinha, Abinashchandra	...	Hughli College.
	Sitaram Ganesh Bhagwati	...	Jabalpur College.
	Sivanandan, Lal	...	Patna College.
	Soni, Nand Lal	...	Free Church Institution, Calcutta.
	„ Parvesh Chandra	...	Ripon College.
	„ Ramchandra	...	Metropolitan Institution.
	Supurus Das	...	Patna College.
	Sur, Satish Nath	...	Jagannath College.
	Suryya Kumar	...	Patna College
390	Syed Abdul Majid	...	Hughli College.
	„ Ali Mazhar	...	Patna College.
	„ Hayrat Alley	...	Hughli College.
	„ Mustafa	...	Muir Central College.
	„ Wajrasat Hosain	...	Patna College.

	Tewari, Satischandra	...	Burdwan Raj College.
	" Srischandra	...	Ditto.
	Thakur Radhakrishna	...	Perhampur College.
	Thoy, C.	...	St. Francis de Sales' School, Nagpur.
	Ukil, Annaduprasad	...	Ripon College.
400	" Hazari Lal	...	Ditto.
	Wazir Ahmed	...	M. A. O. College, Aligarh.
	Winn, G. F.	...	Muir Central College.

The undermentioned candidates have passed the Entrance Examination :—

FIRST DIVISION.

*In Alphabetical Order.*

	Adbikari, Kesablal	...	15	Metropolitan Institution.
	" Ramdayal	...	15-5	Dumka Zila School.
	Afsaruddin, Mahommed	...	16	Barisal Zila School.
	Agha Husain	...	20	M. A. O. College, Aligarh.
	Ahmad Kabir	...	17	Chittagong Collegiate School.
	Akbar Masih	...	20-2	Banda Zila School.
	Ali Hassan	...	16-9	Bhagalpur Zila School.
	Atmaram, Narayan Shrotry	...	17	City School, Nagpur.
	Augustus, J.	...	14-2	St. Paul's High School, Rangoon.
10	Aung Ba	...	20-3	Rangoon College.
	Avadha Biharilal	...	17-9	Allahabad Government High School.
	Bagchi, Jyotindramohan	...	13	Rajshahye Collegiate School.
	Bandyopadhyay, Bamapada	...	15-4	Bahsi H. E. School.
	" Bipinbihari	...	15-2	Bankura Zila School.
	" Harendranath	...	16-8	Hughli Collegiate School.
	" Purnachandra	...	17	Balagarh School.
	" Ramchandra	...	15-6	Barisal Zila School.
	" Saraduprasad	...	15-5	Hare School.
	" Sasibhushan	...	18-3	Dacca Pogose School.
20	" Sasisekhar	...	16	Metropolitan Institution.
	" Satischandra	...	14-9	M. A. O. College, Aligarh.
	" Satmath	...	16-2	Dacca Collegiate School.
	" Upendralal	...	19-6	Canning College, Lucknow.
	Baqar Husain	...	17	Allahabad Government High School.
	Barlow, T.	...	15-9	St. Xavier's College.
	Beechey, F.	...	16-4	Bishop Cotton School, Simla.
	Bhagat Ram	...	18-6	Ludhiana Mission School.
	Basu, Asutosh	...	19	Donogh High School, Jamalpur.
	" Asutosh	...	18-4	Hughli Collegiate School.
30	" Binodbihari	...	15-6	Hare School.
	" Gurischandra	...	17-7	Uttarpara School.
	" Haricharan	...	17	Dacca Collegiate School.
	" Janakinath	...	16 2	Hindu School.
	" Sureschandra	...	16	South Suburban School, Bhowanipur.
	Bhaduri, Jyotibhushan	...	14-2	Metropolitan Institution.
	Bhattacharyya, Asutosh	...	17-10	Sanskrit Collegiate School.
	" Basantakumar	...	15	Barasat Government School.
	" Gopalchandra	...	11	Hughli Branch School.
	" Mahumanatu	...	15-10	Hindu School.
40	" Narayanachandra	...	16-6	City Collegiate School.
	" Padmanath	...	16 5	Sylhet Government High School
	" Rampran	...	16	Sanskrit Collegiate School.
	" Sureschandra	...	16	Harinavi A. S. School.
	Biswas, Jagadballabh	...	15-3	Rajshahye Collegiate School.
	" Kunjabihari	...	16	Metropolitan Institution.
	" Neilie	...	...	Cawnpur Girls' High School.
	Bose, A. L.	...	15-8	Private Student.
	Buchanan, W. J.	...	15-1	Rangoon College.
	Cansley, H. B.	...	16	Mussoorie School.
50	Cartland, Ruth	...	...	Doveton Institution.
	Cecilia, Brooking	...	...	Convent School, Rangoon.
	Chakladar, Krishuanath	...	19-2	Mymensingh Zila School.
	Chakrabarti, Amritlal	...	16	Albert Collegiate School.
	" Aswinikumar	...	15	Dacca National School.
	" Banamali	...	20	City Collegiate School.
	" Chintaharan	...	18-10	Dacca Collegiate School.
	" Gangeschandra	...	18	Santosh Janhabhi School.

	Chakrabarti, Hemochandra	...	17-3	Sylhet Government High School.
	„ Mahimachandra	...	18-11	Mymensingh Zila School.
60	Chandra, Atulechandra	...	16-3	Hindu School.
	„ Matilal	...	15-8	Hughli Collegiate School
	Chanmukam, J. K.	...	22-9	Canadian Mission High School.
	Chattopadhyay, Amritalal	...	18	Hindu School.
	„ Bankimchandra	...	18	Dacca Pogose School.
	„ Bipinbihari	...	17	Sanskrit Collegiate School.
	„ Khagendranath	...	16-1-11	Uttarpara School.
	„ Marmohan	...	16	Natal H. E. School.
	„ Phanindramohan	...	13-11	Ravenshaw Collegiate School, Katak.
	„ Prabodhechandra	...	16-1	Hare School
70	„ Raikisor	...	17	Ruplal Raghunath School.
	„ Saratchandra	...	18	Calcutta Training Academy
	„ Sriram	...	11-8	Madrasa-i-Anwaria
	„ Surendranath	...	15	Howrah Government School
	Chandhuri, Asitchandra	...	15-8	Commillah Zila School.
	„ Jaynarayan	...	17-6	Ravenshaw Collegiate School, Katak.
	„ Madanmohan	...	16-5	Purulia Zila School.
	„ Srischandra	...	15-2	Dacca Collegiate School.
	„ Surendranarayan	...	15	Natal H. E. School.
	Colthurst, L. S.	...	18-1	Doveton College.
80	Das, Benimadhab	...	19-3	Chittagong Collegiate School.
	„ Bidhubhushan	...	16-6	Midnapur Collegiate School.
	„ Bipinchandra	...	19-8	Jagannath Collegiate School.
	„ Gopalchandra	...	18-11	Sylhet Government High School.
	„ Gurusaran	...	17-4	Allahabad Government High School.
	„ Purnachandra	...	17	Santipur Municipal School.
	„ Raimohan	...	18	Dacca National School.
	Dasgupta, Manoranjan	...	13	Kuba H. E. School.
	Datta, A.	...	17-6	St. Xavier's College.
	„ Atulechandra	...	13-9	Dacca Collegiate School.
90	„ Bhubanmohan	...	15-2	Metropolitan Institution.
	„ Nagendranath	...	16	Ditto.
	„ Satyendranath	...	16-1	Patna Collegiate School.
	D'Abreu, Sophia	...	...	Cawnpur Girls' High School.
	D'Sylva, E.	...	15-10	St. Xavier's College.
	DeSylva, J. S.	...	17-9	Prince of Wales' College, Moratuwa.
	De, Adharchandra	...	16	Howrah Government School.
	„ Bipinbihari	...	16-2	Uttarpara School.
	„ Brajendrakumar	...	16-6	Town School, Midnapur
	„ Haribhushan	...	16	Hindu School
100	„ Kiranchandra	...	15	Metropolitan Institution
	Dhar, Butakrishna	...	15-6	City Collegiate School
	Dube, Bholanath	...	17-10	Kandi School.
	Emile, C. H. A.	...	17-5	Canning College, Lucknow.
	Falkner, G.	...	18-6	St. Xavier's College
	Foley, E. J.	...	19-6	Doveton College.
	Ford, W. R. C.	...	17-6	Private Student
	Fox, A.	...	15-1	St. George's College, Mussoorie.
	„ Helen	...	...	Doveton Institution
	Foy, G. E.	...	15-5	Allahabad Government High School.
110	Furdoonjee Muncherjee	...	19	St. Francis de Sales' School, Nagpur.
	Gangoradhyay, Gopalchandra	...	13-6	Santipur Municipal School.
	„ Jaygopal	...	15	Bhagalpur Zila School.
	„ Nisikanta	...	21-10	Mymensingh Zila School.
	„ Ramanimohan	...	16	Purua Zila School
	Ganpati Krishna Chitley	...	17	F. C. Institution, Nagpur
	Ghosh, Anilechandra	...	15	Metropolitan Institution.
	„ Baradaprasanna	...	19	Taki Government School.
	„ Dasurathi	...	16-5	Hughli Branch School.
	„ Gopalchandra	...	18	Natal H. E. School.
120	„ Maheschandra	...	17-9	Hazaribagh Zila School.
	„ Manmathmath	...	17	Metropolitan Institution.
	„ Prasannakumar	...	17-4	Barisal Zila School.
	„ Ramaprasad	...	15	Hare School.
	„ Santiram	...	16-7	Oriental Seminary.
	„ Satishchandra	...	16-4	Metropolitan Institution, B. Branch.
	„ Upendranath	...	17-1	Saradaprasad Institution, Chakdighi.
	Ghoshal, Phakirchand	...	16	Bagnan H. E. School.
	Gonsalves, W.	...	15-11	St. Xavier's College.
	Goodman, W. J.	...	16-8	St. Thomas' College, Murree.

130	Gopi Ballabh	...	18-3	Moradabad Government High School.
	Gordon, E. D.	...	17-3	Allahabad Boys' High School.
	Gracias, H. D.	...	16	St. Xavier's College.
	Guha, Priyanath	...	17-2	Dacca Collegiate School.
	Habiullah Kaderbhoy M.	...	18-10	Jabalpur Collegiate School.
	Harrison, A. G.	...	16	St. George's College, Mussoorie.
	Howe, R. T. V.	...	17-7	Doveton College.
	Hurprashad Gour	...	16-3	F. C. Institution, Nagpur.
	Jagannath Prasada	...	15-3	Benares Collegiate School.
	Jayatilake, D. B.	...	17-11	Wesley College, Colombo.
140	Johory, E.	...	20-3	C. M. S. Boarding School, Calcutta.
	Johory, J.	...	17-5	Ditto ditto.
	Kamala Charan	...	17-2	Patna Collegiate School.
	Keshao Bullal	...	18-2	F. C. Institution, Nagpur.
	Knight, Ethel	...	...	Allahabad Girls' High School.
	Lala Thakur Prasad	...	17-5	Jabalpur Collegiate School.
	Mahadeva Prasada	...	17	Jaunpur C. M. High School.
	Mapundar, Bhupendranath	...	17	Bhagalpur Zila School.
	Makund Rao Lonkras	...	15-10	Jabalpur Collegiate School.
	Mandal, Gokulchandra	...	14-10	Hughli Collegiate School.
150	McNaught, J. H.	...	18-3	St. Paul's School, Darjeeling.
	Mendis, H. J.	...	17-2	Wesley College, Colombo.
	Misser, Bhubaneswar	...	18-10	Darbhanga Raj School.
	Misra, Madhu Sodhon	...	21-4	Sambalpur High School.
	" Sripati	...	16	Arrah Zila School.
	Mitra, Abinashchandra	...	15	Jirad Chandrakona H. C. E. School.
	" Amarendrachandra	...	17-5	Birbhum School.
	" Annadaprasad	...	14-9	Searsale H. E. School.
	" Debendrakumar	...	16	Debrugarh High School.
	" Hemchandra	...	16	Hindu School.
160	" Saratchandra	...	17-8	Saradaprasad Institution, Chakdighi.
	Mirza Muhammad Asker	...	19-3	Canning College, Lucknow.
	Muhammad Abid	...	18	Arrah Zila School.
	" Abdul Hafiz	...	17	Jabalpur Collegiate School.
	" Abdul Bashir Khan	...	17-2	Ditto
	" Esa	...	16-8	Patna Collegiate School.
	" Manzarullah	...	19	Moradabad Government High School.
	Mukhopadhyay, Bhabataran	...	16	Bhagalpur Zila School.
	" Charuchandra	...	16	Barisa H. C. E. School.
	" Girijabhushan	...	16-7	Patna Collegiate School.
170	" Gobindabandhu	...	15-3-10	Debrugarh High School.
	" Jahnabicharan	...	15-2	Hughli Collegiate School.
	" Jajneswar	...	16-8	Lahore District School.
	" Jogindranath	...	16-11	South Suburban School, Bhowanipur.
	" Jogendrauath	...	15	L. M. S. Institution, Bhowanipur.
	" Jyotindramohan	...	18-4	Hindu School.
	" Nabagopal	...	17-2	Balagarh School.
	" Pramaathanath	...	15-4	Halisahar English School.
	" Satishchandra	...	18-7	Dacca Collegiate School.
	" Satyabhushan	...	16-3	Rajshahye Collegiate School.
180	" Satyaprasanna	...	16-8	Birbhum School.
	Mulraj	...	18-9	Ludhiana Mission School.
	Muttiah, J.	...	17-1	Wesley College, Colombo.
	Nag, Girishchandra	...	18-6	Graham School, Tangail.
	Nandi, Jagatchandran	...	16-8	Dacca Collegiate School.
	Nath, Nilkrishna	...	16-4	Dacca Pogose School.
	Niyogi, Bhawaniprasad	...	15	Donogh High School, Jamalpur.
	" Hemkumar	...	15-5	Faridpur Zila School.
	" Sasikumar	...	14-1	Ditto.
	O'Donoghue, P. E.	...	16-6	St. George's College, Mussoorie.
190	Pal, Chandranath	...	16-10	Dacca Pogose School.
	Perera, S.	...	20-8	Prince of Wales' College, Moratuwa.
	Pereira, J. E. Friend	...	18	St. Xavier's College.
	Platel, J.	...	15-11	Ditto.
	Po Thaw	...	17-11	Rangoon College.
	Poojary, Mudden Mohun	...	19-5	Sambalpur High School.
	Power, J.	...	15-5	St. Joseph's Seminary, Darjeeling.
	Pramanik, Kantichandra	...	17	Canning College, Lucknow.
	Price, Mabel	...	...	Doveton Institution.
	Raha, Abhaycharan	...	18	Khulna Zila School.
200	Raphel, Ethel	...	...	Lalbagh Girls' High School.
	Ray, Atulchandra	...	16-3	Hare School.
	" Baninath	...	15-9	Krishnagar Collegiate School.



	Ray, Dewanchandra	...	15-9	Hughli Branch School.
	„ Jogindranath	...	15-4	Bah Rivers Thompson School.
	„ Matilal	...	15	Jamalpur H. C. E. School
	„ Manimohan	...	15-1	Parisal Zila School.
	„ Nabendrakisor	...	13-6	Nonkhali Zila School.
	„ Rajendrachandra	...	17	Dacca Pogose School
	„ Ramanikanta	...	21	Rajshahye Collegiate School
210	Raychaudhuri, Bipindrakumar	...	15-6	Baripur H. C. E. School.
	Revie, Annie	...	..	Teacher.
	Robertson, J. A.	...	17-7	St. Mary's Institution, Chandernagar.
	Rudra, Chandrakumar	...	18	L. M. S. Institution, Bhownipur
	Sahay, Gopaljee	...	15	Arrah Zila School.
	„ Harbaus	...	15-1	Patna Collegiate School.
	Sajjad Hussain	...	17	Pertapgar High School.
	Santra, Bihurilal	...	16	Howrah Government School
	Sarkar, Jogindranath	...	19-10	Searsole H. E. School.
	„ Nakulchandra	...	14	Palna Zila School.
220	„ Saradawanta	...	16	Rangpur Zila School.
	„ Umeschandra	...	16	Rajshahye Collegiate School.
	Sarkies, P.	...	15-11	La Martinière College, Calcutta.
	Sarma, Chandranath	...	18-5	Sylhet Government High School
	Sen, Akshaykumar	...	19	Dinajpur Zila School.
	„ Annadacharan	...	17-5	Chittagong Collegiate School.
	„ Basantakumar	...	16	Barisal Zila School.
	„ Bilaschandra	...	16	Kalia H. E. School.
	„ Bipinchandra	...	18-4	Dacca Pogose School.
	„ Debendranath	...	15-11	Dinajpur Zila School
230	„ Gokulnath	...	16	Hughli Collegiate School.
	„ Mahatapchandra	...	16-5	Oriental Seminary.
	„ Rakhaldas	...	15-9	Dinajpur Zila School.
	„ Rajanikanta	...	15	Malda Zila School
	„ Rajanikanta	...	16-1	Chittagong Collegiate School.
	„ Syamascharan	...	15	Commillah Zila School.
	Sengupta, Prabodhprakas	...	16	New Indian School.
	Shahabuddin	...	19	Tikari H. C. E. School.
	Shakke Mohamed Abdul Majid	...	15-7	Chapra Zila School.
	Shimbu Dial	...	19-2	St. John's College, Agra.
240	Shukul, Gangadaya	...	18-3	Barilly High School.
	Singh, Umraw	...	18	Aligarh Government High School.
	Sinha, Brahmananda	...	17	Canning College, Lucknow.
	„ Dwijadas	...	16	Bhagalpur Zila School.
	„ Jyotindramohan	...	14	Fardpur Zila School.
	„ Lalbihari	...	19-3	Benares Collegiate School.
	„ Raghunath	...	15-5	M. A. O. College, Aligarh.
	„ Raghunath	...	20	Arrah Zila School
	„ Surat	...	19-6	Benares Collegiate School.
	Sitarama Agravala	...	18	Mirzapur Government High School.
250	Sukhbir Singh	...	17	Agra Collegiate School
	Sur, Rajanikanta	...	17-6	Chittagong Collegiate School.
	Talukdar, Chandranath	...	17-3	Rajshahye Collegiate School.
	Tewari Shuk Deo	...	15-8	Jabalpur Collegiate School
	Thompson, H.	...	18-6	St. Xavier's College.
	Verrieres, E. J.	...	17-2	St. Peter's College, Agra.
	West, C. H.	...	15	La Martinière College, Calcutta
	White, H. P. S	...	17-10	Rangoon College.
	Wilson, R. C.	...	16-6	Mussoorie School.
	Wrixon, P. A.	...	15-3	Ditto.
260	Yadava Prabhakar Watak	...	18-8	F. C. Institution, Nagpur.
	Yeo Woon Tsin	...	18	Rangoon College.
	Yusuf	...	19	Ditto.
	Zille Hussain	...	17	Moradabad Government High School.
	Zorab, Z. M.	...	15-9	La Martinière College, Calcutta.

## SECOND DIVISION.

*In Alphabetical Order.*

Aasaf Khan	...	16	Rangpur Zila School.
Abajee Nanajee Mooley	...	18-2	Free Church Institution, Nagpur.
Abdool Cawdro Naikwara	...	19-3	St. Paul's School, Rangoon.
Abdul Halim	...	17	Patna City Zila School.
Abdul Hamid Khan	...	18-2	Moradabad Government High School

	Abdul Khalaque	...	19-8	Hughli Collegiate School.
	Abdul Lateef	...	16-2	Ditto.
	Abdul Majid	...	16	Rangpur Zila School.
	Abdul Rahim	...	18	Government High School, Aligarh.
10	Abdul Rahman	...	19	Ajmere Government College.
	Abdullah Gazi	...	17	Calcutta Institution.
	Abdur Rahim	...	14-7	Calcutta Madrasa.
	Abdus Samad	...	17	Darbhanga Raj School.
	Abdus Samud	...	19	Moradabad Government High School.
	Abul Hasanath Mohamed Abdur Rahman	...	16	M. A. O. College, Aligarh.
	Abunnase Mazhurul Hak	...	18-6	Ditto.
	Adhya, Akshaykumar	...	18	Badla H. C. E. School.
	" Mohanbihari	...	17-8	Hare School
	Afsaruddin Ahmed	...	16	Dacca Madrasa.
20	Agha Ali	...	20-2	Fyzabad Government High School.
	Amba Lal	...	18-5	Jhalrapatan Darbar Chaoni School.
	Amberdekar Jayaram Dinkar	...	20	Teacher.
	Amir Singh	...	17-1	Mayo College
	Andrews O. W.	...	18-1	Doveton College.
	Anthony, J. F.	...	16-7	Jabalpur Collegiate School.
	Atai Elahi	...	15-5	Hughli Collegiate School.
	Avery, W. P.	...	15-2	St. Paul's School, Darjeeling.
	Azizul Haq	...	18	Calcutta Madrasa.
	Bagchi, Kedarnath	...	16	Santosh Jabnabi School.
30	" Nagendranath	...	16-4	Metropolitan Institution, B. Branch.
	Bahraichi Lal	...	19-4	Benares Collegiate School.
	Baij Nath	...	19	Muttra High School.
	Balkrishna Anandrao Gupte	...	19	City School, Nagpur.
	Balvant Narayan Sathaye	...	17-7	Ditto.
	Balwant Rao Karkaray	...	18	Jabalpur Collegiate School.
	Bandyopadhyay, Asutosh	...	18	Teacher.
	" Bipinbihari	...	19-4	Canning College.
	" Chandrashekhar	...	18-1	Albert Collegiate School.
	" Gangadhar	...	17	St. John's College, Agra.
40	" Hariprasanna	...	15-2	Dacca Collegiate School.
	" Jnanadacharan	...	17	Barisal Zila School.
	" Jogindronath	...	16-9	Ditto
	" Kamakshyaprasad	...	14	Balagari School.
	" Kedarnath	...	16-3	Agarpara H. C. E. School.
	" Krishnachandra	...	16-11	Khulna Zila School.
	" Kshetranath	...	18-4	Uttarpara School.
	" Kshirodnath	...	17	Midnapur Collegiate School.
	" Matilal	...	15	South Suburban School, Bhowanipar.
	" Nilmani	...	15-6	Baharu H. C. E. School.
50	" Nimchand	...	19-2	Brajmohan Institution, Barisal.
	" Nisikanta	...	15-5	Dacca Collegiate School.
	" Prannath	...	17-4	C. M. School, Amritsar.
	" Purnachandra	...	16-4	Dacca Collegiate School.
	" Sambhuchandra	...	17	Metropolitan Institution.
	" Saradakanta	...	16-3	Dacca Pogose School.
	" Sasibhushan	...	16	Hare School.
	" Satishchandra	...	15-6	Halisahar English School.
	" Sibadus	...	15-8	Baharu H. C. E. School.
	" Sridhar	...	15	Howrah Government School.
60	Banik, Rakhalechandra	...	13	Dacca National School
	Bapuli, Banipada	...	16-8	B. P. School, Benares.
	Barat, Rajanikanta	...	15 9	Hughli Branch School.
	Barma, Harachandra	...	14-2	Bogra Zila School.
	Baruya, Chandrasekhar	...	16-2	Sibsagar High School.
	" Isanchandra	...	18	Commillah Zila School.
	" Kailasnath	...	16	Nowgong High School.
	" Nabinchandra	...	16	Gauhati High School.
	Barve Mukund Wamonrao	...	17	Indore Madrasa.
	Basak, Sujannath	...	16-1	Hare School.
70	Basu, Amarnath	...	16-6	Jabalpur Collegiate School.
	" Anathsaran	...	20-4	Burdwan Raj Collegiate School.
	" Anukulchandra	...	16	Commillah Zila School.
	" Anukulchandra	...	14	Hare School.
	" Bamacharan	...	16-7	Taki Government School.
	" Bijaykrishna	...	17-4	City Collegiate School.
	" Debendrachandra	...	15-4	Hughli branch School.
	" Gopalchandra	...	15-5	Canning College.

	Basu, Haridas	...	15-4	Metropolitan Institution, S. Branch.
	" Hemochandra	...	16	South Suburban School, Bhowanipur.
80	" Hridayachandra	...	17-8	Balasore Zila School.
	" Jagadiswar	...	17-6	Boinchi B. L. Institution.
	" Krishnachandra	...	18	Jabalpur Collegiate School.
	" Manmathanath	...	16-4	Hindu School.
	" Mohanlal	...	17	Jessore Zila School.
	" Nagendranath	...	17	Ripon College.
	" Nagendranath	...	15-6	Basirhat Municipal School.
	" Nilmani	...	16	Howrah Government School.
	" Purnachandra	...	17	Rajagram A. S. School.
	" Rasbihari	...	18	Rajshahye Collegiate School.
90	" Satinath	...	16	Magura H. E. School.
	" Satishchandra	...	15-6	Barahanagar School.
	" Suprasanna	...	18-4	Canning College.
	" Surendrachandra	...	15-6	Hughli Branch School.
	" Upendralal	...	15	Ruplal Raghunath School
	Beehu Lal	...	17-4	Unao High School.
	Bejbaraya, Lakshminath	...	18	Sibsagar High School.
	Bhaduri, Kalidas	...	18	Victoria School, Ghazipur
	" Rajanikanta	...	18-2	Dighapatia H. C. E. School.
	" Rajanikanta	...	19-1	Rajshahye Collegiate School.
100	" Sibchandra	...	16-6	Victoria School, Ghazipore.
	Bhagawati Prasada Katara	...	18-6	Government High School, Allahabad.
	Bhagwan Prasad	...	12	Gorakhpur C. M. H. School.
	Bhairab Ramchandra Hardiker	...	20	Jabalpur Collegiate School.
	Bhar, Benimadhab	...	19-3	Metropolitan Institution.
	Bhattacharyya, Abhaycharan	...	16-5	Albert Collegiate School.
	" Asutosh	...	16	L. M. S. School, Khagra.
	" Atulchandra	...	16	L. M. S. Institution, Bhowanipur.
	" Benimadhab	...	18-8	Ripon College.
	" Bhabataran	...	18-2	L. M. S. Institution, Bhowanipur.
110	" Bisweswar	...	17-6	Bali Rivers Thompson School.
	" Charuchandra	...	16	Harinavi A. S. School.
	" Girishchandra	...	18	Sahzadpur H. E. School.
	" Gurucharan	...	16	Bramanbaria Annada H. E. School.
	" Kailaschandra	...	19	Donogh H. School.
	" Kshetramohan	...	20-5	Kendraparah H. E. School.
	" Lalitmohan	...	18	L. M. S. Institution, Bhowanipur.
	" Nimaichandra	...	16	Ranchi Zila School.
	" Panchanan	...	18	Katwa H. E. School.
	" Rakhalidas	...	16-5	Bankipur. T. K. Ghosh's Academy
120	" Ramakanta	...	14-6	Rangpur Zila School.
	" Ramdas	...	15-10	Mozufferpur Zila School.
	" Ramdas	...	16	Barasat Government School.
	" Surendranath	...	16-3	Baharu H. C. E. School.
	" Umeshchandra	...	15-2	Jagannath Collegiate School.
	Bhaumik, Akshaychandra	...	20	Mymensing Institution
	Bhuniya, Upendranath	...	17	Town School, Midnapur.
	Bhura Mal	...	18-6	Jaypur Maharaja's College.
	Bihari Lal	...	22	Ghazipur Mission High School
	Bindesvar Prasada Varma	...	17-3	Allahabad Government High School.
130	Bion, F. F.	...	15-7	St. Paul's School, Darjeeling.
	Bishun Datta	...	16-7	Patna Collegiate School.
	Biswas, Amulyadhan	...	16-6	Metropolitan Institution.
	" Dinanath	...	15	Nawab's High School, Murshedabad.
	" Haripada	...	16	Bhagalpur Zila School.
	" Janakinath	...	17	Magura H. E. School.
	" Kartikchandra	...	17	Bankura Zila School
	" Nabinchandra	...	19-9	Krishnagar Collegiate School.
	" Nagendranath	...	18	Allahabad Government High School.
	Bomanji Nasarwanji Mullan	...	15-8	St. Francis de Sales' School.
140	Brahmachari, Tarasankar	...	18	Chatmohar Sambhunath H. E. School.
	Bridgnell, M.	...	18-8	St. Xavier's College.
	Budri Bakhsh	...	19-2	Ajmere Government College.
	Budriprasada	...	16-8	Agra Collegiate School.
	Budri Prasada	...	17-9	Sahjehanpur High School.
	Burnham, Blanche	...	.....	Doveton Institution.
	Buzlul Huq	...	15	Barisal Zila School.
	Chuckerbutty, Shorot	...	...	Lalbagh Girls' High School.
	Chakrabarti, Ambikacharan	...	17	Commillah Zila School.
	" Anadaprasad	...	16	Jagannath Collegiate School.
150	" Bangabihari	...	14-5	Dacca Pogose School.

	Chakrabati, Bankimchandra	...	15-2	Free Church Institution, Calcutta.
	" Biharilal ...	...	16	Nabadwip Hindu School.
	" Haridas	...	18	Harinavi A. S. School.
	" Jogeschandra	...	14-10	Rajshahye Collegiate School.
	" Kaliprasanna	...	15-10	Krishnagar Collegiate School.
	" Kedarnath	...	15-8	Chapra Zila School.
	" Parasnath	...	17	Dacca National School.
	" Praphullakumar	...	14-7	Krishnagar Collegiate School.
	" Pratapchandra	...	18	Commillah Zila School.
160	" Purnachandra	...	17-2	Rajshahye Collegiate School.
	" Purnachandra	...	17	Baharu H. C. E. School.
	" Rajanikantha	...	16-1	Rangpur Zila School.
	" Saratchandra, No. I.	...	18-4	Metropolitan, Institution B. Branch
	" Umacharan	...	16	Commillah Zila School.
	Chattopadhyay, Aghornath	...	13-8	Halisahar English School.
	" Annadaprasad	...	18-11	Benares Collegiate School.
	" Basantakumar	...	16-2	Faridpur Zila School.
	" Basantalal	...	17-5	Ripon College.
	" Bhupatinath	...	16-8	Hughli Branch School.
170	" Bipinchandra	...	16-7	Fyzabad Government High School
	" Chintaharan	...	15-5	Dacca Collegiate School.
	" Girindranath	...	17-10	Benares Collegiate School.
	" Haricharan	...	17-5	Bankipur T. K. Ghosh's Academy.
	" Hirilal	...	15	Dhubri High School.
	" Jyotindramohun	...	13-6	Ditto.
	" Manindralal	...	16-6	Birbhum School
	" Mohitkumar	...	15	Jamalpur H. C. E. School.
	" Nibaranchandra	...	18	Mahes H. E. School.
	" Rasbihari	...	18	Dacca National School
180	" Upendrachandra	...	17	Bankura Zila School.
	Chaudhuri, Bhabanigobinda	...	15	Rajshahye Collegiate School
	" Chandrakisor	...	15-4	Bhagalpur Zila School
	" Purnachandra	...	20-2	Rajshahye Collegiate School.
	" Rangopal	...	17-11	Patna Collegiate School.
	Chol Bihari Lal Mathur, No. II	...	15-11	Agra Collegiate School.
	Ohhannoo Lal	...	19-6	Benares B. P. School.
	C. Kanaka Raja Moodelliar	...	18-4	Free Church Institution, Nagpur.
	Connor, G.	...	15-6	Private Student.
	Cornabo, A. P.	...	15-6	La Martinière College.
190	Curtis, J. H.	...	16-2	Ditto.
	Daji Panday	...	19-8	Free Church Institution, Nagpur.
	Das, Chakradhar	...	16-2	Ravenshaw Collegiate School, Katak
	" Charuchandra	...	14-8	Hughli Collegiate School
	" Chittaranjan	...	15-3	L. M. S. Institution, Bhowanipur.
	" Gangagobinda	...	17-3	Faridpur Zila School
	" Girischandra	...	16	Nonkhali Zilla School.
	" Haridas	...	15	Jagannath Collegiate School.
	" Harsaran	...	16-2	Aligarh Government High School.
	" Jogeschandra	...	11	Rangpur Zila School
200	" Kailaschandra	...	16-4	Sylhet Government High School.
	" Kaminikumar	...	17-3	Chittagong College School.
	" Kasiswar	...	18-1	Jenkin's School, Cooch Behar.
	" Lakshmanachandra	...	16	Chatra H. C. E. School.
	" Madhusudan	...	14-3	Rangpur Zila School.
	" Mihirlal	...	17-7	Hughli Collegiate School.
	" Prankrishna	...	18	Malda Zila School.
	" Rajendranath	...	17	Metropolitan Institution, S. Branch
	" Rajendranath	...	19-1	Uttarpara School.
	" Rangati	...	20-5	Sylhet Government High School.
210	" Sarbeswar	...	13-7	Barpeta H. E. School.
	" Satyendranath	...	13-6	Midnapur Collegiate School.
	Dasgupta, Ambikacharn	...	20-2	Dacca Collegiate School.
	" Asutosh	...	14	Free Church Institution, Calcutta
	Datta, Ambikacharan	...	16-4	Madaripur H. C. E. School.
	" Ambikacharan	...	16-11	L. M. S. Institution, Bhowanipur.
	" Bankubihari	...	18	Dacca Pogose School
	" Basantakumar	...	18	Dacca National School.
	" Chandrabhusan	...	16	Bankura Zila School.
	" Gobindaachandra	...	16	Sarnamay's H. C. E. School, Ulipur.
220	" Haridas	...	16-2	Hindu School.
	" Jagadisharan	...	17-2	Dacca Collegiate School.
	" Jyoti'pal	...	16	Howrah Government School.
	" Kalidas	...	16	Mahes H. E. School.

	Datta, Lalitmohan	...	19-4	Dacca Pogose School.
	" Mahendranath	...	14-2	Sibpur Higher English School.
	" Upendranath	...	18-1	Khulna Zila School.
	Davis, W.	...	17-9	Private student.
	De, Bisweswar	...	21-2	Kalaskati H. E. School.
	" Gobindaprasad	...	16-9	Albert Collegiate School.
230	" Nepalchandra	...	17-5	Barahanagar School.
	" Pratuichandra	...	16	L. M. S. Institution, Bhowanipur.
	" Satishchandra	...	14-11	Hare School.
	" Upendranath	...	15-10	General Assembly's Institution.
	Deb, Lakshminath	...	19-2	Habiganj High School.
	Debi Prasad Lala	...	18-6	Jabalpur C. M. S. High School
	Dootjen, J.	...	17	St. Paul's High School, Rangoon.
	De Silva, W. H.	...	17-4	Prince of Wales' College, Moratuwa.
	D'Souza, Amy	...		Cawnpur Girls' High School.
	Dhani Ram	...	16-8	St. John's College, Arga.
240	Dhar, Chandranath	...	16-7	Rajshahy Collegiate School.
	" Saradacharan	...	18-2	Mymensingh Zila School.
	" Surendranath	...	16-2	Oriental Seminary.
	Dhoondi Gunwant Thengdi	...	18	City School, Nagpur.
	Dikshit Jagannath	...	18	Hume's High School, Etawah.
	Dover, Grace	...		La Martiniero for Girls.
	Dube, Lakshmi Prashad	...	20	Sultanpur Zila School.
	" Mannoo Lal	...	19	Jabalpur Collegiate School.
	Dwarka Narayan Mathur	...	17-10	Allahabad Government High School.
	Enayat Karim, H. S	...	19-2	Calcutta Madrasa.
250	Etha	...	20-1	Akyab Government High School.
	Faizuddin Ahmed	...	18	Debrugarh High School.
	Fakhr Uddin	...	17-1	Patna Collegiate School.
	Forbes, Honorino	...		Convent School, Rangoon.
	Ganaishi Lall	...	18-3	Hume's High School, Etawah.
	Ganga Vishun	...	15	Chapra Zila School.
	Gangopadhyay, Asutosh	...	15-3	Howrah Government School.
	" Bipradas	...	17	Bhagalpur Zila School.
	" Debendranath	...	16	Burdwan Municipal School.
	" Haralal	...	17-8	Patna Collegiate School.
260	" Manmathanath	...	15	L. M. S. Institution, Bhowanipur.
	" Manmathanath	...	15-11	Dinajpur Zila School.
	" Nripendranath	...	16-6	Barasat Government School.
	" Panchanan	...	18	Konnagar H. C. E. School.
	Gasper, C. S.	...	17-6	Doveton College.
	Ghatak, Gangeschandra	...	18	Ranaghat H. A. V. School.
	Ghosh, A.	...	17-6	St. Xavier's College.
	" Abanikumar	...	17	Dacca National School.
	" Akshaykumar	...	17-10	Hindu School.
	" Amiyannath	...	16-8	Metropolitan Institution, S. Branch
270	" Binodbihari	...	13	Narail H. E. School.
	" Gopalchandra	...	13	Faridpur Zila School.
	" Gopalchandra	...	16	Jagannath Collegiate School.
	" Harendrakumar	...	14	Barisal Zila School.
	" Hirulal	...	16-10	Behar H. C. E. School.
	" Jagatchandra	...	17-2	Chittagong Collegiate School.
	" Kasinath	...	15-10	Metropolitan Institution.
	" Narayanchandra	...	14	Hare School.
	" Priyanath	...	16	Ditto.
	" Rameschandra	...	18	Jagannath Collegiate School.
280	" Ramraman	...	18-1	Narail H. E. School.
	" Sarojkanti	...	15-6	City Collegiate School.
	" Sasibhusan	...	16	Metropolitan Institution.
	" Satishchandra	...	16-6	Hare School.
	" Surendranath	...	15-6	Ditto.
	" Taraprasanna	...	17	Purulia Zila School.
	" Umeshchandra	...	18	Khulna Zila School.
	Ghoshal, Gopalchandra	...	19-10	Harinavi A. S. School.
	" Sarala	...	.....	Bethune Female School.
	Gobind Balwant	...	17-9	Jabalpur Collegiate School.
290	Godwin, G. L.	...	21-3	Armenian Phil. Academy.
	Gokool Chand	...	19-2	Allahabad Government High School.
	Gopal Shridhar Godgil	...	17-7	Free Church Institution, Nagpur.
	Gorman, J. C.	...	16-5	St. Thomas' College, Murree.
	Goswami, Nriyagopal	...	18	Dall's High School.
	" Subhrendu	...	16	Silsagar High School.
	Guha, Asitakumar	...	16-3	University College.

	<i>Guha, Rairaman</i> ...	17	<i>Narayanganj H. C. E. School.</i>
	<i>Gulab Jagosing</i> ...	17	<i>City School, Nagpur.</i>
	<i>Gulzari Lall</i> ...	19	<i>Kayastha Pathshala, Allahabad.</i>
300	<i>Gupta, Binayachandra</i> ...	16-3	<i>Dacca Collegiate School.</i>
	" <i>Harananda</i> ...	17	<i>Jagannath Collegiate School.</i>
	" <i>Naricharan</i> ...	17-2	<i>Hindu School.</i>
	" <i>Juanendramohan</i> ...	17	<i>Santosh Jahnabi School.</i>
	" <i>Kalimohan</i> ...	17-4	<i>Jalpaiguri Zila School.</i>
	" <i>Kshetramohan</i> ..	18-9	<i>Hughli Collegiate School.</i>
	" <i>Makhanlal</i> ...	16	<i>Hare School.</i>
	" <i>Nandalal</i> ...	15 6	<i>Ripon College.</i>
	" <i>Pramatheswar</i> ...	14	<i>Dacca National School.</i>
	" <i>Sauribilas</i> ...	17-4	<i>Banwaribad H. C. E. School.</i>
310	<i>Gya Prasad</i> ...	17-6	<i>Fyzabad Government High School.</i>
	<i>Habibar Ruhman</i> ...	15	<i>Midnapur Collegiate School.</i>
	<i>Hajra, Annadaprasad</i> ...	16-11	<i>Burdwan Raj Collegiate School.</i>
	<i>Halidar, Anathunath</i> ..	16 2	<i>L. M. S. Institution, Bhowanipur.</i>
	" <i>Haridas</i> ...	18	<i>South Suburban School Bhowanipur.</i>
	<i>Hannah, A. R.</i> ...	16-9	<i>Allahabad Boys' High School.</i>
	<i>Harik Narayan</i> ...	16	<i>Bankipur T. K. Ghosh's Academy.</i>
	<i>Harinanda Sahay</i> ...	16 6	<i>Patna Collegiate School.</i>
	<i>Hari Narayan</i> ...	21	<i>Jaypur Maharaja's College.</i>
	<i>Harris, G. H.</i> ..	18-5	<i>Private Student.</i>
320	<i>Hazari Lal</i> ...	19-3	<i>Barabanki High School.</i>
	<i>Hein, A. G.</i> ...	15-8	<i>Bishop Cotton School, Simla.</i>
	<i>Hemingway, Lizzie</i> ...	.....	<i>Diocesan Girls' School, Naini Tal.</i>
	<i>Htun Hla W.</i> ...	16-7	<i>Akyab Government High School.</i>
	<i>Hui, Nibaranachandra</i> ...	16-3	<i>Burdwan Raj Collegiate School.</i>
	<i>Ikbāl Kishaw Dar</i> ...	16-6	<i>Victoria Collegiate School, Agra.</i>
	<i>Imtiaz Ahmad</i> ...	20	<i>Canning College.</i>
	<i>Jackson, L. J.</i> ...	16-1	<i>Cawnpur Memorial School.</i>
	<i>Jacob, E.</i> ...	18	<i>Jabalpur Collegiate School.</i>
	<i>Jagadamba Prasad</i> ...	17	<i>Mirzapur Government High School.</i>
330	<i>Jagannath Pershad</i> ...	17-6	<i>Barcilly High School.</i>
	<i>Jamiluddin</i> ...	17-3	<i>Allahabad Government High School.</i>
	<i>Janaki Sahay</i> ...	15	<i>Gya Zila School.</i>
	<i>Janki Prashad</i> ...	15-5	<i>Bhagalpur T. N. City School.</i>
	<i>Jaymungal Prasad</i> ..	16	<i>Chapra Zila School.</i>
	<i>Jootiprasada</i> ...	16-6	<i>Benares Collegiate School.</i>
	<i>Jeremiah, J. R.</i> ...	18-5	<i>Wesley College, Colombo.</i>
	<i>Jeremy, A. S.</i> ...	15-11	<i>Meerut C. M. High School.</i>
	<i>Jotirvid, Badri Datta</i> ...	16-9	<i>Barcilly High School.</i>
	<i>Kali Sahai</i> ...	19	<i>Bahraich High School.</i>
340	<i>Kamaluddin</i> ...	17	<i>Behar National Institution.</i>
	<i>Kama Prasad, No. I</i> ...	20	<i>Hume's High School, Etawah.</i>
	<i>Kanahya Lall</i> ...	15-8	<i>Barcilly High School.</i>
	<i>Kar, Atulchandra</i> ...	18	<i>Dacca Pogose School.</i>
	" <i>Jagatchandra</i> ...	17-6	<i>Mymensingh Zila School.</i>
	<i>Karani, Nimaicharan</i> ...	19-3	<i>ditto ditto.</i>
	<i>Karmakar, Kumudnath</i> ...	15	<i>Rangpur Zila School.</i>
	<i>Kesho Rao Sadashiva</i> ...	17-1	<i>Jabalpur Collegiate School.</i>
	<i>Khan, Saradanath</i> ...	14-4	<i>Bogra Zila School.</i>
	<i>Khoob Lal Dass</i> ...	15-9	<i>Bhagalpur T. N. City School.</i>
350	<i>Khoorshaid Ali</i> •	15	<i>Ravenshaw Collegiate School, Katak.</i>
	<i>Kishori Lal</i> ...	17-6	<i>Govt. High School Aligarh.</i>
	<i>Kraal, Ella</i> ...	...	<i>Doveton Institution.</i>
	<i>Krishna Bullabh</i> ...	17-3	<i>Bankipur T. K. Ghosh's Academy.</i>
	<i>Krishna Deva Narayan</i> ...	16-4	<i>Mozufferpur Zila School.</i>
	<i>Krishna Rao Pamaskr</i> ...	15	<i>Jabalpur Collegiate School.</i>
	<i>Kuladwipa Sahay</i> •	16	<i>Gya Zila School.</i>
	<i>Kumar, Bipranarayan</i> ...	15-10	<i>Jenkin's School, Cooch Behar.</i>
	<i>Kunjabihari Lal</i> ...	18-6	<i>Patna Collegiate School.</i>
	<i>Kunti Damodar Kesheo</i> ...	17-6	<i>Indore Madrasa.</i>
360	<i>Lachman Prasada</i> ...	18-10	<i>Rai Barcilly Government High School.</i>
	<i>Lachminarain</i> ...	17-6	<i>Patna Collegiate School.</i>
	<i>Ladli Prasad</i> ...	17-6	<i>Allahabad Government High School.</i>
	<i>Lala Kamta Prasada</i> ...	17-6	<i>Sitapur High School.</i>
	<i>Lalitaprasad</i> ..	17-8	<i>Gorakhpur C. M. High School.</i>
	<i>Lalta Prasada</i> ...	16-10	<i>Fyzabad Government High School.</i>
	<i>Laville, B. L. A.</i> ...	17-6	<i>Lahore Boys' High School.</i>
	<i>Laxman Vyankatesh Parnaik</i> ...	19-3	<i>Dhar High School.</i>
	<i>Lyell, H. S.</i> ...	16-7	<i>St. Xavier's College.</i>
	<i>McGinn, E.</i> ...	15	<i>St. George's College, Mussoorie.</i>

370	McGrath, E. J.	...	18-5	St. Xavier's College.
	McLean, E. G.	...	18	St. Paul's School, Darjeeling.
	Madanmohun Lal	...	20	Balia School.
	Madho Prashad	...	17-3	Allahabad Government High School.
	Mahabir Sarana	...	16	Chapra Zila School.
	Mahanti, Harakrishna	...	15-1	Ravenshaw Collegiate School, Katak.
	Mahmood-ul Haq	...	15-4	Patna Collegiate School.
	Maitra, Homantakumar	...	15-8	Bhrampur Collegiate School.
	" Kalipada	...	15-5	Azamgarh C. M. High School.
	Maji, Hridaynath	...	16-2	Hamilton School, Tamruk.
380	Majid Hasain	...	17-2	Sultanpur Zila School.
	Majumdar, Baradaprasanna	...	17	Jessore Zila School.
	" Harachandra	...	16-3	Rajshahya Collegiate School.
	" Hariprasad	...	16-7	Commillah Zila School.
	" Priyasankar	...	16-2	Hindu School.
	" Rajendranath	...	16	Howrah Government School.
	" Saradacharan	...	17-4	Rajshahye Collegiate School.
	" Sibchandra	...	16	Rangpur Zila School.
	Malia, Pramathanath	...	15	Searsole H. E. School.
	Mallik, Arabindaprakas	...	15-10	Agra Collegiate School.
390	" Goshthabihari	...	17-4	Tarakeswar School.
	" Jnanendrachandra	...	16	Kalyan Mahārāja's School.
	" Jnanendranath	...	18	Hare School.
	" Krishnalal	...	15-8	Hughli Branch School.
	" Saratchandra	...	16	Metropolitan Institution.
	" Satishchandra	...	15	Midnapur Collegiate School.
	" Surendranath	...	15	Hare School.
	Mandal, Benimadhab	...	15	Malda Zila School.
	Mangli Prasad	...	17	Sultanpur Zila School.
	Magboolul Haque	...	17	Noakhali Zila School.
400	Master, L. S.	...	19	Hazaribagh Zila School.
	Meherbai Byramjee Nusserwanjee	...		Dovoton Institution.
	Miller, A. H.	...		Rangoon College.
	Mirza Ahmad Jan	...	15-3	Victoria Collegiate School, Agra.
	" Muhammad Nazir	...	17	Bhadrak H. E. School.
	Mitra, Akshaykumar	...	15-7	Hughli Branch School.
	" Asutosh	...	15	Dasghara School.
	" Asutosh	...	11	Metropolitan Institution, S. Branch.
	" Bamacharn	...	14-10	Hare School.
	" Binaykrishna	...	16-3	Ariadaha H. E. School.
410	" Binodchandra	...	14	Hindu School.
	" Bipinbihari	...	16-1	Rajshahye Collegiate School.
	" Gopeswar	...	14-3	Hitampur School.
	" Hariprasad	...	19-10	Krishnagar Collegiate School.
	" Jotindraprasad	...	16-4	Hare School.
	" Kalicharan	...	15-6	Benares Collegiate School.
	" Kiranchandra	...	16	Metropolitan Institution, S. Branch.
	" Madhusudan	...	20-4	Piyarimohan Academy, Katak.
	" Mahindranath	...	19	Pertabgarh High School.
	" Nilgirindra	...	15	University College.
420	" Raghunath	...	15-1	Agra Collegiate School.
	" Sarbagunakar	...	18	University College.
	" Syamacharan	...	19-1	Piyarimohan Academy, Katak.
	" Upendramohan	...	15	Commillah Zila School.
	" Upendranath	...	18	Metropolitan Institution.
	Mitthu Lal	...	16-9	Government High School, Aligarh.
	Mockbul Ali	...	17-5	Brahmanbaria Annada H. E. School.
	Mohan Lal	...	18-6	Allahabad Government High School.
	Moinuddin Ahmed	...	18-6	Ambala Mission High School.
	Moung Hlu Baw	...	17-3	Rangoon College.
430	" Kyi O.	...	15-4	Mergui Government School.
	" Ka	...	15-4	Akyab Government High School.
	Muhammad Abdul Guffar	...	18-3	Jabalpur Collegiate School.
	Muhammad Amanul Haqq	...	16-8	Gorakhpur C. M. High School.
	Muhammad Daud Abbasi	...	17	M. A. O. College, Aligarh.
	Muhammad Hasan	...	16-3	Benares Collegiate School.
	Muhammad Maqsood Ali Khan	...	20-3	Jabalpur Collegiate School.
	Muhammad Qumrul Huda	...	17-3	Patna Collegiate School.
	Muhammad Qutab Alam	...	17-6	Ditto.
	Muhammad Rafi	...	18	Ghazipur Mission High School.
440	Muhammad Saadutullah Khan	...	20	Ajmere Government College.
	Muhammad Sadiq	...	19	Bareilly High School.
	Muhammad Sayid	...	18	Arrah Zila School.



	Muhammed Wajib	...	18-5	M. A. O. College, Aligarh.
	Muhammad Yusuf	...	15-7	Patna Collegiate School.
	Mukhi Ram	...	18-9	Moradabad Government High School.
	Mukhopadhyay, Abhaypada	...	17-8	Bali Rivers Thompson School.
	" Annadaprasad	...	17	Hare School.
	" Atiudriya	...	17	L. M. S. Institution Bhowanipur.
450	" Baikunthanath	...	18-4	Mahisadal H. E. School.
	" Bankimnath	...	16	Birbhum School.
	" Bhubanchandra	...	17-7	Kalna Maharaja's School.
	" Bipradas	...	13-8	Ranaghat H. A. V. School.
	" Girindranath	...	15	Metropolitan Institution.
	" Haricharan	...	15-5	Kalna Maharaja's School.
	" Hariprasanna	...	17-3	Dacca Collegiate School.
	" Kalidas	...	17-6	Ariadaha H. E. School.
	" Kaliprasanna	...	18-4	Monghyr Zila School.
	" Mahendranath	...	15-6	Malda Zila School.
460	" Meghnath	...	15-4	Burdwan Raj Collegiate School.
	" Mrigendralal	...	16-3	Birbhum School.
	" Nagendranath	...	17-7	Boinchi B. L. Institution.
	" Nilmani	...	15	Kuchincol Radha Institution.
	" Paradakinkar	...	16-6	Birbhum School.
	" Priyanath	...	17-2	Cawnpur Zila School.
	" Purnachandra	...	17	Ghatal H. C. E. School.
	" Rakhalechandra	...	15-7	Bankura Zila School.
	" Ramchandra	...	17-2	Brajamohan Institution, Barisal
	" Sasikanta	...	18-2	Chittagong Collegiate School.
	" Satishchandra	...	17	Santipur Municipal School.
470	" Surathnath	...	15	Hughli Collegiate School
	" Surendranath	...	15	Howrah Government School.
	Muruli Manohar Lal	...	21	Rewah High School
	Murli Dhar Ganesh	...	18-7	Jabalpur C. M. S. High School.
	" Dhar Nagar	...	18-4	Benares Collegiate School.
	Mustafi, Asutosh	...	16	Balagarh School.
	" Mahitosh	...	17-4	Howrah Government School.
	Nabi Bakhsh	...	16-6	Ludhiana Mission School.
	Nag, Gangakanta	...	15-4	Dacca Collegiate School.
	" Hauseswar	...	16-9	Jangipur H. E. School.
480	Naudi, Atulkrishna	...	16-2	Metropolitan Institution, B. Branch
	" Brajagopal	...	15-2	A. P. Mission School, Allahabad.
	" Satyendranath	...	15	Ranaghat H. A. V. School.
	Narain Dalla Khawas	...	19-1	Ramsay College, Almorah.
	Narain Sing	...	19-6	Unao High School.
	Nath, Kshetramohan	...	17	L. M. S. Institution, Bhowanipur.
	Nathooram	...	17-10	Jabalpur C. M. S. High School.
	Nawab Lal	...	14	Balia School.
	Naziruddin Ahmed	...	17	Benares Collegiate School.
	Nurullah	...	16	Calcutta Madrasa.
490	O'Byrne, F.	...	15 8	St. George's Colleges, Mussoorie.
	Omar Khan	...	14-5	Calcutta Madrasa.
	Pakrasi Bhubanmohan	...	17-3	Banda Zila School.
	Pal, Jyotishchandra	...	17	Bhagalpur Zila School.
	" Satyapradip	...	17	Sridhar Bansidhar School Nawabganj.
	Palchandhuri, Hemendranath	...	16-2	Ranaghat H. A. V. School.
	Pandit, Ayodhyanath	...	17	Canning College.
	" Mohan Kissen	...	20	Ditto.
	" Rajnarain	...	19	Ditto.
	Pandit, Pirthu Nauth Muttou	...	16-2	Sitapur High School.
500	Patra, Haridas	...	15	Howrah Government School
	Pershadi Lal	...	19	Aligarh Government High School.
	Platts, S. G.	...	15-6	Benares Collegiate School
	Pramanik, Goshthabihari	...	16-7	Rajshahye Collegiate School.
	" Rakhalechandra	...	16	Santipur Municipal School.
	" Rammay	...	19	Ditto.
	Prem Bihari Lal	...	16	Bareilly High School.
	Pudampurshad	...	18-5	Ajmere Government College.
	Quasim Uddin Khan	...	15	Bhagalpur Zila School
	R. Hazari Lal	...	17-3	Jabalpur Collegiate School.
510	Raghunandana Pershad	...	16-2	Chapra Zila School.
	Raghunath Keshava Sarvate	...	17-1	Jabalpur Collegiate School.
	Raghunath Prasad Seth	...	18	L. M. Collegiate School, Benares
	Raha, Sasudhar	...	16	Bagirhat English School.
	Rahim Bakhsh	...	18-7	Gonda High School.
	Rai Durga Prasad	...	19	Jabalpur Collegiate School.

	Raja Bahadur	...	20	Bahraich High School.
	Ram Adheen	...	18	Ditto.
	Ram Charan	...	20	Barilly High School.
	Ram Chandra	...	19	Jaynarayan College, Benares.
520	Ramchandra Daji	...	17	City School, Nagpur.
	Ramchandra Vishnu Kukde	...	18	Ditto.
	Ram Dhan	...	22	Teacher.
	Ramji Das	...	21	Saharanpur Mission School.
	Ram Lal Kahar	...	16-9	Sambalpur High School.
	Ram Pershad	...	17-8	Agra Collegiate School.
	Ram Prasad	...	18-4	Victoria Collegiate School, Agra.
	Ram Puri Goshain	...	26-1	Private Student.
	Ramratan Prasad	...	18	Chapra Zila School.
	Ray, Abinasechandra	...	15	Jamulpur H. C. E. School.
530	" Akshaykumar	...	15-2	Bogra Zila School.
	" Anukulchandra	...	15	Barisal Zila School.
	" Baidyanath	...	16-4	Dumka Zila School.
	" Banamali	...	16-2	Hughli Collegiate School.
	" Bhabeschandra	...	15-9	Hare School.
	" Brajendranath	...	16	Monghyr Zila School.
	" Chandieharan	...	14	Kalia H. E. School.
	" Chandrakumar	...	17	Mymensingh Institution.
	" Girijaprasanna	...	16	South Suburban School, Bhowanipur.
	" Haralal	...	16	Pabna Zila School.
540	" Jadabchandra	...	16-7	Barisal Zila School.
	" Jasadkumar	...	18	Chittagong Municipal School.
	" Jyotindramohan	...	17	Taki Government School.
	" Jyotindramohan	...	15	Hare School.
	" Kailaschandra	...	18-8	Naldanga Bhushan School.
	" Kalikacharan	...	15-6	Manikganj H. C. E. School.
	" Kasiswar	...	15-3	Nawab's High School, Murshedabad.
	" Kiranchandra	...	17-9	Naral H. C. E. School.
	" Kumudnath	...	14-6	Pabna Zila School.
	" Lalbihari	...	18-6	Jagatballabhpur H. C. E. School.
550	" Mahimachandra	...	18	Jagannath Collegiate School.
	" Manoranjan	...	13	Sarnamay's H. C. E. School, Ulipur.
	" Mukundanath	...	16	Dinajpur Zila School.
	" Paramesprasad	...	14-9	Dacca National School.
	" Purnendu	...	15	Mahes H. E. School.
	" Raghunath	...	16-3	Ravenshaw Collegiate School, Katak.
	" Rajendramohan	...	16	Rowile H. School.
	" Rajbaldus	...	17-2	Barasat Government School.
	" Rakhairaj	...	20	Gar Bownipur H. C. E. School.
	" Rasbihari	...	17-6	Ghatal H. C. E. School.
560	" Saradakanta	...	14-1	Bogra Zila School.
	" Sudhangsukumar	...	15-6	Hare School.
	Raychaudhuri, Sibadas	...	16	Baripur H. C. E. School.
	" Unacharan	...	14-2	Dacca National School.
	Reyazuddin	...	21-3	Ajmere Government College.
	Ross, A. B.	...	16-1	St. Peter's College, Agra.
	Rustomjee, C. H. M.	...	15-6	Doveton College.
	Saheb Rai	...	23	Sultanpur Zila School.
	Sakhawat Hossain	...	17-3	Patna City Zila School.
	Samintra, Radhacharan	...	18	Searsole H. E. School.
570	Sambhu Prasad	...	16	Bankipur T. K. Ghosh's Academy.
	Sankhua Daityaprasad	...	17-6	Balasore Zila School.
	Sanyal, Baradakanta	...	15-4	Bhagalpur Zila School.
	" Girischandra	...	19-6	Puthia H. E. School.
	" Krishnabandhu	...	17-5	Uttarpara School.
	Sarju Parshad	...	18-7	Bareilly High School.
	Sarkar, Akshaykumar	...	16-10	Oxford Mission School.
	" Binodbihari	...	15	Free Church Institution, Chinsurah.
	" Jyotindramohan	...	16	Dacca National School.
	" Saratchandra	...	14-3	Dinajpur Zila School.
580	" Saratkumar	...	16-5	Hindu School.
	" Sasisekhar	...	16-5	Rajshahye Collegiate School.
	" Satyacharan	...	20	Mahisadal H. E. School.
	" Sureschandra	...	16-6	Krishnagar Collegiate School.
	" Sureschandra	...	15-5	Birbhum School.
	Sarma, Chandrakumar	...	20	Sylhet National School.
	" Rajkisor	...	18	Cachar High School.
	Sen, Abaninath	...	18	Dacca National School.
	" Abhuycharan	...	19	Ditto.

	Sen, Chandrakumar	...	19-3	Sylhet Government High School.
590	" Haranohandra	...	17	Hindu School.
	" Harimanikya	...	17	Dacca National School.
	" Janardanhari	...	15	Noakhali Zila School.
	" Kalimohan	...	17	Dacca Pogose School.
	" Kaminikumud	...	16	Chittagong Collegiate School.
	" Kodarnath	...	17-11	Brajamohan Institution, Barisal.
	" Kshirodral	...	13-1	Hindu School.
	" Nisichandra	...	20	Chittagong Municipal School.
	" Prankrishna	...	16	Noakhali Zila School.
	" Ramachandra	...	16-6	Dinajpur Zila School
600	" Sarachakanta	...	16-7	Burdwan Municipal School.
	" Saratchandra, No. I	...	14	Barisal Zila School.
	" Saratchandra, No. II	...	14	Ditto.
	" Sasibhushan	...	17-6	Bankipur T. K. Ghosh's Academy.
	" Syamacharan	...	18	Dacca National School.
	" Tattweskamal	...	15 9	Jenkin's School, Cooch Behar.
	Sengupta, Chandrakumar	...	18	Chittagong Municipal School.
	" Krishnakumar	...	13	Santosh Jahnabi School.
	" Nagendranath	...	17	Ranaghat H. A. V. School.
	Shakespeare, J. C.	...	14-8	St. Francis de Sales' School.
610	Shambhunarayan Varma	...	18	Allahabad Government High School.
	Shamsur Husun	...	20-9	Jabalpur Collegiate School.
	Shankar Lall, No. I	...	18-4	Meerut Government High School.
	Shankar Lall, No. II	...	18	Ditto.
	Shelverton, T.	...	16-9	Private Student.
	Shiam Narayan	...	19	Hardoi High School.
	Shiva Sahaylall	...	20-7	Patna Collegiate School.
	Shumbhoo Dayal	...	19 3	Barabanki High School.
	Shway Hpaaw Oo	...	18 9	Akyab Government High School.
	Shwo Mya	...	20-10	Rangoon College.
620	Sil, Nandalal	...	15-1	Hume's High School, Etawah.
	" Nityalal	...	16	Hare School.
	Singh, Karher	...	17	Muttra High School.
	" Sheo Nandan	...	17	Chapra Zila School.
	" Shew Shankar	...	20	Pertabgarh High School
	Sinha, Bhishuprasad	...	21	Rajshahye Collegiate School.
	" Gadadhar	...	16-2	Benares Collegiate School.
	" Karunasindhu	...	17-8	Lakshannath H. O. E. School
	" Lakshmiprasad	...	19-2	Kendrapara H. E. School
	" Natabar	...	17	Bankura Zila School.
630	" Rajanikanta	...	16-2	Kandi School.
	Siv Pratap Narayan	...	15-6	Arrah Zila School.
	Siv Singh	...	20	Bareilly High School.
	S. M. Habibur Rohomun	...	16	Free Church Institution, Calcutta.
	Sobhakar, Kshetranath	...	17-5	Hindu School
	Som, Saratchandra	...	16-8	Commillah Zila School.
	Subhan Kareem	...	22-7	Patna Collegiate School.
	Sundar Narain Mushran	...	20	Private Student.
	Suraj Bakhsh	...	13-2	Fyzabad Government High School
	Sur, Kamadaprasad	...	16-7	Hindu School.
640	Suryya Deva Narayan	...	17	Mukerji's Seminary, Mozufferpur.
	Syed Abdul Ghani	...	17-6	Jaunpur Government High School.
	Syed Abdul Jabber	...	17	Habiganj High School
	Syed Ali Ahmed	...	16	M. A. O. College, Aligarh
	Syed Mahammad Zahurul Haq	...	11	Calcutta Madrasa
	Syed Mahammad Yusuf Ahmed	...	16-3	M. A. A. School, Patna.
	Tagore, Sudhintranath	...	15-6	Metropolitan Institution.
	Telluckdhari Lall	...	17-2	St. Xavier's College.
	Templeton, J. H.	...	16-7	Rangoon College
	Tewari, Ramanandan	...	17	Balia School.
650	Tha Gywai	...	16-1	Rangoon College.
	Thakur Prasud	...	18	Sultanpur Zila School.
	" Premisankar	...	19	Jabalpur Collegiate School.
	Thorpe, A.	...	16-3	Lahore Boys' High School.
	Tikarun	...	18 3	Bareilly High School.
	Ujagir Lal	...	17-3	Arrah Zila School.
	Upadhyay, Brijkisor	...	18	Mukerji's Seminary, Mozufferpur.
	Vidya Parshad	...	19	Aligarh, Government High School.
	Vidyadhar Shridhar Joshee	...	16-9	Free Church Institution, Nagpur.
	Vijaya Anand	...	17	L. M. Collegiate School, Benares.
660	Vishnu Prakash	...	18-2	Hardoi High School
	Wale, J. P.	...	18 6	Lahore Boys' High School.

	Wallace, Mary	...	...	Convent School, Rangoon.
	Waman Vithal Kano	...	16	City School, Nagpur.
	Wasi Ahmed	...	19-7	Patna Collegiate School.
	Winterscale, J. C.	...	16-9	La Martinière College.
	Wise, Janet	...	.....	Doveton Institution.
	Navier, E. C.	...	15-10	Ravenshaw Collegiate School, Katak.
668	Zamin Ali	...	16-4	Hughli Collegiate School.

## THIRD DIVISION.

*In Alphabetical Order.*

	Abdul Aziz	...	17-4	Sylhet National School.
	Abdul Gani	...	20-2	Ludhiana Mission School.
	Abdul Goni	...	21	Free Church Institution, Calcutta.
	Abodhbhari Lali	...	18	Bhagalpur Zila School.
	Abul Muzaffar Muhammad Ataur Rahman	...	15	Albany Institution.
	Acharyya, Jyotishchandra	...	13	Gauhati High School.
	Aftab Ahmad Khan Ahmadi	...	17-10	M. A. O. College, Aligarh.
	Afzalur Rohoman	...	20	Dacca Pogose School.
10	Akbar Husain Khan	...	18	M. A. O. College, Aligarh.
	Ali Haider	...	16-8	Bareilly High School.
	Amhien Parsad	...	16	Chapra Zila School.
	Amin Akshaykumar	...	22-8	Private Student.
	Ananta Prosud	...	18	Bhagalpur Zila School.
	Avadh Beharilal Mathur	...	17-4	Moradabad Government High School.
	Badri Pershad	...	22	Sultanpur Zila School.
	Bagchi, Abinasechandra	...	16	Rajshahye Collegiate School.
	" Girijakanta	...	18-1	Jalpaiguri Zila School.
	" Umesechandra	...	21	Parjana Mukundanath School.
20	Baksi, Kritticheandra	...	18	Pandra H. E. School.
	Balaji Jairam Chhanev	...	17	City School Nagpur.
	Balkrishna Govind Devaikaar	...	19	Free Church Institution, Nagpur.
	Balkrishna Wasudeo	...	18	Ditto ditto.
	Bandyopadhyay, Asokjiban	...	14-11	M. A. O. College, Aligarh.
	" Asutosh	...	18	Boinchi B. L. Institution.
	" Banacharan	...	14-4	Free Church Institution, Chinsurah.
	" Banwaribhushan	...	17-10	Banwaribad H. C. E. School.
	" Baradaprasad	...	15-3	Konnagar H. C. E. School.
	" Bhubaneswar	...	14	Serajganj H. E. School.
30	" Jibankrishna	...	15	Bali, Rivers Thomson School
	" Jogesechandra	...	16	Baikal Zila School.
	" Jogindranath	...	17	Bhagalpur Zila School.
	" Kirticheandra	...	20	Ruplal Raghunath School.
	" Lalbihari	...	16-4	Metropolitan Instn., S. Branch.
	" Maunathuath	...	17-8	Khulna Zila School.
	" Matilal	...	18-2	New Indian School.
	" Natabihari	...	18-4	Ditto.
	" Pannalal	...	18	Midnapur Collegiate School.
	" Prabhatchandra	...	16	Sanskrit Collegiate School.
40	" Prandhan	...	16-2	Silpur H. C. E. School.
	" Rajendrachandra	...	17-4	Jagannath Collegiate School.
	" Rajkumar	...	16	Nabadwip Hindu School.
	" Saradaprasad	...	16	South Suburban School, Bhowanipur
	" Saratchandra	...	19	Narayanganj H. C. E. School.
	" Saratchandra	...	17-6	Shahjehanpur High School.
	" Saratkumar	...	16-4	Hardoi High School
	" Sasibhushan	...	18	Nowgong Cantonment School.
	" Sripati	...	14-8	Nawab's High School, Murshedabad.
	Banka Vihari	...	16	Gya Zila School.
50	Bans Gopal	...	20	Hume's High School, Etawa.
	Bapu Waman	...	16	Jabalpur Collegiate School.
	Baranasiprasad	...	18	Monghyr Zila School.
	Baruya, Mathuramohan	...	17-5	Gauhati High School.
	Basu, Adhurechandra	...	18-3	Bishenpur H. E. School.
	" Amalananda	...	15	Dacca National School.
	" Chandramadhab	...	18	Free Church Institution, Chinsurah.
	" Girischandra	...	15-5	Serajganj H. E. School.
	" Ramanimohan	...	21-1	Jenkin's School, Cooch Behar.
	" Sasibhushan	...	15	Albert Collegiate School.
60	Boni Madho Lall	...	14	Gazipur Mission High School.
	Bhagwan Prasad Varma	...	21-4	Allahabad Government High School.
	Bhar, Bhabanicharan	...	17	Chandernagar School.

	Bhar, Saratchandra	...	17	Metropolitan Institution.
	Bhattacharyya, Dwijendra	...	17-8	Hare School.
	" Manmathanath	...	15-6	Uttarpara School.
	" Rasikachandra	...	18	Dacca Pogose School.
	" Saratchandra	...	14	Natal H. E. School.
	" Udaykanta	...	15	Ripon College.
	" Upendranath	...	18	Allahabad Government High School.
79	Bhaumik, Gagacharan	...	18	Rangpur Zila School.
	" Mahendrachandra	...	17	Dacca National School.
	Bid, Sasibhushan	...	17-6	Metropolitan Institution
	Bihari Lall	...	18-3	Moradabad Government High School.
	Bindeshree Pershad	...	17-3	Dinapur Aided School.
	Bireshwarnath	...	19	Balarampur Lyall Collegiate School.
	Biswas, Dwarkanath	...	18-3	Chittagong Collegiate School.
	" Hiralal	...	20	Ripon College.
	" Narendrakrishna	...	15	Dasghara School.
	Bonny, F.	...	14-5	St. Francis de Sales' School.
80	Brahmaniker Ramchandra Krishna	...	19-5	Indore Madrasa.
	Chhajjoo Singh	...	18	Meerut Government High School.
	Chhotay Lall	...	20	Private Student.
	Chakrabarti, Akshaykumar	...	18	Bhastara School.
	" Bipinbihari	...	17	Albert Collegiate School.
	" Brindabanchandra	...	18	Commillah Zila School.
	" Chandrakumar	...	16-2	Chittagong Collegiate School.
	" Dinanath	...	16	Chatmohar Sambhunath School.
	" Gokuleharan	...	15	Dacca National School.
	" Gopalchandra	...	15	Rajshahye Collegiate School.
90	" Lalitnohan	...	19-6	Dacca National School.
	" Saratchandra	...	16	Sanskrit Collegiate School.
	" Srischandra	...	15-6	Metropolitan Institution.
	" Syamacharan	...	17-4	Chittagong Collegiate School.
	Chander Pal Singh	...	19-2	M. A. O. College, Aligarh.
	Chattopadhyay, Adharnath	...	15-4	Barasat Government School.
	" Ambujkumar	...	15-3	Hare School.
	" Bholanath	...	16-2	Metropolitan Institution.
	" Binodkumar	...	17-3	Howrah Bible H. C. E. School.
	" Debendranath	...	17	Searsole H. E. School.
100	" Harischandra	...	15-10	Mirzapur Government High School
	" Hemkamal	...	15-3	Dacca Pogose School.
	" Karunamay	...	17	Burdwan Raj Collegiate School.
	" Narayanchandra	...	18-9	Ariadaha H. E. School.
	" Narayandas	...	15-8	Bali, Rivers Thompson School
	" Pratapchandra	...	18	Laulajaug H. C. E. School.
	" Purnachandra	...	19-4	Kandi School.
	" Ramratan	...	16	Bankura Zila School.
	" Sitalchandra	...	17	A. P. Mission School, Allahabad
	" Sriharayan	...	13	Free Church Institution, Chinsurah.
	" Upendranath	...	20	P. Gopinathpur School.
110	Chaudhuri, Anandakumar	...	14	L. M. Collegiate School, Benares.
	" Harendrachandra	...	20	Sylhet Government High School.
	" Hridaynath	...	20-6	Graham School, Tangail.
	" Nagendranath	...	16	Metropolitan Institution.
	" Padmakumar	...	17	General Assembly's Institution.
	" Priyanath	...	18	Kutwa H. E. School.
	Chunni Lall	...	19	Barcilly High School.
	Das, Akshaykumar	...	16	Free Church Institution, Chinsurah
	" Baidyanath	...	16-3	Town School, Midnapur.
120	" Dalimchandra	...	17-5	Tejpur High School.
	" Durgacharan	...	17-5	Kandi School.
	" Harkishen	...	19-6	Agra Collegiate School.
	" Hridaychandra	...	17-4	Habiganj High School.
	" Iswarachandra	...	15	Hare School.
	" Jagadananda	...	20	Sylhet National School.
	" Jagamohan	...	21	Ditto.
	" Jaygopal	...	16	Barasat Government School.
	" Jaykrishna	...	18	Agra Collegiate School.
	" Kanailal	...	16-8	Natal H. E. School.
130	" Lalnohan	...	16-8	Balasore Zila School.
	" Maheswar	...	19-2	Barpeta H. E. School.
	" Madhusudan	...	18-7	Town School, Midnapur.
	" Nabinchandra	...	18-3	Dacca National School.
	" Nikunjabihari	...	16-4	Barisal Zila School.

	Das, Padmaram	...	14-4	Gauhati High School.
	„ Saratsankar	...	15	Metropolitan Institution.
	„ Sayamchand	...	18	Ravenshaw Collegiate School, Katak.
	Dasgupta, Baradacharan	...	15-3	Dacca Collegiate School.
	„ Jagadbandhu	...	17	Brajamohan Institution, Barisal.
140	„ Nagendranath	...	14	Kaha H. E. School.
	Datta, Annadacharan	...	15	Patiya H. E. School.
	„ Aswinkumar	...	15	Metropolitan Institution.
	„ Banacharan	...	18	Dacca Pogose School.
	„ Binodbihari	...	19-6	Kalaskati H. E. School.
	„ Gurucharan	...	17	Rangpur Zila School.
	„ Jyotindranath	...	17	Ravenshaw Collegiate School, Katak.
	„ Mahesachandra	...	16-8	Dacca Collegiate School.
	„ Nagendrachandra	...	15	Cachar High School.
	„ Nisikanta	...	15-11	Dacca National School.
150	„ Nrisinhachandra	...	16-7	Free Church Institution, Calcutta.
	„ Pulinbihari	...	16	Teacher.
	„ Saradaprasad	...	19	Ghatal H. C. E. School.
	„ Rajanikanta	...	20	Jagannath Collegiate School.
	„ Surendra	...	14-4	Sibpur H. C. E. School.
	De, Gimschandra	...	16-10	L. M. School, Midnapur.
	„ Gopalchandra	...	19	Harinabhi A. S. School.
	„ Haricharan	...	15-3	Free Church Institution, Chinsurah.
	„ Mahimchandra	...	18-4	Sylhet Government High School.
	„ Mukundalal	...	17-6	Serajganj H. E. School.
160	„ Nabinchandra	...	17-11	Kisorganj H. E. School.
	„ Rasiklal	...	14-3	Kuchikol Radhaballabh Institution.
	„ Tinkari	...	17-3	Hindu School.
	Deb, Mahimlal	...	16	Meerut C. M. High School.
	„ Ramachandra	...	20-4	Sylhet Government High School.
	Debipershad Pandit	...	19-4	Canning College.
	Donald, R.	...	18-2	Bishop Cotton School, Simla.
	Dube, Ajodhyaprasad	...	21	Hume's High School, Etawa.
	„ Brindaban	...	18-9	Gazipur Mission High School.
	„ Mangalam	...	15-5	Benares Collegiate School.
170	Gonesh Vithal Bhut	...	21-1	Free Church Institution, Nagpur.
	Ganga Nath Jha	...	13-7	Darbhanga Raj School.
	Gangaprasad	...	16-8	Dumraon Maharaja's School.
	Gangopadhyay, Kalidas	...	17-8	Birbhum School.
	„ Makhankal	...	13	Kuchikol Radhaballabh Institution.
	„ Saratchandra	...	14-4	Muragacha H. C. E. School.
	„ Srikantha	...	17-6	Hindu School.
	„ Srinath	...	17	Jagannath Collegiate School.
	Gargari, Satischandra	...	17	Chandernagar School.
	Ghose, Minna	...	.....	Amritsar Alexandra School.
180	Ghosh, Abinaschandra	...	15-6	General Assembly's Institution.
	„ Annadacharan	...	20	Dacca National School.
	„ Asutosh	...	18	Burdwan Raj Collegiate School.
	„ Debendranath	...	18	Alkhabad Government High School.
	„ Gopalchandra	...	15-4	Berhampur Collegiate School.
	„ Haricharan	...	18-3	Mozufferpur Zila School.
	„ Hirulal	...	17	Calcutta Institution.
	„ Janendranath	...	16	Hughli Branch School.
	„ Jogindrachandra	...	14-5	Barisal Zila School.
	„ Jogindranath	...	17	Dacca National School.
190	„ Kaliprasanna	...	17	Ditto.
	„ Nandulal	...	16-4	Oriental Seminary.
	„ Rajendranath	...	17	Mymensingh Institution.
	„ Ramanimohan	...	16-10	Kandi School.
	„ Saratchandra	...	16	South Suburban School, Bhowanipur.
	„ Satischandra	...	15-8	Dacca Pogose School.
	Ghoshal, Jajneswar	...	19-5	Ariahat H. E. School.
	„ Ramchandra	...	19	Kankala H. C. E. School.
	Girijadyal	...	20-11	Lakshimpur Govt. High School.
	Goppi, Dwarikanath	...	15	Nowgong High School.
200	Goswami, Bhupati	...	18-5	Khanakul K. Institution.
	„ Ramanimohan	...	17-6	Ditto.
	„ Upendragopal	...	17-8	Jangipur H. E. School.
	Govind Vishnu Chitale	...	17-6	Jabalpur Collegiate School.
	Guha, Mahananda	...	20	Dacca National School.
	„ Nutanchandra	...	21	Chittagong Collegiate School.
	„ Satischandra	...	17	Mymensingh Zila School.

	Gupta, Bimala	...	...	Eden Female School, Dacca.
	" Kaminikanta	...	16	Free Church Institution, Calcutta.
	" Rasamay	...	18-8	Brajamohan Institution, Barisal.
210	Hajra, Gurudas	...	16-9	Dacca National School.
	" Raghunandan	...	16	Patrasaer H. E. School.
	Hamilton, G.	...	18-5	St. Xavier's College.
	Harakh Prasad	...	20-6	Tencher.
	Hargu Lal	...	18	Ambala Mission High School.
	Hari Wakratund Munje	...	22-4	Private Student.
	Har Narayan Prasad	...	19	Allahabad Kayastha Pathsala.
	Har Prasad	...	15-9	Agra Collegiate School.
	Harprasad Agnihotry	...	15-7	Jabalpur Collegiate School.
220	Hazaree Sah	...	16	Mukerjee's Seminary, Mozufferpur.
	Imtiyaz Ahmad	...	19	Pertapgarh High School.
	Jagadip Sahay	...	16	Gya Zila School.
	Jagannath Saran	...	14	Chapra Academy.
	Jai Lal Sah Chakurayat	...	22-7	Tencher.
	Jiyalal Tewari	...	18-9	Jabalpur Collegiate School.
	Joswant Rao	...	22-3	Farakabad Mission High School.
	Kailasnath Kanzzu	...	18-7-21	Agra Collegiate School.
	Kar, Mathurachandra	...	20-5	Sylhet Government High School.
	" Syamaacharan	...	15-5	Howrah Govt. School.
230	Khaja, M. Ismail	...	16-2	Patna Collegiate School.
	Kosul Kishore Bhargav	...	20	M. A. O. College, Aligarh.
	Krishna Sahai	...	19	Unao High School.
	Kumar, Barham Narayan	...	16	Matihari Zila School.
	Kunwar, Bahadur Lal	...	15-6	Benares Collegiate School.
	Lajwanti Ratha Ram	...	.....	Amritsar Alexandra School.
	Lakshminarayan	...	18	Gya Zila School.
	Lala, Mritunjay Lal	...	16-3	Birbham School.
	Lalita Prsada No. 1	...	17-10	Benares Collegiate School.
	Lalita Prsada No. II	...	16-5	Ditto.
240	Liladhar Purshad	...	20	Chapra Zila School.
	Mahabir Prasad	...	17	Victoria School, Gazipur.
	Mahadeva Datta	...	20-8	Arrah Town School.
	Maharaj Krishna	...	17-4	Fyzabad Government High School.
	Mahee Uddin Ahmed	...	15	Bihar National Institution.
	Mahmood Ali, P. S.	...	15	M. A. O. College, Aligarh.
	Maiti, Gobindaprasad	...	18	Contai H. E. School.
	Maitra, Satishchandra	...	19-6	Ripon College.
	" Umeshchandra	...	17-3	Bogra Zila School.
	Majumdar, Basantakumar	...	17-2	Dacca Collegiate School.
	" Charukrishna	...	17	Hindu School.
250	Malir, J.	...	16-6	St. Fidelis' School.
	Mallik, Bhupendrachandra	...	15	Hughli Collegiate School.
	" Maniklal	...	15	Ditto.
	" Nirmalchandra	...	16-4	Naral H. E. School.
	" Phanilal	...	16	Hughli Collegiate School.
	Mandal, Chintamani	...	20	Searsole H. E. School.
	" Madhusudan	...	17-3	Bishenpur H. E. School.
	" Sisirkanta	...	16	Barisa H. C. E. School.
	Maroti, Probhakar Lothey	...	22	City School, Nagpur.
260	Mitra, Bijaykumar	...	15-4	Metropolitan Institution S. Branch.
	" Gopalchandra	...	16	Hare School.
	" Kalidas	...	17-2	Benares Collegiate School.
	" Krishnapada	...	17	Metropolitan Institution,
	" Mrigendralal	...	18	City Collegiate School.
	" Nandalal	...	17-5	Konnagar H. E. School.
	" Nripendranath	...	16-1	Metropolitan Institution B. Branch.
	" Srischandra	...	18-8	Barabanki High School.
	Muhammad Ishaq	...	14-9	Calcutta Madrasa.
	Muhammad Faruq	...	21	Seoni Mission School.
	Muhammad Jalaluddin	...	18-4	Moradabad Government High School.
270	Muhammad Sarfaraz Ali	...	20-10	Fyzabad Govt. High School.
	Mukhopadhyay, Anukulchandra	...	16	Hughli Collegiate School.
	" Brajendranath	...	16	Krishnagar Collegiate School.
	" Charuchandra	...	16	Ranchi Zila School.
	" Charuchandra	...	17	Hare School.
	" Haranchandra	...	18	L. M. S. Institution, Bhowanipur.
	" Haridas	...	18	Isoba Mondlye School.
	" Jogindranath	...	15	Albert Collegiate School.
	" Jogindranath No. 1	...	15	Metropolitan Institution.
	" Jyotindralal	...	17	Chuadanga H. E. School.



280	Mukhopadhyay, Kaliprasanna	...	16-3	Saduhati H. E. School.
	" Krishnadhvan	...	15-4	Howrah Bible H. E. School.
	" Kshetrapada	...	14-10	Town School, Midnapur.
	" Natabar	...	15	Kuchiakol Radhaballabh, Institution.
	" Nirendranath	...	17-4	Nibodia H. E. School.
	" Pannalal	...	17	Aryan Institution.
	" Prakaschandra	...	17-3	Madrasa-i-Anwaria.
	" Ramdas	...	17-2	Banawaribad H. C. E. School.
	" Saratkumar	...	17	Dehra Dun Training School.
	" Sasibhushan	...	18-8	Gobardanga H. E. School.
290	" Sasibhushan	...	17	Kandi School.
	" Sitalchandra	...	17	Allahabad Government High School.
	" Sripaticaran	...	19	L. M. School, Midnapur.
	" Tarapada	...	15	Simla High School.
	Murphy, J. H.	...	17-4	St. George's School, Mussoorie.
	Naha, Iswarechandra	...	18	Jagannath Collegiate School.
	Naik, Jaydeb	...	17-4	Piyarimohan Academy, Katak.
	" Radhamadhab	...	18-1	Ditto
	Nanabhoy Nourajee Burjorjee	...	16-3	Rangoon College.
	Nandi, Amulyacharan	...	19-3	University College.
300	" Nabadwipchandra	...	17	Jagannath Collegiate School.
	Narayan Bhat	...	17	Gya Zila School.
	Pakrasi, Prasannakumar	...	16-2	Hare School.
	Pal, Hemchandra	...	17-5	Serajganj H. E. School.
	" Janakinath	...	17-3	Kumarkhali H. E. School.
	" Kisorimohan	...	19	Ripon College.
	" Mathuranath	...	17	Santosh Jahnabi School.
	Palit, Matangicharan	...	16-4	Burdwan Raj Collegiate School.
	" Narendranath	...	18	Albert Collegiate School.
	Panda, Narendranath	...	19	Ghatal H. E. School.
310	Pande, Ramkumar	...	17	Benares Collegiate School.
	Pandit, Bihari Lal Nahru	...	18-7	Ambala Mission High School.
	" Uttam Nath	...	19-6	Residency, College Indore.
	Pathak, Bijayram	...	20-3	Behar H. C. E. School.
	Patanaik, Banamali	...	16-8	Puri Zila School.
	" Satyabadi	...	18-5	Piyarimohan Academy, Katak.
	• Pramanik, Pratapchandra	...	18-7	University College.
	Prayag Dutt	...	18	Unao High School.
	Prayag Das Katara	...	20-5	Allahabad Government High School
	Purnachandra	...	17-6	L. M. Collegiate School Benares.
320	Pyaray Lal Agnihotri	...	17-4	Allahabad Government High School.
	Raghunath Rao K.	...	18	Jabalpur Collegiate School.
	Rajaram Apajee	...	20	Free Church Institution, Nagpur.
	Rajkhawa Indradhar	...	16	Debrugarh High School.
	Rajnaram	...	17-3	Bareilly High School.
	Ramchand	...	18	Allahabad Government High School.
	Randhir Prashad	...	17-2	Ranchi Zila School.
	Ramgholam Lal	...	17	Chapra Zila School.
	Ram Kishnu	...	16-6	Indhiana Mission School.
	Ramkrishna Bishnu Bhagwat	...	18-2	Jabalpur Collegiate School.
330	Rashid Husan	...	17	Moradabad Government High School.
	Ray, Abinashan Ira	...	15	Hare School.
	" Annadaprasad	...	17	Hindu School.
	" Apurbakrishna	...	15-3	South Suburban School, Bhowanipur.
	" Chandrakisor	...	15	Comillah Zila School.
	" Gopalchandra	...	18	Garhbanpur School.
	" Indusckhar	...	16-4	Birbhum School.
	" Jachindranath	...	17-4	Rajshahye Collegiate School.
	" Jnanachandra	...	19	Jagannath Collegiate School.
	" Jyotindramohan	...	16	Kutwa H. E. School.
340	" Kalikinkar	...	17	Bankura Zila School.
	" Kaliprasanna	...	16-7	Rajshahye Collegiate School.
	" Krishnanath	...	16-6	Scal's Free College.
	" Pratapchandra	...	19	Bhagalpur Zila School.
	" Satyendranath	...	16-2	Pirozpur H. E. School.
	" Suryyakumar	...	17	Town School, Midnapur.
	" Tamasundar	...	17	Pabna Zila School.
	Roy Zeda Nunnaylal Varma	...	16	M. A. O. College, Aligarh.
	Saha, Harendranath	...	17-10	Dighajatin H. E. School.
	Sahg Ram	...	17-3	Cuning College.
350	Sanyal, Durgadas	...	17-3	Berampur Collegiate School.
	" Kalilochan	...	17	Chatmohar Sambhunath School.
	" Kisorimohan	...	19-2	Rajshahye Collegiate School.

	Sarkar, Asutosh	...	16	Purnia Zila School.
	" Baradasankar	...	17-5	Rajshahye Collegiate School.
	" Jagadiswar	...	19	Burdwan Raj Collegiate School.
	" Kaliprasanna	...	16-3	Rajshahye Collegiate School.
	" Manmathanath	...	15	Krishnagar A. V. School.
	" Narayanchandra	...	16-6	Jirat Chandrakona H. E. School.
360	" Saratchandra	...	18	Midnapur Collegiate School.
	" Satinath	...	18	Chuadanga H. E. School.
	" Upendranath	...	15	Metropolitan Institution.
	Sayyad Wajih Uddin	...	20	Bareilly High School.
	Sen, Bimalaprasanna	...	14	Metropolitan Institution.
	" Hemchandra	...	14-6	Hindu School.
	" Lalitmohan	...	14	Ditto.
	" Manmathanath	...	14	Metropolitan Institution.
	" Matilal	...	16	Sodpur School.
	" Prakritiprasanna	...	17-5	Albert Collegiate School.
	" Sureschandra	...	16	Oriental Seminary.
370	Sengupta, Bhubaneswar	...	16	Kalia H. E. School.
	" Debendranath	...	16	Jessore Zila School.
	" Indranarayan	...	16-6	Birbhum School.
	" Mahendrachandra	...	19-3	Nabadwip Hindu School.
	" Rasbihari	...	17	Bagirhat H. E. School.
	Set, Praphullachandra	...	16	Metropolitan Institution.
	Shaik Baboo Jan	...	19-9	Howrah Bible H. C. E. School.
	Sheikh Bisarot Ulla	...	15-6	Nawab's High School, Murshedabad.
	Sheo Prasad Agnihotri	...	16-7	Jabalpur Collegiate School.
380	Shew Parshad	...	18	Bareilly High School.
	Shiva Bart Lal Varma	...	17-11	Allahabad Government High School.
	Shiv Chand	...	25-7	Teacher.
	Shiva Mongal Ray	...	17	Gazipur Mission High School.
	Shiva Ram	...	23-9	Teacher.
	Shunker Singh	...	18-2	Meerut Government High School.
	Shyam Lal	...	16	Chapra Zila School.
	Sinha, Baijnath	...	17	Balia School.
	" Brijkumar	...	17-8	Teacher.
	" Indranarayan	...	16-8	Kandi School.
	" Jogindranarayan	...	18-11	Uttarpara School.
390	" Kedarnath	...	16-1	Mozufferpur Zila School.
	" Tarinicharan	...	16	L. M. S. School, Khagru.
	Sitla Sahay	...	19	Pertabgarh High School.
	Syed Abdul Sattar	...	19	Sylhet Government High School.
	Syed Mahmud Raza	...	17-2	Canning College.
	Tagore, Balendranath	...	15-3	Hare School.
	Thakurdas	...	19-9	Benares Collegiate School.
	Thakur, Kedarnath	...	18	Pandra H. E. School.
	Thakur Prasad	...	17	Arrah Town School.
	Tripathi, Brajamohan	...	16-2	Ranchi Zila School.
400	Vishnoo Gopal Naik	...	16	Jabalpur Collegiate School.
	Viswas Rao Bhaway	...	19	Ditto ditto.
	Wasudeo Ramchandra Halwi	...	15	Ditto ditto.
	Wasudeo Vithal Limaye	...	15-10	City School, Nagpur.
	Wyankatesh Seoram Bhalerao	...	17-3	Ditto ditto.
	Zainuddin Ahmed	...	18	Bhagulpur Zila School.

SENATE HOUSE,  
The 17th May 1886.

W. GRIFFITHS,  
Registrar.

## INSPECTOR GENERAL OF MILITARY WORKS.

*Account of Government Promissory Notes deposited as Security for the faithful performance of Contracts by persons having dealings with the Military Works Department as per Register kept by the Examiner and posted to the 31st March 1886.*

Item.	Name, occupation and address.	AMOUNT OF INVESTMENT.				Name of officer to whom interest is sent.	REMARKS.
		4½ per cent. of 1870.	4½ per cent. of 1879.	4 per cent. of 1865.	Various 4 per cents.		
<i>Notes converted into Trust Stock by Comptroller General.</i>							
1	Narain Das, Cashier, Rawalpindi Division . . . .	1,000	..	..	..	Examiner of Accounts, Military Works.	Balance in hand on 31st March 1886.
2	Gunga Ram, Cashier, Umballa Division . . . .	...	..	1,000	...		Do.
3	Anant Ram, Storekeeper, Ferozepore Division . . . .	...	..	500	..		Do.
4	Chunder Coomar Banerjee, Cashier, Fort William Division . . . .	...	..	500	1,500		Do.
5	Mudho Soodun Chowdry, Cashier, Barrackpore Division . . . .	..	..	2,000	..		Do.
6	Gopee Mohun, Storekeeper, Allahabad Division . . . .	..	..	...	1,000		Do.
7	Sree Nath Mukerjee, Storekeeper, Fort William Division . . . .	..	..	..	1,000		Do.
8	Khooshial Roy and Co., Cashiers, Meerut Division . . . .	..	..	1,000	..		Do.
9	Kidar Nath Chatterjee, Storekeeper, Barrackpore Division . . . .	..	..	500	...		Do.
10	Thundoo Mull, Cashier, Umballa Division . . . .	...	..	..	2,000		Do.
11	Bhadur Singh, Storekeeper, Umballa Division . . . .	...	..	500	..		Do.
12	Adams Monument Fund, Agra Division . . . .	...	..	..	3,000		Do.
13	Hari Das Bose, Cashier, Ferozepore Division . . . .	..	..	500	..		Do.
14	Surendro Nath Roy, Storekeeper, Lucknow Division . . . .	..	..	...	500		Do.
15	Prabhu Dial Tewary, Storekeeper, 1st Division, S. I. C. . . .	..	..	..	500		Do.
16	Boodhoo Ram, Storekeeper, Lahore Division . . . .	..	..	500	..		Do.
TOTAL CONVERTED INTO STOCK . . . .		1,000	...	7,000	9,500		

*Held in safe custody, by Agent Bank of Bengal, Lahore.*

17	Nanuck Chund, Contractor, Umballa Division	...	..	..	500	Interest: not to be drawn.	Balance in hand on 31st March 1886.
18	Maun Singh, Contractor, Meerut Division	...	..	500	..		Do.
19	Maun Singh, Contractor, Meerut Division	...	..	..	500		Do.
20	Kheah Ram, Contractor, Meerut Division	...	..	..	500		Do.
21	Ajoodiah Pershaud, Contractor, Meerut Division	...	..	..	500		Do.
22	Banea Churn Banerji, Contractor, Barrackpore Division	..	..	..	100		Do.
23	Krishto Nath Ghose, Contractor, Fort William Division	..	..	500	..		Do.
24	Nil Cant Chatterji, Contractor, Fort William Division	..	..	..	100		Do.
25	Tarriney Churn Sen, Contractor, Fort William Division	..	..	..	100		Do.
26	Upendro Nath Day, Contractor, Fort William Division	..	..	..	100		Do.
27	Behary Churn Sen, Contractor, Fort William Division	..	..	..	100		Do.
28	Meehir Lall Dass, Contractor, Barrackpore Division	..	..	..	100		Do.
29	Noor Buksh, Contractor, Meerut Division	..	..	..	500		Do.
30	Chiranjil Lall, Contractor, Meerut Division	..	..	500	..		Do.
31	Meehir Lall Dass, Contractor, Barrackpore	..	..	..	1,000		Do.
32	Bhola Pershaud, Contractor, Meerut	..	..	..	500		Do.
33	Nand Ram, Contractor, Meerut	..	..	1,000	..		Do.
34	Nand Ram, Contractor, Meerut	..	..	700	..		Do.
35	Behary Churn Sen, Contractor, Barrackpore	..	..	500	..		Do.
36	Bama Churn Banerji, Contractor, Barrackpore	..	..	..	100		Do.
37	Nur Lall, Contractor, Meerut	..	..	..	500		Do.
38	Meehir Lall Dass, Contractor, Barrackpore	..	..	..	100		Do.
39	Behary Churn Sen, Contractor, Barrackpore Division	..	..	..	200		Do.
40	Bama Churn Banerji, Contractor, Barrackpore Division	..	..	..	100		Do.
41	Ajudhia Pershaud, Contractor, Meerut Division	..	..	500	..		Do.
42	Babu Abinash Chunder Soor, Contractor, Barrackpore Division	..	..	..	100		Do.
43	Ram Lal, Contractor, Ferozepore Division	..	..	..	1,000		Do.
44	Messrs. Walsh Lovett and Co., Contractors, Barrackpore Division	..	..	1,500	..		Do.
45	Messrs. Burn and Co., Contractors, Barrackpore Division	..	..	1,200	..		Do.

A. E. WARD, Major, S.C.,

for Offg. Inspector General.

Military Works.

# AGENT TO THE GOVERNOR GENERAL, BALUCHISTAN.

## NOTIFICATION.

*Quetta, the 13th May 1886.*

**No. 2047.**—The Agent to the Governor General is pleased to permit Lieutenant Dinshaw Dossabhoj Khambatta to resign his commission in the Baluchistan Volunteer Rifle Corps

By Order,

IVAR MACIVOR, *Captain,*  
*1st Asst. to the Govr. Genl.'s Agent*  
*in Baluchistan*

# AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

## NOTIFICATIONS.

*Indore Residency, the 13th May 1886*

**No. 1896.**—Sahebzada Wahid-ud-din, At-taché to the Governor General's Agent in Central India, is granted six weeks' privilege leave, with effect from the 20th May 1886, or such subsequent date as he may avail himself of it

*The 15th April 1886*

**No. 1940.**—The undermentioned Hospital Assistant, who has passed his Septennial Professional Examination, is promoted to the next higher class, with effect from the date specified against his name:—

Name	DATE OF COMPLETION.		Date of passing Professional Examination.	Date of promotion.
	14 YEARS	7 YEARS		
WITH ENGLISH QUALIFICATION. Bhawur Singh, on Reserved Establishment at Indore.	Apr. 22, 1885	Apr. 27, 1886	Apr. 28, 1886	Apr. 27, 1886

By Order,

F. L. PETRE,  
*1st Asst. Agent to the Govr. Genl.*  
*for Central India*

# AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

## NOTIFICATION

*Abu, the 15th May 1886.*

**No. 1156 G.**—Colonel F. W. Boileau, Commandant, Deoli Irregular Force, availed himself on the 9th May 1886 of the privilege leave granted him in this Office Notification No. 815 G., dated the 14th April 1886.

By Order,

HUGH DALY,  
*for 1st Asst. to the Agent to the Govr. Genl.,*  
*Rajputana.*

# CHIEF COMMISSIONER OF AJMERE MERWARA.

## NOTIFICATIONS.

*Mount Abu, the 15th May 1886.*

**No. 506-390.**—With reference to this Office Notification No. 380-390, dated 15th April 1886, Assistant Surgeon Gopal Chandra Mukerji, M.B., resumed charge of his duties at Beawar from 2nd Class Hospital Assistant Muhammad Abdul Wahid, on the forenoon of the 4th May 1886.

*The 17th May 1886.*

**No. 512-330 II.**—Under sections 12 and 37, Act X of 1882 (Criminal Procedure Code), Captain A. M. Muir, Cantonment Magistrate, Nusseerabad, is invested, with effect from the 10th of April 1886, with the powers of a Magistrate of the 1st class and the power to try summarily the offences mentioned in section 260 of the said Act.

The above powers to be exercised within the Ajmere District

By Order,

HUGH DALY

*for 1st Asst. to the Agent to the Govr. Genl.*

# DIRECTOR GENERAL OF RAILWAYS.

## NOTIFICATIONS—ESTABLISHMENT.

*Simla, the 12th May 1886.*

**No. 44.**—With reference to Public Works Department Notification No. 123, dated 6th May 1886, Mr. A. Greenlees, Assistant Engineer, 1st Grade, is posted to the Eastern Bengal State Railway

*The 17th May 1886.*

**No. 45.**—Mr. A. Sprenger, Executive Engineer, 1st Grade, is granted furlough to Europe for eighteen months, with the usual subsidiary leave, with effect from 15th May 1886, or such date as he may avail himself of the same.

**No. 46.**—With reference to Public Works Department Notification No. 130, dated 14th May 1886, the undermentioned Officers are posted to the Sind-Pishin State Railway, Northern Section—

Mr. T. E. Curry, Executive Engineer, 3rd Grade, sub. *pro tem*

Babu Krishna Chunder Bandyopadhyaya, Executive Engineer, 4th Grade temporary rank.

Mr. A. G. Bremner, Assistant Engineer, 2nd Grade.

F. S. STANTON, *Colonel, R.E.,*  
*Director General of Railways.*

## RESIDENT IN MYSORE.

*Catalogue of Books printed in the Civil and Military Station of Bangalore, and registered under the provisions of Act XXV of 1807, during the Quarter ending 31st March 1886.*

Title in full.	Language in which the book is written.	Name of the Author, Translator, or Compiler.	Subject.	Place of Publication.	Name of the Printer or Publisher.	No. of Copies printed.	Whether printed for the Government or for private circulation.	Price.	Name of the person to whom the book was sent.	Date when the book was received.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12
<b>BOOKS.</b>											
The Mysore Law Reports, Vol. VI, 1885.	English.	J. W. Hayes, Esq., Editor.	Law.	Civil and Military Station, Bangalore.	Printed by J. W. Hayes, Esq., Bangalore.	1	Printed for the Government.	10	J. W. Hayes, Esq., Bangalore.	31st Mar 1886	Presented in Appeal Cases from Mysore and Coorg.
The Mysore and Coorg Directory for 1885.	English.	J. W. Hayes, Esq., Editor.	Miscellaneous.	Do.	Printed by J. W. Hayes, Esq., Bangalore.	1	Printed for the Government.	10	J. W. Hayes, Esq., Bangalore.	31st Jun 1885	Annuaire and Directory.
<b>i. In English or other European language.</b>											
Tarekhi-Aceeri, being a translation of Mirza's History of India.	Hindustani.	Mirza Asad Khan, Author.	History.	Civil and Military Station, Bangalore.	Printed by J. W. Hayes, Esq., Bangalore.	1	Printed for the Government.	10	J. W. Hayes, Esq., Bangalore.	31st Mar 1885	A translation into Hindustani of Mirza's History of India.
Tulsi Dasa Chaitram.	Telegu.	Parnasthi Jannu, Editor.	Biography.	Do.	Printed by J. W. Hayes, Esq., Bangalore.	1	Printed for the Government.	10	J. W. Hayes, Esq., Bangalore.	31st Mar 1885	The life of Tulsi Dasa, a Minister under the Emperor Akbar.
Vinoda Chaitram.	Tamil.	T. G. Narayana, Author.	Fiction.	Do.	Printed by J. W. Hayes, Esq., Bangalore.	1	Printed for the Government.	10	J. W. Hayes, Esq., Bangalore.	31st Mar 1885	"The Phasing History" - Tamil novel.

BANGALORE,  
The 13th April 1886.

Revised and annotated  
L. RICE,  
Director of Public Instruction.

E. P. MALTBY, Major,  
Collector and District Magistrate,  
Civil and Military Station.  
H. CLARKE,  
First Assistant to the Resident.

### Statement of Silver Balance in the Calcutta Mint for the week ending 19th May 1886.

	₹	₹
Value of silver held in the Mint on account of the Currency Department on the evening of the 12th May 1886	6,25,329	
Value of Government silver in the Mint on the same date	7,59,475	13,84,804
<b>ADD—</b>		
Silver received by the Mint during the week on account of the Currency Department	9,449	
Ditto ditto Government	274	9,723
<b>Deduct—</b>		
New coin paid to Reserve Treasury during the week	2,56,742	13,94,527
Petty items issued for miscellaneous purposes	...	2,50,742
Balance on the evening of the 19th May 1886	...	11,37,785
The Balance comprises—		
Silver held on account of the Currency Department	2,50,631	
Ditto ditto Government	8,78,154	11,37,785
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	2,54,156	
Ditto ditto Currency Department	55,85,350	58,39,506

A W BAIRD, Major, R.E.

Offg. Master of the Mint.

CALCUTTA MINT.

The 20th May 1886.

### CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned —

#### Burma Circle.

##### NOTES WHOLLY LOST OR DESTROYED

Regt. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
W1	Q 6—09479	100	Ko Tsan Hla, Rangoon
	" — 09480	100	
	" — 09481	100	
	" — 09482	100	
	" — 09483	100	
	" — 09484	100	
	" — 09485	100	
	" — 09486	100	
	" — 09487	100	
	" — 09488	100	
	" — 09489	100	
	" — 09490	100	
	" — 09491	100	
	" — 09492	100	
	" — 09493	100	

RANGOON,

The 13th May 1886.

W. D. COWLEY,

Asst. Comptroller, Paper Currency.

### Madras Circle.

##### NOTES WHOLLY LOST OR DESTROYED.

Regt. No.	No. of Notes.	Value.	Name of Claimant
2	B 74—50057	500	D. Venkatachelapa ti Rao, Repalla.
3	B 86—40420	100	Post Master General, Madras

FORT ST. GEORGE,

The 10th May 1886.

C. HALL,

Chief Superintendent,

In charge of Paper Currency Dept

### FOR SALE AT THE PATNA OPIUM FACTORY SAW MILLS, GOOLZARBAUGH.

Two Armstrong's patent dovetailing machines adapted for cabinet makers and builders and packing-case makers

They are of one inch pitch capable of dovetailing planking 15 inches wide and 1½ inches thick and will cut the dovetails at the rate of 20 feet of planking per minute.

Each machine is arranged for cutting ordinary and blind dovetails and dovetails on the angle and is easy to work. The discs being set to the proper angle, the board is fastened on the travelling table by a clamp which on being set in motion travels along the front face of the saws

The machines are similar in construction to the one exhibited by Messrs. Robinson and Sons of Ratchdale, England, at the Calcutta Exhibition of 1883-84.

Each machine cost £156 12s 8d.

Landing in Calcutta plus }  
for carriage to Patna. } ₹43-13-0

These machines are perfectly new and are sold merely because they are not of the required specifications.

Offers are invited.

Apply to DR. H. WHITWELL,

Principal Assistant to Opium

Agent, Bihar, Patna

### POST OFFICE.

#### NOTIFICATIONS.

Simla, the 6th May 1886.

With immediate effect parcels will be received at any Indian Post Office for transmission via the United Kingdom to the Barbadoes and the Leeward Islands (Antigua, Dominica, Montserrat, Nevis, St. Kitts and Tortola)

2. The rate of postage for parcels addressed to the places named above will be one rupee per pound.

3. The limit of weight for such parcels will be seven pounds

4. The conditions as to size, contents, value, customs declarations and manner of posting generally will be the same as those prescribed for parcels addressed to the United Kingdom and intended for delivery through the British Post Office.

L. G. WAIT,

Asst. Director General of the Post Office of India.

The 11th May 1886.

No. 2224.—Mr. G. R. Peter, Post Master, Calicut, is appointed to officiate as Examiner, Post Office, Bangalore Division.

G. J. HYNES,

Offg. 1st Asstt. Dir. Genl. of the Post Office of India

Unclaimed letters held in the Calcutta General Post Office on 18th May 1886.

Adels, Mrs. C. F.	Genshamp, G. J.	Schulze, W.
Allen & Co., W. H.	Hill, R. B.	Thomson, T. G.
Drake, R.	Morton, Mrs. A.	Todman, H.
Fletcher, Mrs.		

Letters marked "Care of Post Office."

Aman, A.	Godfrey, J. B.	Peterson, Dr. Geo.
Barkley, Master O.	Goodall, Mrs.	Phelps, W. G. St. V.
Barnes, G. J.	Gow, J. F.	Poyer, J. O.
Barnett, Mrs. James.	Grant, Mrs. M.	Prentiss, R. C. Campbell.
Bates, J. N.	Griffith, Norris.	Price, Mrs. C. L.
Bigex, Mon. E.	Grosman, St. L.	Randall, J.
Booth, P.	Guerin, H. J.	Remington, Capt. F. A.
Bose, P. N.	Gustave, Esq.	Rice, W. G. J.
Bowers, S.	Hals, J. J.	Rishworth, R. L.
B. R.	Hutton, T. C. C.	R. M. E. Miss.
Bremner, Baron de	Imman, Capt. C.	Ross, G. W.
Bush, C.	Imman, J. M.	Saltin, Miss M.
Capel, T. C. C.	J. M. M.	Schmidt, Otto.
Cave, Capt. A. I.	Johnston, J. I. D.	Shayne, Capt. A.
C. B. H.	Kelly, Miss G.	Snaw, H. J.
Clarke, J. G.	K. J. M.	Smallwood, Geo.
Cohen, Mr.	Kulunde, J.	Smart, Mrs. R. B.
Crawford, J.	Lee, J. J.	Smith, Perry St. C.
Deven, H. T.	Lemaitre, A.	Smith, J. M.
Dinnock, Basil	M. O.	Sole, R. V. A. B.
D. Mello, J. S.	Macquon, J.	Speer, A. F.
Dodd, C. B. N.	M. M. J.	Stammons, Walter.
Dowling, D. G. A.	M. Donald, Miss.	Stone, Mrs. T.
D. Rozario, Miss J.	McLaughlin, John.	Storey, A.
D. S. S. Surgeon F. J.	M. C. J. J.	Straw, Mrs. R.
Dufour, Madam	M. C. J. J.	Swingler, Mr. C.
Dukes, Mrs.	M. C. J. J.	Tams, J.
Dundas, Mr.	M. C. J. J.	Todd, H. P.
Ewart, J. H.	M. C. J. J.	Touzel, Rev. C. J. C.
Easton, Percy H.	M. C. J. J.	Wade, Mrs.
Entwistle, R.	M. C. J. J.	Walker, P. C.
Faz, T. C. C.	M. C. J. J.	Ward, Lieut. B. R.
Fox, R. C. W.	M. C. J. J.	Wessend, H. H.
Gayer, A. H.	M. C. J. J.	Wilson, Mrs. Mark.
Gilbert, Mrs. M.	M. C. J. J.	

Registered Letters.

Anderson, James.	Grogan, H. C.	Ross, A.
Brenner, Baron Joachim.	Guernier, H. J.	Sterzillies, David.
DeGruyther, L.		

Unclaimed Letters held in the Bangalore Post Office on the 17th May 1886.

Agar, H.	Bowell, W.	Pitch, J.
Arakich, M.	Hart, F. H.	Pearson, Rev. A. C.
Banerjee Gopal hunder	Hay, W.	Robb, W.
Barnett, T. T.	Holmes, F. A.	South, W.
Barker, Sub-Inspector	Hubert, T.	Thomas, Major C. F.
Bassman, J.	Nichols, J.	Todd, Mrs.
Boyle, A. C.	Owen, M. S.	Towbert, C. H.

J. BURTON GROVES,

Offg. Presidency Postmaster, Calcutta.

The 22nd May 1886.  
SEA AND FOREIGN MAILS

Mails for	Date of closing at Calcutta	Route by which despatched
1886		
Egypt, Europe, America, Cape Colonies through United Kingdom	22nd May	Per P. & O. Str. from Bombay.
Doitto doitto doitto	25th "	Doitto
Doitto Book Post and Pattern Packets, Mauritius, Malé (Seychelles) Mayotte, Nosse Be, and Réunion	28th "	Doitto
Doitto Mozambique, and East Coast of Africa generally, Delagoa Bay Natal and Cape Colonies by B. L. Steamers from Aden to Zanzibar and thence by the Castle Mail Packets	29th "	Doitto
Doitto Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan	22nd "	Doitto
Doitto Australia, New Zealand and Tasmania	25th "	Doitto
Doitto Adras and Colombo	28th "	Per P. & O. Str.
Doitto Hong-Kong	25th "	Ganges.
Doitto Yoon and Mouline	28th "	Per Str. Japan.
Doitto Yab, Kyook Phyo, and Rangoon	25th "	Per Str. Persia.
	28th "	Per Str. Bussheer.

B.—The letter-box will close at 7 p.m. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage-stamp of four annas on each cover, will be received up to 7-30 p.m.

G. BURTON GROVES,  
Offg. Presidency Postmaster.

## GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for quinine, and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, *Rs 4-8*; per eight-ounce tin, *Rs 8-8*; per pound tin, *Rs 16-8*. The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the under-noted rates—per four-ounce tin, *Rs 5-8*; per eight-ounce tin, *Rs 10-8*; per pound tin, *Rs 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

## گورنمنٹ سینکھنا فبریفیو

یہ دوا کوئیٹائین کا خوب قائم مقام ہے اور طاقت کے پورے تانکے کارکن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری واسطے سرکاری کام اور حیوت کے اور سوائے اون کے کو کوئی ایک مشہد بیس پونڈ خرید لینے سے بقیہ نقد حساب نرخ دیل خرید کر سکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا سولہ روپیہ آٹھ آنہ

اور عوام الناس پورے تانکے کارکن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حساب نرخ دیل خرید کر سکتے ہیں یعنی نرخ چار اونس کے تین کا پانچ روپیہ آٹھ آنہ . آٹھ اونس کے تین کا دس روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا بیس روپیہ

یہ دوا کلمتہ کے پے پے لائیتی اور دھبی دوا خانوں میں بیتی ہے ماسوائے تھک مددورہ بالا کے موصول ذات چار اور آٹھ اونس کے تین کا آٹھ آنہ ; اور ایک پونڈ کے تین کا بارہ آنہ

## CRYSTALLYNE CINCHONA FEBRIFUGE.

A new and improved preparation made at the Government Factory from Red Cinchona Bark. This is a more perfect substitute for Quinine than the ordinary uncrystallized Febrifuge. It can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds and upwards* at a time, from the Superintendent, Royal Botanic Garden, Seebpore, near Calcutta, *for cash only*, at the following rates: per four-ounce tin, *Rs 6-8*; per eight-ounce tin, *Rs 12-8*; per pound tin, *Rs 24*. The general public can be supplied by the Superintendent, Royal Botanic Garden, *for cash*



only, at the undernoted rates: per four-ounce tin, R8-8; per eight-ounce tin, R16-8; per pound tin, R32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates

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CALCUTTA, SATURDAY, MAY 22, 1886.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL, ORDINARY ORIGINAL CIVIL JURISDICTION.

Messrs. John Smeal and Company, Silchar, Ca-  
char,

against

John Walter Walken, late of No. 107, Circular  
Road, in the Town of Calcutta, Civil Engi-  
neer, and now a prisoner in the Presidency  
Civil Jail,

and

In the matter of Act XIV of 1882 (the Code of  
Civil Procedure) Chapter XX.

Notice is hereby given that by an order of this  
Court made in the above cause and dated the  
3rd day of March last, John Cameron Macgregor,  
Esq., the Officiating Official Assignee of the  
Court for the Relief of Insolvent Debtors at  
Calcutta, has been appointed Receiver of all the  
properties of the said John Walter Walken, who  
has been declared an Insolvent under the pro-  
visions of Section 351 of Act XIV of one thou-  
sand eight hundred and eighty-two, except the  
particulars specified in the first proviso to Sec-  
tion 266 of the said Act, and the creditors of the  
said insolvent are required to appear before the  
Commissioner of this Court for the Relief of  
Insolvent Debtors at Calcutta, on Wednesday,  
the 2nd day of June next, at the hour of 11  
o'clock in the forenoon, and produce evidence of  
the amount and particulars of their respective  
claims.

Dated this 17th day of May one thousand  
eight hundred and eighty-six.

W. F. GILLANDERS,  
*Attorney.*

R. BELCHAMBERS,  
*Registrar.*

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Note No. 224397  
of the 4 per cent. of 1865, for ₹100, stand-  
ing in the name of Bama Churn Mitter, the  
proprietor, by whom it was never endorsed to  
any other person. Payment of the above note  
and the interest thereupon have been stopped  
at the Public Debt Office, Bank of Bengal, and  
application is about to be made for the issue of  
a duplicate in favour of the proprietor.

BAMA CHURN MITTER,  
*Pleader, Small Cause Court*

#### Stolen.

The upper half of the Government Promissory  
Note, No. 174407, of the 4 per cent. loan of 1st  
May 1865, for ₹500, originally standing in the  
name of the Bank of Madras, and lastly endorsed  
by Mr. Rajagopala Chary to V. Thavasumuthu  
Nadar, the proprietor, by whom it was never en-  
dorsed to any other person, was stolen with the  
proprietor's writing-box, which contained it, on  
the night of 1st October 1885, from the Abkary  
Office at Trivandrum. The transfer endorse-  
ments are only on the upper half of the Promis-  
sory Note and not on the lower half. Payment  
of the above note and of the interest thereupon  
have been in consequence stopped at the Loan  
Office, and application is about to be made to  
Government for the issue of a duplicate note in  
favour of the proprietor.

V. THAVASUMUTHU NADAR,  
*Abkary Contractor, residing at Porayar,  
near Tranquebar.*

QUILON,  
*The 25th October 1885.*







SUPPLEMENT TO  
**The Gazette of India.**

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No. 21. }

CALCUTTA, SATURDAY, MAY 22, 1886.

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**OFFICIAL PAPERS.**

*A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF THE KHARIF CROP IN THE PUNJAB, 1885-86.

STATEMENT No. I.

Comparative Abstract of Irrigation and Rainfall in Canal Districts of the Punjab.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
DISTRICTS.	Area in acres.	Cultivated area in acres.	AREA IRRIGATED.		COMPARISON WITH LAST CROP.		RAINFALL IN KHARIF MONTHS.											
			Kharif, 1885-86	Kharif 1884-85.	Increase.	Decrease.	April.		May.		June.		July.		August.		September.	
							1885	1884.	1885.	1884.	1885.	1884.	1885.	1884.	1885.	1884.	1885.	1884.
Umballa	1,614,840	951,860	1,855	2,173	...	318	...	...	1.51	...	11'82	5.44	3.31	13'44	17.71	15.58	0'58	10.67
Karnal	1,511,000	680,310	21,150	42,500	...	21,440	0'07	...	1'07	0'33	7.50	5.04	0.9	3'67	9.27	13.35	0'03	11.79
Rohtak	1,159,350	906,022	2,116	43,517	...	16,401	0.15	...	2.20	...	5'30	7.26	5.21	2'77	10'0	6.40	0'85	5'02
Delhi	804,911	525,070	27,616	39,651	...	11,717	0.30	...	2.00	0'20	5'70	7'10	7.20	3'81	15'30	8.10	...	10.20
Hissar	2,205,428	1,161,701	12,781	30,680	...	6,890	...	...	2.40	...	1.60	1.85	4.20	3'60	13.70	...	0.4	6'40
Jind	...	...	23,435	30,607	...	7,462	0'40	...	1.30	...	3.00	3'60	6.70	3.80	16'10	4.80	...	9'30
Bikaner	...	...	197	100	28	...	...	...	...	...	...	...	...	...	...	...	...	...
Kaisia	...	...	707	998	...	201	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL WESTERN JUMNA CANAL	7,408,570	1,225,608	135,089	100,510	25	04,455	...	...	...	...	...	...	...	...	...	...	...	...
Gurdaspur	1,168,314	86,230	10,142	18,285	...	1,157	0'2	1'0	1.0	0.6	1'7	3'6	0.6	10'1	3'7	10'2	1'1	1'0
Amritsar	1,000,704	700,773	68,470	51,611	...	16,859	0.6	0'1	3.0	0.1	0.1	2'0	2.8	10'1	1.4	2.9	1'0	5'8
Lahore	2,314,552	1,101,021	101,870	04,128	...	37,807	1.4	0.1	2.7	0.8	0.9	2.1	4.0	8.1	4'4	0.8	...	4.4
TOTAL BARI DOAB CANAL	4,509,694	4,787,924	189,778	134,154	...	55,624	...	...	...	...	...	...	...	...	...	...	...	...
Ludhiana	881,718	711,388	350	151	...	77	1.35	0.10	2.55	0.11	2.4	1.10	5'7	9'7	10'9	2.8	1.8	10.3
Feroz-pore	1,707,244	1,100,950	20,886	8,301	...	18,585	...	0.08	1.0	0.45	0.7	2.40	3.8	2'4	2.5	1.0	...	4.0
Patiala	...	...	11	1	...	10	...	...	...	...	...	...	...	...	...	...	...	...
Faridkot	...	...	6,076	1,671	...	4,405	...	...	...	...	...	...	...	...	...	...	...	...
Nabha	...	...	370	88	...	282	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL SIKHIND CANAL	2,618,082	2,132,114	57,219	10,165	47,054	...	...	...	...	...	...	...	...	...	...	...	...	...
Peshawar	1,011,100	905,100	6,300	6,100	...	200	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL SWAT RIVER CANAL	1,011,100	905,100	6,300	6,100	...	200	...	...	...	...	...	...	...	...	...	...	...	...
GRAND TOTAL	19,000,000	10,051,122	508,300	314,135	8,165	64,152	...	...	...	...	...	...	...	...	...	...	...	...

\* This represents the correct rainfall in England from that given in the statement for Kharif Crop of 1884-85.

Area irrigated in Kharif 1885-86	Acres.
Ditto ditto 1884-85	568,166
Net increase	24,231

STATEMENT No. II.

Statement in Acres of Crops irrigated in Canal Districts.

DESCRIPTION OF CROPS	Umballa.	Karnal.	Rohtak.	Delhi	Hissar	Kaisia	Jind	Bikaner	Gurdaspur	Amritsar.	Lahore.	Ludhiana.	Feroz-pore.	Patiala.	Faridkot.	Nabha.	Peshawar.
Indian-corn	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6,000
Jowar	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	200
Sugarcane	31	6,238	12,812	15,115	19	48	2,307	...	5,458	4,655	1,371	477	3	6	...	...	...
Rice	1,117	4,705	1,358	6,000	7,185	727	1,118	...	10,031	2,023	10,129	3	40	...	...	...	...
Cotton	1	6,157	5,109	2,131	17,143	2	8,023	119	1,000	9,309	20,116	1,043	1,371	2	480	20	100
Indigo	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Others	72	7,151	7,111	4,101	8,127	20	9,101	68	2,871	10,312	61,119	2,371	25,102	1	5,587	344	...
TOTAL KHARIF, 1885-86	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6,300
TOTAL KHARIF, 1884-85	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

STATEMENT No. III

Statement in Acres of Crops irrigated in Canal Divisions.

DESCRIPTION OF CROPS	WESTERN JUMNA CANAL.				BARI DOAB CANAL				SIKHIND CANAL				Swat River Canal Division.
	Karnal Division.	Plan 1 Division	Delhi Division	TOTAL	1st Division	2nd Division.	TOTAL.	3rd Division.	4th Division	TOTAL.			
Indian-corn	...	...	...	...	...	...	...	...	...	...	...	...	6,000
Jowar	...	...	...	...	...	...	...	...	...	...	...	...	200
Sugarcane	1,125	6,816	20,126	27,267	4,800	6,597	11,447	484	2	486	...	...	...
Rice	3,094	11,480	8,210	22,784	11,278	31,827	43,105	3	13	16	...	...	...
Cotton	980	31,041	7,875	39,905	6,700	30,045	36,745	1,115	1,813	2,928	...	...	100
Indigo	...	...	...	...	...	...	...	...	...	...	...	...	...
Others	6.8	22,730	9,280	32,318	21,418	75,941	97,359	3,408	10,401	33,809	...	...	...
TOTAL KHARIF, 1885-86	6,710	72,076	54,627	135,089	45,200	144,472	189,774	5,010	34,229	37,219	...	...	6,300
TOTAL KHARIF, 1884-85	17,146	95,216	87,134	199,516	31,438	103,016	131,454	166	9,090	10,165	...	...	...

R. HOME, Colonel, R.E.,  
Joint Secretary to Government, Punjab, P. W. D.

GOVERNMENT OF INDIA.  
DEPARTMENT OF FINANCE AND COMMERCE.

*Comparative Statement of the Net Indian Sea and Land Customs Revenue (excluding Salt Revenue) for the first month of the official year 1886-87 and of the fifteen preceding years.*  
(IN THOUSANDS OF RUPEES.)

YEAR.	FOR THE MONTH OF APRIL.												YEAR.										
	BENGAL.			BOMBAY.			SINDH.			MADRAS.				BRITISH BURMA.					TOTAL BRITISH INDIA.				
	On Imports.	On other Imports.	On Exports.	Total Revenue.	On Imports.	On other Imports.	On Exports.	Total Revenue.	On Imports.	On other Imports.	On Exports.	Total Revenue.		On Imports.	On other Imports.	On Exports.	Total Revenue.	On Imports.	On other Imports.	On Exports.	Total Revenue.	On Imports.	On other Imports.
1871-72	92	5,56	1,70	8,18	89	2,13	49	3,51	10	5	11	26	26	1,02	1,65	2,93	4,48	2,27	9,16	11,43	7,03	19,36	1871-72.
1872-73	96	5,33	2,04	8,33	44	3,05	53	4,02	5	8	37	50	32	1,19	1,43	2,94	4,52	2,12	10,12	12,24	8,37	20,61	1872-73.
1873-74	85	4,62	1,27	6,74	44	2,46	46	3,36	6	3	12	21	40	92	1,24	2,56	7,14	2,12	8,49	10,61	9,40	20,01	1873-74.
1874-75	86	5,04	1,36	7,16	50	1,65	50	2,65	10	3	10	23	26	1,24	98	2,48	5,74	2,10	8,63	10,73	7,53	18,26	1874-75.
1875-76	98	7,18	1,58	9,74	66	2,79	1,10	4,55	15	12	32	59	31	1,24	1,22	2,77	7,91	2,49	11,73	14,22	11,34	25,56	1875-76.
1876-77	1,06	5,65	63	7,34	55	2,83	17	3,55	10	3	4	17	48	1,03	62	2,13	5,76	2,67	9,94	12,61	6,34	18,95	1876-77.
1877-78	1,19	5,61	1,13	7,93	92	4,11	20	5,23	24	8	7	39	57	81	21	1,59	5,67	3,44	11,12	14,56	6,25	20,81	1877-78.
1878-79	1,16	6,43	84	8,43	82	4,27	28	5,37	22	5	4	31	57	89	44	1,90	6,68	3,67	12,29	15,96	6,73	22,69	1878-79.
1879-80	90	6,13	76	7,79	1,01	3,47	27	4,75	21	4	4	29	40	71	37	1,48	7,05	3,25	10,83	14,58	8,18	22,26	1879-80.
1880-81	1,27	4,42	50	6,19	97	4,35	29	5,61	51	7	4	62	49	92	92	2,33	7,08	3,76	10,38	14,14	7,69	21,83	1880-81.
1881-82	1,19	4,62	71	6,50	96	3,78	35	5,09	54	9	6	73	39	81	84	2,04	7,30	3,86	10,01	13,87	7,79	21,66	1881-82.
1882-83	1,24	—2*	71	1,93	1,01	—24*	29	1,06	36	9	9	45	39	43	43	82	8,00	3,83	—24*	3,59	9,27	12,86	1882-83.
1883-84	1,25	—1*	1,60	2,84	1,05	5	15	1,25	53	6	6	59	46	57	57	1,03	8,77	4,16	5	4,21	10,27	14,48	1883-84.
1884-85	1,13	5	75	1,93	1,09	7	27	1,43	42	2	2	52	34	2	77	1,13	7,41	3,81	19	4,00	8,42	12,42	1884-85.
1885-86	99	—1*	1,20	2,18	1,04	7	10	1,21	37	9	9	46	39	23	23	62	8,26	3,45	8	3,53	9,20	12,73	1885-86.
1886-87	1,13	4	1,08	2,25	99	7	21	1,27	36	1	10	47	55	1	40	96	7,86	3,94	11	4,05	8,76	12,81	1886-87.

\* The amount refunded is greater than the duty collected.

DEPARTMENT OF FINANCE AND COMMERCE,  
STATISTICAL BRANCH ;  
Calcutta, 17th May 1886.

D. M. BARBOUR,  
Secretary to the Government of India.



BOM

Karwar	12 10 <sup>1</sup>	7 0	14 0	16 8	13 0	22 0	...	12 8	23 6	13 0	513 5 <sup>1</sup>	12 0
Panch Mahals (Godhra)	12 1	9 8	10 10	...	10 0	20 0	...	21 13	...	11 6	120 0	15 4
Aden	No return received.	10 0	12 0	28 0	28 0	...	19 2	20 2	...	9 2	160 0	12 0
Asirgarh Cantonment	15 0	16 14	8 12	18 5	16 9	18 5	...	19 7	...	9 2	80 0	13 11
Baroda Camp (Sadar Bazar)	12 13	22 0	9 8	20 8	23 0	...	...	20 14	...	11 0	135 0	13 0
Dasa Cantonment	18 2	7 2	10 0	20 8	20 0	...	...	20 12	26 4	22 0	190 0	13 0
Namach Cantonment	18 4	25 8	8 0	34 10 <sup>1</sup>	3 34	...	...	31 24	35 10 <sup>1</sup>	14 8	100 0	14 0
Nasirabad Cantonment	21 0	32 0	8 0	22 8	16 5	...	...	19 0	...	11 4	160 0	12 0
Raikot Station	17 8	6 8	11 0	21 2	17 3	...	...	19 0	...	11 4	160 0	12 0
Upper Sind Frontier	13 11	9 3	11 4	21 2	17 3	...	...	20 0	14 0	8 0	85 0	16 0
Karachi	11 0	8 0	14 0	20 0	17 0	...	...	18 0	...	...	100 0	14 0
Haidarabad (Gidu Bunder)	12 0	9 0	19 0	15 0	13 0	...	...	19 8	...	...	180 0	13 3
Shikarpur	12 8	17 0	12 0	18 0	23 8	...	...	22 0	...	...	100 0	14 0
Sukkur	16 8	22 0	10 0	20 0	22 0	...	...	22 0	...	...	160 0	14 12
Thar & Parkar (Umarkot)	16 1	25 0	16 0	20 0	17 0	...	...	...	...	...	...	...

\* In common use.

## Western Districts.

Burdwan	16 0	40 0	16 0	21 0	...	...	...	23 0	...	21 0	120 0	13 8 <sup>1</sup>
Bankoora	18 8	24 0	19 8	22 8	...	...	...	19 0	31 0	22 0	340 0	12 8 <sup>1</sup>
Beerbhoom	18 0	...	15 8	19 8	...	...	...	22 5	...	22 8	...	12 00
Midnapore	18 0	...	16 0	22 0	...	...	...	17 0	...	14 0	155 0	12 8 <sup>1</sup>
Hooghly	16 0	...	10 0	15 0	...	...	...	16 0	...	14 0	120 0	13 9 <sup>1</sup>
Howrah	16 0	...	12 0	16 0	...	...	...	21 0	...	10 0	90 0	13 0

## Central Districts.

Calcutta	16 7	21 8	9 2	15 6	19 0	...	...	20 0	19 15	18 4	80 0	13 4
24-Pergunnahs	13 4	20 0	8 0	13 5	...	...	...	17 8	17 8	17 8	100 0	12 13 <sup>1</sup>
Nuddea	17 4	26 0	14 0	...	...	...	...	24 0 <sup>1</sup>	...	20 0	...	11 10 <sup>1</sup>
Khoshla	...	...	16 0	...	...	...	...	16 0	...	10 8	180 0	12 00
Jessore	13 4	...	13 4	17 4	...	...	...	21 0	...	26 8	120 0	12 00
Moorshedabad	20 0	...	14 0	17 8	...	...	...	20 0	...	21 0	120 0	11 40
Dinapore	16 0	17 12	17 12	19 0	...	...	...	18 12	...	180 0	...	12 8
Rajshahye	15 0	30 0	16 8	18 12	...	...	...	24 12	...	28 8	240 0	12 12 <sup>1</sup>
Ringpore	21 0	...	14 0	18 0	...	...	...	14 12	...	14 0	120 0	12 0 <sup>1</sup>
Bogra	16 8	...	15 0	24 0	...	...	...	19 5	...	21 0	200 0	12 0
Pabna	22 8	...	8 4	15 6	...	...	...	20 0	...	8 0	120 0	12 6 <sup>1</sup>
Darjeeling	10 0	12 0	5 0	12 0	...	...	...	10 0	20 0	8 0	120 0	8 00
Jalpaiguri	13 0	20 0	16 0	22 0	...	...	...	15 5	...	120 0	...	12 00

## Eastern Districts.

Dacca	16 0	26 0	13 0	10 0	...	...	...	21 0	...	120 0	...	12 10 <sup>1</sup>
Farrukpore	16 0	25 0	10 0	10 0	...	...	...	16 0	...	140 0	...	12 00
Backergunge	13 4	...	13 0	10 0	...	...	...	16 0	...	13 0	120 0	12 5 <sup>1</sup>
Myntong	16 0	...	14 8	21 4	...	...	...	18 0	...	20 0	...	12 4 <sup>1</sup>
Chittagong	16 0	...	12 0	14 0	...	...	...	13 0	...	9 0	100 0	12 00
Noakhali	13 4	...	13 0	14 0	...	...	...	13 0	...	10 0	...	11 00
Uppeah	13 4	...	15 0	17 4	...	...	...	16 0	...	10 0	320 0	8 0
Chittagong Hill Tract	12 0	...	11 0	11 15	...	...	...	12 0	...	10 0	...	11 0
Tipperah	12 0	...	12 0	16 0	...	...	...	12 0	...	10 0	...	11 0

a In subdivisions retail prices of salt per rupee were:—Cuttack 14 seers, Cutwa 13-14 seers, and Karakunge 13 seers.

b In Bishnupore retail prices of salt 13 seers per rupee.

c In Kampong retail prices of salt 13-14 seers per rupee.

d In subdivisions retail prices of salt per rupee were:—Lumbah and Contal 11 seers, and Ghatil 14 seers.

e In subdivisions retail prices of salt per rupee were:—Serampur 13 seers, and Jelan 11-12 seers.

f In subdivisions retail prices of salt per rupee were:—Bardah 11-12 seers, Bussihat 13 seers, Diamond

Hail and Kullin 12-14 seers, Bazar Chupra and Durr-Dun 13 seers.

g In subdivisions retail prices of salt per rupee were:—Kailash 12 seers, Meherpore and Choudanga 12

seers, and Kamaul 12-14 seers.

h In Bishnupore retail prices of salt 11 seers per rupee.

i In subdivisions retail prices of salt per rupee were:—Jumla and Narail 12 seers, Magora 10-12 seers,

and Bhangung 13 seers.

l In subdivisions retail prices of salt per rupee were:—Gabanda 10 seers, Nalchah 12 seers, and Kurigram 12 seers.

m In Betanunge retail prices of salt 13 seers per rupee.

n At Bishnupore retail prices of salt 13 seers per rupee.

o At Fardipore retail prices of salt per rupee were:—Moukherjee 11 seers, Moonsherunge 10-12 seers,

and Narungunge 12-14 seers.

p In subdivisions retail prices of salt per rupee were:—Ghatil 12 seers and Modirpore 12-14 seers.

q In subdivisions retail prices of salt per rupee were:—Pabna 10-11 seers, Pabna 10-11 seers, and Bhola

10-11 seers, Netrakona 12-14 seers, and Jaisaibore 11-14 seers.

r In subdivisions retail prices of salt per rupee were:—Pabna 10-11 seers, Pabna 10-11 seers, and Bhola

10-11 seers.

s In subdivisions retail prices of salt per rupee were:—Kishoreunge 10-12 seers, Attea 12 seers, Sherpore

10-11 seers, and Bhangung 13 seers.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 2nd HALF OF APRIL 1886—continued.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
PROVINCES.		QUANTITIES PER RUPEE IN SEERS OF 80 TOLAS.														
DISTRICTS.		Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or Cholam (Sorghum vulgare).	Ray or Cumbu (Pennisetum polystachyon).	Maria or Ragi (Eleusine coracana).	Kanji or Kakun, Italian millet (Setaria italica).	Gram, Channa, (Cicer or Sunaga) (Cicer arietinum).	Maize (Zea Mays).	Ahar or Thur (Adiantum indicus).	Firewood.	Salt.	REMARKS.	
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.		
BENGAL—continued.	Behar															
	Patna . . . . .	20 0	28 0	11 8	17 0	26 0	26 0	26 0	16 0	27 0	22 0	27 0	120 0	11 8		
	Gya . . . . .	19 8	26 0	9 0	16 8	21 0				22 0	...	22 0	200 0	11 0m		
	Shahabad . . . . .	19 0	27 0	9 0	15 0					25 0	...	17 0	160 0	12 8m		
	Durbhanga . . . . .	17 0	28 0	10 0	17 0			28 0	18 0	20 0	20 0	20 0	160 0	11 8y		
	Mozufferpore . . . . .	20 0	30 0	12 0	16 0			30 0	14 0	22 8	27 8	22 8	140 0	12 0m		
	Sarun . . . . .	18 8	27 0	7 0	19 0			22 0	14 0	18 0	26 0	25 0	160 0	12 1m1		
	Chumpan . . . . .	19 0	25 0	10 0	14 0				21 0	26 12	26 12	23 2	126 0	12 4m2		
	Monghyr . . . . .	23 2	36 12	13 9	16 4	24 2				25 4	25 4	18 15	151 0	13 2m3		
	Bhagalpur . . . . .	18 15	30 5	15 2	17 10					21 0	25 0	18 0	128 0	12 10m4		
CHOTA NAGPORE.	Purneah . . . . .	21 0		18 0	20 0					28 0	...	18 0	160 0	11 0m5		
	Malda . . . . .	23 0		16 0	22 0					20 0	30 0	24 0	200 0	11 8		
	Sonthal Pergunnahs . . . . .	16 0		16 0	23 8					20 0	30 0	24 0	200 0	11 8m6		
	Orissa.															
	Cuttack . . . . .	19 11		10 8	17 1*					19 11	...	17 1	80 0	14 0		
	Pooree . . . . .	15 12		17 1	21 0					15 12	...	12 0	80 0	14 7		
	Balasore . . . . .	15 0	13 0	13 0	24 0					15 0	...	12 0	130 0	9 8m7		
	South-Western Frontier Agency.															
	Hazáribagh . . . . .	17 8	20 0	10 0	19 0			30 0	...	19 0	24 0	18 0	240 0	10 0m8		
	Lohardugga . . . . .	10 0	23 0	16 0	19 0			30 0	...	15 0	20 0	20 0	120 0	10 0m9		
ASSAM.	Singbhoom . . . . .	24 0	32 0	24 0	28 0				...	16 0	...	21 0	300 0	9 0		
	Manbhoom . . . . .	18 0	32 0	15 0	27 0				...	18 0	...	20 0	240 0	11 10		
	Sylhet . . . . .	11 4		12 4	14 14				...	16 8	...	11 12	108 0	12 12		
	Cachár . . . . .	12 4m		13 5m	14 8m				...	14 8m	...	11 6m	80 0	12 1		
	Goáipará . . . . .	22 0		8 0	20 0				...	13 0	...	8 0	70 0	12 0		
	Garó Hills . . . . .			6 0	16 0				...	10 0	...	12 0	160 0	8 0		
	Kamrup . . . . .	16 0		8 0	13 0				...	13 0	...	10 0	150 0	11 0		
	Darrang . . . . .	8 0		8 0	13 0				...	11 8	...	10 0	120 0	10 0		
	Nowong . . . . .	8 0		8 0	16 0				...	9 0	...	11 0	160 0	9 0		
	Sibsagar . . . . .			7 0	16 0				...	11 4	...	8 8	100 0	10 0		
NAGÁ HILLS.	Lakhimpur . . . . .	10 0		7 4	13 0				...	9 0	...	11 0	160 0	9 0		
	Khási and Jaintia Hills . . . . .			7 0	11 0				...	9 0	16 0	8 8	100 0	9 0		
	Nágá Hills . . . . .			...	8 0				...	...	...	4 0	120 0	3 3		
	Dehra Dun . . . . .	17 0	26 0	6 0	11 0	20 0	20 0	26 0	...	25 0	22 0	24 0	160 0	11 0		
	Saharanpur . . . . .	19 5m	32 4	8 9m	12 5m	23 10m	26 14	37 10	32 4	20 0m	29 0m	21 8	107 8	12 5m		
	Muzaffarnagar . . . . .	20 4	33 0	6 10	12 2	22 0	23 2	19 12	12 0	28 0	30 12	17 8	100 0	13 0		
	Meerut . . . . .	20 0	33 0	6 0	14 0	24 0	20 0	...	14 0	29 8	27 0	24 0	100 0	12 8		
	Bulandshahr . . . . .	23 8	33 8	6 0	10 12	25 0	22 0	16 0	20 0	30 8	25 0	26 0	160 0	12 4		
	Aligarh . . . . .	21 8	33 0	6 0	10 8	25 0	17 0	...	16 0	32 8	25 0	39 0	140 0	13 0		
	Kumaun . . . . .	10 8	14 0	9 0	10 0			13 0	16 0	12 8	...	10 8	200 0	7 0		
Garhwál . . . . .	14 0	18 8	7 8	10 0			18 0	...	8 0	...	9 8	160 0	8 2			

\* In the interior retail prices of common rice ranged from 18-6 to 23-10 seers, per rupee.



N.W. PROVINCES.										Oudh.										Punjab.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
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† Rate for whole grain and not for dal is given.

x In sub-divisions retail prices of salt per rupee were:—Jehanabad and Aurangabad 12 seers, and Novada 10 seers.  
 y In sub-divisions retail prices of salt per rupee were:—Buxar and Sasaram 12 seers, and Bhabua 11 seers.  
 z In sub-divisions retail prices of salt per rupee were:—Jaipur 11-8 seers and Madhubani 11 seers.  
 a In sub-divisions retail prices of salt per rupee were:—Hapur 12-4 seers and Sitar chow 11 seers.  
 b In sub-divisions retail prices of salt per rupee were:—Nowan 12 seers and Gopalgunge 11-4 seers.  
 c In Bhatnagar retail price of salt 11-4 seers per rupee.  
 d In sub-divisions retail prices of salt per rupee were:—Bageswar 11 seers and Jamui 12 seers.  
 e In sub-divisions retail prices of salt per rupee were:—Banka 12 seers, Madanpura 9-8 seers and Sipahol 11 seers.  
 f In sub-divisions retail prices of salt per rupee were:—Kishengunge 10 seers and Arrareah (at Rangunge) 12 seers.  
 g In sub-divisions retail prices of salt per rupee were:—Deoghur 13 seers, Godda 11 seers, and Rajmahal 11 seers.  
 h In Bhadrachal retail price of salt 8-8 seers per rupee.  
 i At Kharagdiha (in Gindri sub-division) retail price of salt 12 seers per rupee.  
 j At Dalongunge retail price of salt 10-12 seers per rupee.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 2nd HALF OF APRIL 1886 —continued.

[illegible]

[illegible]

B

## PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 2nd HALF OF APRIL 1886—concluded.

PROVINCES.		QUANTITIES PER RUPEE IN SEERS OF 80 TOLAS.														REMARKS.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16		
DISTRICTS.		Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or (Sorghum vul. Karc).	Bajra or Cumbu (Pennisetum typhoides).	Maize or Ragi (Eleusine coracana).	Kanuri or Kakun (Setaria italica).	Grama, Channa (hola, Kadalay or Sunaga (Cicer arietinum).	Maize (Zea Mays).	Arhar or Tur (Cajanus Pica (Cassia indica).	Firewood.	Sale.			
RAJPOOTANA— contd.	Bikaner	S. Ch. 11 14	S. Ch. 40 0	S. Ch. 3 12	S. Ch. 6 8	S. Ch. 35 8	S. Ch. 17 13	S. Ch. 21 0	S. Ch. 21 0	S. Ch. 11 7	S. Ch. 100 0	S. Ch. 14 0	S. Ch. 100 0	S. Ch. 14 0			
	Boondee	S. Ch. 27 0	S. Ch. 30 0	S. Ch. 9 8	S. Ch. 10 0	S. Ch. 32 8	S. Ch. 20 0	S. Ch. 40 0	S. Ch. 40 0	S. Ch. 11 12	S. Ch. 160 0	S. Ch. 12 8	S. Ch. 160 0	S. Ch. 12 8			
	Kotah	S. Ch. 26 0	S. Ch. 30 0	S. Ch. 9 0	S. Ch. 10 0	S. Ch. 32 8	S. Ch. 20 0	S. Ch. 39 0	S. Ch. 39 0	S. Ch. 11 12	S. Ch. 240 0	S. Ch. 11 12	S. Ch. 240 0	S. Ch. 11 12			
	Ferk	S. Ch. 23 0	S. Ch. 33 8	S. Ch. 8 8	S. Ch. 10 0	S. Ch. 32 8	S. Ch. 15 13	S. Ch. 12 0	S. Ch. 12 0	S. Ch. 11 13	S. Ch. 100 0	S. Ch. 11 1	S. Ch. 100 0	S. Ch. 11 1			
	Jhalawar	S. Ch. 25 64	S. Ch. 27 10	S. Ch. 8 14	S. Ch. 11 13	S. Ch. 32 8	S. Ch. 15 13	S. Ch. 14 24	S. Ch. 14 24	S. Ch. 11 13	S. Ch. 175 0	S. Ch. 11 1	S. Ch. 175 0	S. Ch. 11 1			
CENTRAL INDIA.	Shahpore	S. Ch. 22 0	S. Ch. 30 8	S. Ch. 10 0	S. Ch. 16 2	S. Ch. 34 0	S. Ch. 28 8	S. Ch. 27 0	S. Ch. 27 0	S. Ch. 37 14	S. Ch. 160 0	S. Ch. 12 8	S. Ch. 160 0	S. Ch. 12 8			
	Dholpur	S. Ch. 17 0	S. Ch. 23 11	S. Ch. 10 2	S. Ch. 11 4	S. Ch. 23 10	S. Ch. 20 0	S. Ch. 25 15	S. Ch. 20 0	S. Ch. 37 14	S. Ch. 90 0	S. Ch. 12 7	S. Ch. 90 0	S. Ch. 12 7			
	Indore	S. Ch. 11 14	S. Ch. 40 0	S. Ch. 3 12	S. Ch. 6 8	S. Ch. 35 8	S. Ch. 17 13	S. Ch. 21 0	S. Ch. 21 0	S. Ch. 11 7	S. Ch. 100 0	S. Ch. 14 0	S. Ch. 100 0	S. Ch. 14 0			
BAGHELKHAND (Sutna)	Gwalier	S. Ch. 27 0	S. Ch. 30 0	S. Ch. 9 8	S. Ch. 10 0	S. Ch. 32 8	S. Ch. 20 0	S. Ch. 40 0	S. Ch. 40 0	S. Ch. 11 12	S. Ch. 160 0	S. Ch. 12 8	S. Ch. 160 0	S. Ch. 12 8			
	Guwara	S. Ch. 26 0	S. Ch. 30 0	S. Ch. 9 0	S. Ch. 10 0	S. Ch. 32 8	S. Ch. 20 0	S. Ch. 39 0	S. Ch. 39 0	S. Ch. 11 12	S. Ch. 240 0	S. Ch. 11 12	S. Ch. 240 0	S. Ch. 11 12			
		No return received.															

DEPARTMENT OF FINANCE AND COMMERCE,  
(Statistical Branch.)

D. BARBOUR,  
Secretary to the Government of India.

GOVERNMENT OF INDIA.  
DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENT OF PRICES CURRENT (RETAIL) OF FOOD-GRAINS FOR THE 1st HALF OF APRIL 1886, PUBLISHED IN PAGE 791 OF THE  
SUPPLEMENT TO THE "GAZETTE OF INDIA" DATED 8th MAY 1886.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16															
PROVINCE.		QUANTITIES PER RUPEE IN SEERS 0-50 TOLAS.																												
DISTRICT.		Wheat.		Barley.		Rice, best sort.		Rice, common.		Jowar or Cholam (Sorghum vul- gare).		Bajra or Cumbu (Pennisetum typhoides).		Manna or Ragi (Eleusine Cor- caea).		Kangni or Kakani, Lahan millet (Setaria italica).		Gram, (Jhanna, Chola, Kadali, or Sunaga (Cicer arylatum).		Maize (Zea Mays).		Arhar or Uthi (Cajup Pica (Ca- jouis indicus).		Firewood.		Salt.		REMARKS.		
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.		
Bombay	Aden	8 0		6 3	7 0	10 3	11 3			10 3	11 3					11 3			11 3				6 3		65 5		32 0			
	Nimach Cantonment	12 8	27 0	8 0	10 0	27 0	20 4									28 8			28 8		25 0		22 0		100 0		13 0			

DEPARTMENT OF FINANCE AND COMMERCE,  
(Statistical Branch).

D BARBOUR,  
Secretary to the Government of India.





# The Gazette of India

**EXTRAORDINARY.**

PUBLISHED BY AUTHORITY.

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SIMLA, MONDAY, MAY 24, 1886.

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HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

No. 737.

*Simla, the 24th May, 1886.*

The HONOURABLE MAJOR-GENERAL THOMAS ELLIOTT HUGHES, R.A., an Ordinary Member of the Council of the Governor-General, died this morning at 10 o'clock.

The Governor-General in Council notifies this mournful event to the community with the deepest regret, and he requests that the Officers of Government, Civil and Military, will attend the funeral of the late Major-General Hughes, assembling for this purpose at his residence at 7-30 o'clock tomorrow morning.

His Excellency in Council has directed the Flag at Fort William to be lowered to half mast high during the whole of tomorrow.

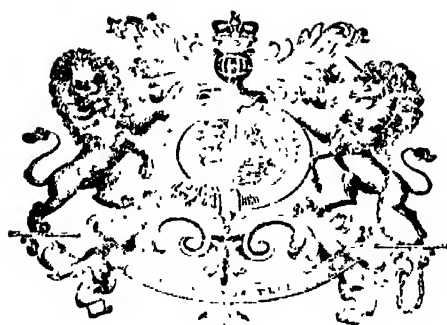
By order of the Governor-General in Council,

A. P. MAC DONNELL,

*Offg. Secretary to the Government of India.*







# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 22. }

SIMLA, SATURDAY, MAY 29, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## CONTENTS.

PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations.

PART II.—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers, Postal, Telegraph, and Commissariat Notices.

PART III.—Advertisements and Notices by private individuals and Corporations.

PART IV.—Acts of the Governor-General's Council assented to by the Governor-General.—

*Nothing for publication.*

PART V.—Bills introduced into the Council of the Governor-General for making Laws and Regulations, or published under Rule 22:—

The Indian Bankruptcy Bill, 1886.

SUPPLEMENT No. 22.

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### HOME DEPARTMENT.

#### NOTIFICATIONS.

##### PUBLIC.

*Simla, the 24th May, 1886.*

No. 737.—The HONOURABLE MAJOR-GENERAL THOMAS ELLIOTT HUGHES, C.I.E., R.A., an Ordinary Member of the Council of the Governor-General, died this morning at 10 o'clock.

The Governor-General in Council notifies this mournful event to the community with the deepest regret, and he requests that the Officers of Government, Civil and Military, will attend the funeral of the late Major-General Hughes, assembling for this purpose at his residence at 7-30 o'clock tomorrow morning.

His Excellency in Council has directed the Flag at Fort William to be lowered to half mast high during the whole of tomorrow, and 15 minute guns to be fired during the funeral.

##### MEDICAL.

*The 26th May, 1886.*

No. 213.—*Appointment.*—Surgeon-Major D. Wilkie, M.B., to officiate as Statistical Officer to

the Government of India in the Sanitary and Medical Departments from the date of assuming charge during the absence on deputation of Surgeon-Major A. Stephen, or until further orders.

##### JUDICIAL.

*The 28th May, 1886.*

No. 707.—Consequent on the appointment of Mr. W. E. Ward, M.A., C.S., to be Judicial Commissioner of British Burma, Mr. H. Lattman Johnson, C.S., is conveyed in the Office of Judge and Commissioner of the Assam Valley Districts.

##### EDUCATION.

*The 25th May, 1886.*

No. 163.—Under Section 12 of Act II of 1857, the Governor-General in Council is pleased to authorise the affiliation of the Narail High School, in the District of Jessore, to the Calcutta University in Arts up to the P. A. Standard, with effect from the 1st June, 1886.

##### PATENTS.

*The 22nd May, 1886.*

No. 613.—Specifications of the undermentioned inventions have been filed, under the

provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

No. 146 of 1885.—John Edward Dowley Wise, of No. 4, European Asylum Lane, Calcutta, Engineer, for the extraction and treatment of the Rhea Fibre, also known as the Ramie or China grass.

No. 178 of 1885.—Robert Ellis Green, of Bedford, in the County of Bedford, England, Gentleman, for improvement in treating or preparing the tea leaf for the market and in the apparatus or means employed therefor.

No. 46 of 1886.—Samuel Cleland Davidson, of Belfast, Ireland, Merchant, for improvements in the manufacture of coffee, and in the detection of adulterations or decoctions of coffee, and cocoa.

No. 50 of 1886.—Charles Shand, Estate Agent of Colombo, in the Island of Ceylon, for an improved method of drying tea.

#### FORESTS.

*The 27th May, 1886.*

No. 431 F.—With reference to the Notification of this Department No. 316 F., dated the 22nd ultimo, Mr. A. E. Brown, officiating Deputy Conservator of Forests of the 4th Grade in the North-Western Provinces and Oudh, is appointed to officiate as Deputy Director of the Forest School at Dehra Dun, during the absence of Mr. E. E. Fernandez on special duty in connection with the preparation of Working-Plans of Forests.

A. P. MACDONNELL,

*Off. Secretary to the Government of India*

#### FOREIGN DEPARTMENT.

##### NOTIFICATIONS.—GENERAL.

*Simla, the 25th May, 1886.*

No. 1082 G.—Mr. C. E. R. Girdlestone, C.S., Resident of the 2nd Class, and Resident in Nepal, is granted one month's privilege leave, with effect from the 26th May, 1886, or the date on which he may avail himself of it.

No. 1084 G.—Captain C. Herbert, Political Assistant of the 1st Class, sub. *pro tem.*, and Assistant to the Governor-General's Agent in Rajputana, is appointed to officiate as an Additional Political Agent of the 2nd Class, and is posted as Political Agent in Bhurtpur and Kerowlee, with effect from the 30th April, 1886, during the absence on privilege leave of Colonel C. B. Euan-Smith, C.S.I., or until further orders.

*The 27th May, 1886.*

No. 1093 G.—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Mr. Oscar von Hoffer, as Acting Consul for Sweden and Norway at Bombay, during the absence of Mr. J. Janni.

##### INTERNAL.

*The 27th May, 1886.*

No. 1738 I.—In Foreign Department Notification No. 1217 I., dated the 19th April, 1886, Sardar Bahadur Bhagat Singh should have been described as Executive Engineer, 4th Grade, Public Works Department, Rajputana.

##### EXTERNAL.

*The 26th May, 1886.*

No. 1018 E.—Foreign Department Notification No. 598 E., dated the 8th April, 1886, replacing the services of Mr. J. H. Lacey, Assistant Conservator of Forests, of the 1st Grade, at the disposal of the Punjab Government, is hereby cancelled.

H. M. DURAND,

*Secretary to the Government of India*

#### DEPARTMENT OF FINANCE AND COMMERCE.

##### NOTIFICATIONS.

##### LEAVE AND APPOINTMENTS.

*Simla, the 27th May, 1886.*

No. 1012.—Mr. S. Sullen, Presidency Post Master, Madras, having been appointed to officiate temporarily as Post Master General, Madras, in addition to his own duties, received charge of the latter office from Mr. M. Hammick after noon on the 13th May, 1886.

The services of Mr. M. Hammick are replaced at the disposal of the Government of Madras, with effect from the 14th May, 1886.

*The 28th May, 1886.*

No. 1034.—The following promotions and reversions of officers of the Account Department are hereby notified.—

With effect from the 5th April, 1886, in consequence of the departure on privilege leave of Mr. A. H. Anthony,—

Mr. W. H. Egerton to officiate as Enrolled Officer, Class V.

With effect from the 19th April, 1886, in consequence of the departure on privilege leave of Mr. E. S. Byrne,—

Mr. J. E. Cooke to officiate as Enrolled Officer, Class I.

Mr. H. G. H. Cowie to officiate as Enrolled Officer, Class II.

Mr. J. Taylor to officiate as Enrolled Officer, Class III.

Mr. W. T. Piercy to officiate as Enrolled Officer, Class IV.

With effect from the 21st April, 1886, in consequence of the departure on privilege leave of Mr. E. Gay,—

Mr. E. F. T. Atkinson to officiate as Comptroller and Auditor General.

Mr. A. C. Tupp to officiate as Accountant-General, Class I.

Mr. E. J. Sinkinson to officiate as Accountant-General, Class II.

Mr. E. W. Kellner to officiate as Accountant-General, Class III.

Mr. W. Wells to officiate as Enrolled Officer, Class I.

Mr. J. Taylor to officiate as Enrolled Officer, Class II.

Mr. C. J. Rivett-Carnac to officiate as Enrolled Officer, Class III.

Mr. H. Oung to officiate as Enrolled Officer, Class IV.

With effect from the 29th April, 1886, in consequence of the return from privilege leave of Mr. H. S. Groves,—

Mr. H. Oung to revert to his officiating appointment as Enrolled Officer, Class V.

**No. 1033.**—*Erratum.*—In line 25 of the Notification of this Department No. 275, dated the 16th April, 1886, for "Moung Hla Oung," read "Mr. K. C. Chapman."

**No. 1077.**—Mr. E. Grant, Chief Superintendent in the Office of the Comptroller, British Burma, having been granted privilege leave for three months, and Mr. W. G. Clague having been appointed to officiate for him, Mr. Grant made over and Mr. Clague received charge of the said appointment after noon on the 7th May, 1886.

## CODES

*The 26th May, 1886.*

**No. 994.**

CIVIL LEAVE CODE.

PAGE 175.

Section 79.

Rule 5.

*Substitute the words "in the case of Gazetted Officers," for the words "in every case," in line 2 of this Rule*

*The 28th May, 1886.*

**No. 1038.**

CIVIL LEAVE CODE.

PAGE 209.

Section 161 (a).

*For (1) and (2) under this Section, substitute the following, after and in continuation of the word "payment" in the fourth line of the Section:—*

*"at the Home treasury of the Government of India, and, if he proceeds to any colony named in the list in Schedule C, in such colony."*

**No. 1040.**

CIVIL LEAVE CODE.

PAGE 145.

Section 2.

*Insert the following after "Hyderabad" in the eighth line of this Section:—*

*"Military Officers in Civil employ, subject to the Military Furlough Regulations of 1868, may be granted special leave under Sections 61 and 63."*

SEPARATE REVENUE, &c.

ASSESSED TAXES.

INCOME TAX.

*The 28th May, 1886.*

**No. 989.**

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Read—

Rule 16 of the Rules published with Financial Notification No. 593, dated the 5th February, 1886, prohibiting all public servants from making public or disclosing, except for the purpose of the working of Act II of 1886, any information contained in the documents delivered or produced with respect to assessments under Part IV of the said Act, and declaring that any public servant committing a breach of this Rule shall be deemed to have committed an offence under Section 106 of the Indian Penal Code

RESOLUTION.—The Government of India invites the special attention of all officers concerned with the working of Act II of 1886 to the Rule read in the preamble, and further directs that all officers engaged in working the Act shall not merely not disclose any information of the character above referred to, but shall be most careful, as far as practicable, to regulate their proceedings in such manner as to prevent information which should be kept secret becoming known. Information of this nature, it should be precautionally noted, is to be withheld by officers enforcing the Act from persons in the employment of assesses.

ORDER.—Ordered, that the above Resolution be communicated to the several Local Governments and Administrations, and that it be published in the *Gazette of India* for general information

D. M. BARBOUR,

*Secretary to the Government of India*

## MILITARY DEPARTMENT.

*Simla, the 28th May, 1886.*

APPOINTMENTS.

**No. 345.**—ADJUTANT-GENERAL'S DEPARTMENT—

Major W. V. Edis, Brigade-Major, to be an Assistant Adjutant-General on the Establishment, *vice* Lieutenant-Colonel I. Cook, who has resigned that appointment. Dated 28th May, 1886.

**No. 346.—ORDNANCE DEPARTMENT—**

In G. G. O. No. 326 of 1885, as the date of the appointment of Lieutenant-Colonel F. J. Mortimer, R.A., as Commissary of Ordnance, 1st Class, for "6th April, 1885," read "21st April, 1886."

**No. 347.—PERSONAL STAFF—**

In continuation of G. G. O. No. 188, dated the 26th March, 1886, the following temporary appointment has been made on the personal staff of Major-General G. S. White, C.B., V.C., Commanding the Forces in Upper Burma:—

Lieutenant Q. G. K. Agnew, Royal Scots Fusiliers, to be Aide-de-Camp. Dated the 5th May, 1886.

**DISMISSALS AND REMOVALS.**

**No. 348.**—The services of 1st Grade Assistant Apothecary Richard Lawrence Smyth, of the Subordinate Medical Department, are dispensed with.

**FURLOUGH AND LEAVE.**

**No. 349.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Captain L. J. H. Grey, Bengal S. C., Cantonment Magistrate, 2nd Class, Punjab (u. p. a.) for 121 days, under rule XI of the regulations of 1858.

Captain P. T. Buxton, R.E., Adjutant, Bengal Sappers and Miners, (p. a.) for one year, under rule IX of the regulations of 1858.

**No. 350.**—The late Surgeon Major J. C. French, M.D., was on furlough out of India (m. c.) from 17th May, 1885, to 28th July, 1885, inclusive, under rule XIV, clause I, of the regulations of 1858.

**No. 351.**—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Lieutenant-Colonel F. E. Wiggins, General List, Infantry, (m. c.) for four months.

Captain T. S. M. Woolley, Bengal S. C., (m. c.) for fourteen days.

Surgeon-Major J. J. Monteath, M.D., (m. c.) for six months.

**LONDON GAZETTE**

**No. 352.**—The following extract is published for general information:—

"*London Gazette*," dated the 27th April, 1886, page 2030.

"INDIA OFFICE,  
27th April, 1886.

The Queen has approved of the following admissions to the Indian Staff Corps made by the Government in India:—

**BENGAL STAFF CORPS.***To be Lieutenants.*

Lieutenant George Murray, from the Connaught Rangers. Dated 16th July, 1883, but to rank from 1st July, 1881.

Lieutenant John Ramsay, from the Cheshire Regiment. Dated 14th January, 1885, but to rank from 9th September, 1882."

**PENSIONS.**

**No. 353.**—Conductor Edward Wadsworth, Commissariat Department, is transferred to the pension establishment.

**PROMOTIONS.****No. 354.—NATIVE ARMY—***7th Bengal Cavalry.*

Kot-Duffadar Fida'i Khan to be Jemadar, *vice* Jemadar Mahomed Faridun, invalided; Duffadar Mohar Singh, from the 8th Bengal Cavalry, to be Jemadar, on augmentation,—with effect from the 1st May, 1886.

*8th Bengal Cavalry.*

Kot-Duffadars Mir Khan and Mohar Singh to be Jemadars, on augmentation, with effect from the 1st April, 1886.

*12th Bengal Cavalry.*

Kot-Duffadar Girdat Singh to be Jemadar, on augmentation, with effect from the 15th April, 1886.

*25th Bengal Infantry.*

Havildar Khar Singh to be Jemadar, *vice* Jemadar Bitin Singh, transferred to the Burma Police, with effect from the 14th April, 1886.

**No. 355.—PUNJAB FRONTIER FORCE—***(Queen's Own) Corps of Guides.*

Ressaldar Dini Chand, Bahadar, to be Ressaldar-Major, and Ressaldar Kala Singh to be Ressaldar, *vice* Ressaldar Prem Singh, Sirdar Bahadar, invalided;

Jemadar (Woordee-Major) Muhammad Khan to be Ressaldar, *vice* Ressaldar Kala Singh, promoted,—

with effect from the 10th April, 1886.

Duffadar Sindar Singh to be Jemadar, *vice* Jemadar Fatch Muhammad Khan, invalided, with effect from the 13th April, 1886.

Jemadar Sindar Singh to be Ressaldar (Woordee-Major), *vice* Jemadar (Woordee-Major) Muhammad Khan, who resigns that appointment;

Duffadar Faiz Talib to be Jemadar, *vice* Jemadar Sindar Singh, promoted,—with effect from the 10th April, 1886.

Jemadar Sing Bir to be Subadar, *vice* Subadar Dhan Bir, invalided,

Havildar Mazam Shah to be Jemadar, *vice* Jemadar Kaleh Khan, invalided;

Havildar Ram Bahadur to be Jemadar, *vice* Jemadar Sing Bir, promoted,—with effect from the 13th April, 1886.

**No. 356.—VOLUNTEER CORPS—***Oudh Volunteer Rifle Corps.*

Mr. Reginald Henry William Warneford to be Lieutenant, *vice* Lieutenant J. White, who has resigned the appointment.

Mr. Joseph Watkins to be Lieutenant, *vice* Lieutenant F. Murray, transferred to the Ghazipur Volunteer Rifle Corps.

**RETIREMENTS.**

**No. 357.**—Lieutenant-Colonel Hipplesley Cunliffe Marsh, Bengal S. C., is placed on the Retired List, with effect from the 26th May, 1886, subject to Her Majesty's approval.

## REWARDS.

## No. 358.—GOOD SERVICE PENSIONS—

It is notified that on the recommendation of the Government of India, Her Majesty's Government has been pleased to confer good service pensions on the undermentioned officers, with effect from the dates specified :—

From the 10th December, 1885, in room of Major-General Sir Peter Stark Lumsden, G.C.B., G.S.I., Bengal S. C., succeeded to the Colonel's allowance.

COLONEL SIR JOHN HUDSON, K.C.B., BENGAL S. C.

*Dates of Commissions.*

Ensign	...	22nd April, 1853.
Lieutenant	...	9th March, 1855.
Captain	...	23rd July, 1858.
Major	...	22nd March, 1864.
Lieutenant-Colonel	...	13th June, 1870.
Brevet-Colonel	...	1st October, 1877.

*Appointments.*

Regimental duty, 63rd and 64th Foot,—22nd April, 1853, to 11th June, 1858.

Deputy-Assistant-Adjutant-General, Oudh Field Force,—20th September, 1857, to 27th November, 1857.

Brigade-Major, Shahjehanpuri Field Force,—4th May, 1858, to 8th June, 1858.

Deputy-Assistant Quartermaster-General, Bengal,—12th July, 1858, to 10th October, 1858.

Brigade-Major, Bengal,—11th October, 1858, to 7th May, 1861.

Attached to Adjutant-General's Office (Queen's Troop),—15th June, 1861, to 15th October, 1861.

Deputy-Assistant Adjutant-General, Bengal,—November, 1861, to February, 1862.

Assistant Adjutant-General, Bengal,—22nd March, 1862, to 27th October, 1867.

2nd-in-Command, 21st Bengal Infantry,—May, 1868, to 9th August, 1878.

Deputy Assistant Quartermaster-General, Bengal,—1st October, 1876, to 10th May, 1877.

Commandant, 28th Bengal Infantry,—10th August, 1878, to 10th August, 1885.

Commanding Peshawar District, temporarily,—20th October, 1880, to 11th December, 1880.

Commanding Khyber Brigade,—10th January, 1881, to 28th March, 1881.

Brigadier-General (temporary), Bengal,—6th June, 1884, to 9th October, 1884.

Brigadier-General Commanding Indian Brigade, Suakin Expeditionary Force,—14th February, 1885, to February, 1886.

*War Services.*

*Persian Expedition, 1856-57.*—Storming of fort Reshire, capture of Bushire, action of Khooshab, bombardment of Mohumrah.—Medal with clasp.

*Indian Mutiny, 1857-58.*—Actions of Fatehpore, Aoung and Pandoo Nuddee; re-capture of Calcutta; actions of Oonao, Busseerutgunge, Beldi-Chowki, Bithoor, Mungadwar and the Alambagh; relief of Lucknow; defence of Lucknow (including all operations); defence of Calcutta against Gwalior Contingent; capture of Seilly and other affairs. Despatches; G. O. Nos. 1625 and 1666 of 1857, and No. 258 of 1858. Thanks of Governor-General, medal with clasp; commission as Captain and Brevet of Major.

*Abyssinian Expedition, 1867-68.*—Despatches; medal.

*Afghan War, 1879-80.*—Advance from Ali Khel to Kabul; defence of Lataband. Despatches (twice); medal and C. B.

*Soudan Campaign, 1885.*—Despatches; medal and K. C. B.

From the 20th December, 1885, in room of Lieutenant-General Sir Charles Henry Brownlow, K.C.B., Bengal S. C., succeeded to the Colonel's allowance.

SURGEON-GENERAL BENJAMIN SIMPSON, M.D., INDIAN MEDICAL DEPARTMENT.

*Dates of Commissions.*

Assistant-Surgeon	...	20th October, 1853.
Surgeon	...	26th September, 1864.
Surgeon-Major	...	1st July, 1873.
Brigade-Surgeon	...	27th November, 1879.
Deputy Surgeon-General	...	31st March, 1882.
Surgeon-General	...	29th March, 1885.

*Appointments.*

Regimental duty with Artillery recruits, 10th Bengal Cavalry, and 39th, 70th and 68th Native Infantry,—1853 to 1856.

Civil Surgeon, 24-Pergunnahs, Darjeeling and Patna,—1860 to 1881.

Deputy Surgeon-General, Southern Afghanistan Field Force and Quetta Division,—1881.

Civil Surgeon of Patna,—10th December, 1881, to 31st March, 1882.

Deputy Surgeon-General and Sanitary Commissioner, Central Provinces, Nagpur,—3rd April, 1882, to 3rd April, 1883.

Officiating Surgeon-General, Bengal,—9th April, 1883, to 20th August, 1883.

Surgeon-General, Punjab,—29th August, 1883, to 25th October, 1884.

Surgeon-General, Bengal,—26th October, 1884, to 28th March, 1885.

Sanitary Commissioner with the Government of India,—29th March, 1885, to date.

*War Services.*

*Bhootan Campaign, 1865.*—In medical charge, Rungeet and Teesta outposts,—(Frontier medal and clasp).

## No. 359.—ORDER OF BRITISH INDIA—

The Governor-General in Council is pleased to admit the undermentioned Native Officers to the 1st and 2nd Classes of the Order of British India from the date specified :—

## BOMBAY.

*To the 1st Class, with the title of Sirdar Bahadur.*

Subadar-Major Dost Muhammad, Bahadur, 20th Bombay Infantry, *vice* Ressaldar-Major Sujat Khan, Sirdar Bahadur, deceased,—15th March, 1886.

*To the 2nd Class, with the title of Bahadur.*

Subadar-Major Rama Karilkar, 28th Bombay Infantry, *vice* Subadar-Major Dost Muhammad, Bahadur, promoted,—15th March, 1886.

## MARINE DEPARTMENT.

## APPOINTMENTS.

No. 23.—The undermentioned gentlemen have been appointed Assistant Engineers in H. M.'s Indian Marine, with effect from the dates noted :—

Mr. James McDonald,—9th March, 1886.

Mr. David Edward Evans,—9th March, 1886.

Mr. Henry Johnston,—23rd March, 1886.

## PROMOTIONS.

No. 24.—Mr. J. Clarke, 1st Grade Officer, H. M.'s Indian Marine, to be Commander, with effect from the 13th March, 1886.

## RESIGNATIONS.

No. 25.—Mr. J. W. Hutchison, Assistant Engineer, H. M.'s Indian Marine, is permitted to resign the service.

O. R. NEWMARCH, Colonel,

Offg. Secretary to the Government of India.

## MILITARY DEPARTMENT.

## NOTIFICATION.

Simla, the 28th May, 1886.

Statement of Deposits on account of Estates from the 8th to the 28th 1886.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
Campbell Hilary Woodhouse, (a)	Captain	Royal Sussex Regiment.	4th March, 1886	Intestate	604 12 3	...	28th July, 1886.

(a) Next-of-kin. Father.—Woodhouse, Esq.  
Address—1, Windham Place, Bryanston Square, London.

O. R. NEWMARCHI, Colonel,

Offg. Secretary to the Government of India.

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

Simla, the 25th May, 1886.

**No. 137.**—Mr. P. B. Roberts, Executive Engineer, 2nd Grade, State Railways, is transferred from the Establishment under the Director-General of Railways to that under the Chief Commissioner of British Burma.

**No. 138.**—The following is published for general information :—

No. 504 R.T., dated 21st May, 1886.

**RESOLUTION** By the Government of India, Public Works Department.

General Rules for working the Indian Midland Railway.

Read again—

Section 8 of Act IV (The Indian Railway Act) of 1879; Public Works Department Notification No. 200, dated 13th September, 1886, publishing the General Rules for all Railways in India; and Public Works Department Circular No. 17 Ry., dated 21st August, 1886.

Read also—

Public Works Department No. 277 R.T., dated 16th March, 1886, to the Consulting Engineer for Guaranteed Railways, Lahore.

Letter from the Consulting Engineer for Guaranteed Railways, Lahore, No. 353 T., dated 3rd April, 1886.

Letter from the Consulting Engineer for Guaranteed Railways, Lahore, No. 480 T., dated 10th May, 1886.

**OBSERVATIONS.**—In accordance with the provisions of Section 8 of the Indian Railway Act IV of 1879, the Indian Midland Railway Company has framed a set of General Rules to be

adopted on their line, and now submits it for the approval and sanction of the Governor-General in Council.

2. The Railway Company has adopted, without deviation in any particular, the General Rules which have been approved by the Governor-General in Council and published in the *Gazette of India*, dated 18th September, 1880, and now in force on all Railways in India which were opened to traffic prior to the 1st October, 1880.

**RESOLUTION.**—With the exception of Section XVII, which refers to the working of a single line of railway on the system termed "Train Despatching" in Rule 3 of the said Rules, the Governor-General in Council is pleased to sanction, with immediate effect, the General Rules submitted by the Indian Midland Railway Company, under the conditions of Section 8 of the Indian Railway Act of 1879, for regulating the travelling upon and the use, working, and management of the Railway directed by that Company.

**ORDER.**—Ordered, that this Resolution be communicated to the Consulting Engineer to the Government of India for Guaranteed Railways, Lahore, for communication to the Agent and Chief Engineer, Indian Midland Railway Company, for information and guidance.

Ordered also, that the Rules which have already been published in the *Gazette of India* be further notified to the Railway servants and the public by a copy thereof and of this Resolution being kept open to inspection without any payment in the office of the Station Master of every station on the said Railway.

Ordered also, that this Resolution be published in the *Gazette of India*.



## TELEGRAPH.

*The 25th May, 1886.*

**No. 139.**—The following officiating appointments are made in the Indian Telegraph Department, with effect from the dates specified :

Names.	From	To	Dates.
Mr. H. E. Thompson ...	Superintendent, 3rd Grade ...	Officiating Superintendent, 2nd Grade.	20th April, 1886.
Mr. C. P. Landon ...	Superintendent, 4th Grade ...	Officiating Superintendent, 3rd Grade.	20th April, 1886.
Mr. F. Kinsman ...	Assistant Superintendent, 1st Grade, and officiating Superintendent, 5th Grade.	Officiating Superintendent, 4th Grade.	20th April, 1886.
Mr. W. H. M. Hare ..	Assistant Superintendent, 1st Grade.	Officiating Superintendent, 5th Grade.	20th April, 1886.
Mr. H. R. Rich ...	Assistant Superintendent, 1st Grade	Officiating Superintendent, 5th Grade.	30th April, 1886.

*The 26th May, 1886.*

**No. 140.**—The following promotions are made in the Persian Gulf Section of the Indo-European Telegraph Department, with effect from the 9th April, 1886, and until further orders :—

Mr. T. A. Patten, Assistant Superintendent, to officiate as a Superintendent, *vice* Mr.

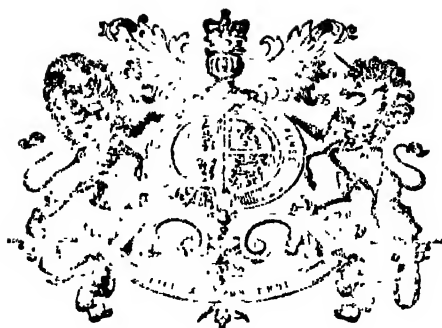
F. A. Patten, officiating Superintendent, on furlough.

Mr. R. A. New, 1st Grade Clerk, to officiate as an Assistant Superintendent, *vice* Mr. T. A. Patten.

W. S. TREVOR, *Colonel*,

*Secretary to the Government of India.*





# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, MAY 29, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA

### LEGISLATIVE DEPARTMENT.

(Second publication.)

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th May, 1886, and was referred to a Select Committee—

NO. 6 OF 1886.

### THE INDIAN BANKRUPTCY BILL, 1886.

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*A Bill to Amend and consolidate the Law of Bankruptcy and Insolvency in British India.*

WHEREAS it is expedient to amend and consolidate the law relating to bankruptcy and insolvency; It is hereby enacted as follows:—

*Preliminary.*

Short title, extent and commencement.

- 1. (1) This Act may be cited as the Indian Bankruptcy Act, 1886.

(2) It shall extend to the whole of British India, and shall apply to all British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, whether in the service of the Government of India or otherwise, and to all Native Indian subjects of Her Majesty in any place beyond the limits of British India.

(3) It shall, except as by this section otherwise provided, come into force on such date as the Governor-General in Council may, by notification in the official Gazette, fix in this behalf, which date is in this Act referred to as the commencement of this Act.

(4) Any power conferred by this Act to make rules may be exercised at any time after the passing of this Act; but a rule so made shall not take effect till the commencement of this Act.

## PART I.

## PROCEEDING FROM ACT OF BANKRUPTCY TO DISCHARGE.

*Acts of Bankruptcy.*

- 2. (1) A debtor commits an act of bankruptcy in each of the following cases:—

(a) if in British India or elsewhere, he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally;

(b) if in British India or elsewhere, he makes a fraudulent conveyance, gift, delivery or transfer of his property, or of any part thereof;

(c) if in British India or elsewhere, he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon, which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged bankrupt;

(d) if with intent to defeat or delay his creditors he does any of the following things, namely, departs out of British India, or,

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 3-6.)*

being out of British India, remains out of British India, or departs from his dwelling-house, or otherwise absents himself, or begins to keep house, or closes his place of business, or suffers himself to be arrested or taken in execution for a debt not due, or suffers collectively or fraudulently to an adverse decree, or procures himself, or his property, moveable or immovable, to be attached or taken in execution;

(e) if he files in the Court a declaration of his inability to pay his debts or presents a bankruptcy petition against himself;

(f) if he gives notice that he has suspended, or that he is about to suspend, payment of his debts;

(g) if he makes to any of his creditors an offer of a composition in satisfaction of any of his debts, or a proposal for a scheme of arrangement of his affairs;

(h) if he is imprisoned in execution of a decree or order of a Civil Court for a longer period than twenty-one days for making default in payment of a sum of money.

*Receiving Order.*

3. Subject to the conditions specified in this Act, if a debtor has committed an act of bankruptcy, the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order, in this Act called a receiving order, for the protection of the estate.

4. (1) The Court shall not have jurisdiction to make a receiving order unless—

(a) the debtor is, at the time of the presentation of the bankruptcy petition, imprisoned within the local limits of the jurisdiction of the Court, under an order of a Civil Court, for making default in payment of a sum of money; or

(b) the debtor, or, if he is a member of a firm, his partner or one of his partners, has, within a year before the date of the presentation of the bankruptcy petition, ordinarily resided or had a dwelling-house or place of business within those limits.

Provided that—

(i) in any case where an application for declaring a debtor insolvent has been made under section 11 of the Code of Civil Procedure to a Civil Court subordinate to the Court, and the Court is of opinion that the proceedings may be more advantageously conducted before itself, and under this Act, the Court, on the application of the debtor or of any of his creditors, or of its own motion, may withdraw the proceedings from the subordinate Court, if competent so to do under its Letters Patent or section 20 of the Code of Civil Procedure, and may then make a receiving order under this Act in suppression of all or any of the proceedings which may have been previously taken under the said Code.

(ii) the Court may in any prescribed class of cases make a receiving order on a bankruptcy petition notwithstanding the restrictions imposed by clauses (a) and (b) of this sub-section.

(2) The application of the provisions of this Act to a case withdrawn under proviso (i) to sub-section (1) shall be subject to such modifications, if any, of those provisions as may be prescribed.

5. (1) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

(a) the debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to the several petitioning creditors, amounts to five hundred rupees; and

(b) the debt is a liquidated sum, payable either immediately or at some certain future time; and

(c) the act of bankruptcy on which the petition is grounded has occurred within three months before the presentation of the petition.

(2) If the petitioning creditor is a secured creditor, he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated, in the same manner as if he were an unsecured creditor.

6. (1) A creditor's petition shall be verified by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and be served in the prescribed manner.

(2) At the hearing the Court shall require proof of—

(a) the debt of the petitioning creditor,

(b) the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, some one of the alleged acts of bankruptcy, and,

(c) if the debtor does not appear, the service of the petition;

and, if satisfied with the proof, may make a receiving order in pursuance of the petition.

(3) If the Court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts, or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(4) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court, on such security (if any) being given as the Court may require for payment to the petitioner of any debt which may be established against the debtor in due course of law, and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be required for trial of the question relating to the debt.

(5) Where proceedings are stayed, the Court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make a receiving order on the petition of some other creditor, and shall thereupon dismiss,

[11 & 12 Vic.,  
c. 21, s. 9.]

[L. R. 13  
Q. B. D. C. A.  
471, and  
Law Journal,  
September  
21st, 1885.]

[46 & 47 Vic.,  
c. 52, s. 5.]

[46 & 47 Vic.,  
c. 52, s. 6 (1),  
clause (d).]

XIV of 1882

XIV of 1882.

[11 & 12 Vic.  
c. 21, ss. 8  
9.  
46 & 47 Vic.  
c. 52, s. 6.]

[11 & 12 Vic.  
c. 21, s. 10.]

[46 & 47 Vic.,  
c. 52, s. 7.]

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 7-11.)*

on such terms as it thinks just, the petition on which proceedings have been stayed as aforesaid.

(6) A creditor's petition shall not, after presentment, be withdrawn without the leave of the Court.

7. (1) A debtor's petition shall allege that the debtor is unable to pay his debts, and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts; and, if the debtor proves that he is entitled to present the petition, the Court shall thereupon make a receiving order, unless, in its opinion, the proceedings ought to have been taken before some other Court having jurisdiction under this Act.

(2) A debtor's petition shall not, after presentment, be withdrawn without the leave of the Court.

8. (1) On the making of a receiving order the official assignee shall be thereby constituted receiver of the property of the debtor, and the debtor, if in prison, shall be released, and thereafter, except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any suit or other legal proceeding unless with the leave of the Court and on such terms as the Court may impose.

(2) But this section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed.

9. (1) The Court may, if it is shown to be necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition and before a receiving order is made, appoint the official assignee to be interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

(2) The Court may at any time after the presentation of a bankruptcy petition stay any suit or other legal proceeding pending before any Judge or Judges of the Court or in any other Court in British India against the property or person of the debtor, and any Court in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just.

10. Where the Court makes an order staying any suit or other legal proceeding, or staying proceedings generally, the order may be served by sending a copy thereof, under the seal of the Court, by prepaid letter addressed to the Court before which the proceeding is pending and registered under Part III of the Indian Post Office Act, 1866.

11. (1) If in any case the official assignee, having regard to the nature of the debtor's estate or business or to the interests of the

creditors generally, is of opinion that a special manager of the estate or business other than the official assignee ought to be appointed, he may appoint a manager thereof accordingly to act until the property vests in the official assignee, or, if a special assignee is appointed as hereinafter provided, until that appointment takes effect, and to have such powers of the official assignee himself as may be entrusted to him by the official assignee.

(2) The debtor may be appointed special manager.

(3) The special manager shall give security and furnish accounts in such manner as the official assignee, subject to the control of the Court, may direct, and shall receive such remuneration as the official assignee may, within limits prescribed and subject to that control, determine.

12. Notice of every receiving order, stating the name, address and description of the debtor, the date of the order, the Court by which the order is made and the date of the petition, shall be published in the prescribed manner.

13. If in any case where a receiving order has been made on a bankruptcy petition it appears to the Court by which the order was made, upon an application by the official assignee, or by any creditor or other person interested, that by reason of the residence of the majority of the creditors in number or value, or the situation of the property of the debtor, in some part of British India or of Her Majesty's dominions elsewhere, beyond the limits within which the Court ordinarily exercises civil jurisdiction, or from any other cause, his estate and effects ought to be administered by some other Court having jurisdiction under this Act or under the Bankrupt or Insolvent Laws of some other part of Her Majesty's dominions, the Court, after such enquiry as to it may seem fit, may rescind the receiving order and stay all proceedings on, or dismiss, the petition, upon such terms, if any, as the Court may think fit.

*Proceedings consequent on Order.*

14. (1) When a receiving order is made against a debtor, he shall prepare a statement of his affairs, and submit to the official assignee a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and showing the particulars of the debtor's assets, debts and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official assignee may require.

(2) The statement shall be so submitted within the following times, namely:—

- (i) if the order is made on the petition of the debtor, within seven days from the date of the order;
- (ii) if the order is made on the petition of a creditor, within fourteen days from the date of the order.

But the Court may, in either case, for special reasons, extend the time.

(3) If the debtor fails to comply with the requirements of this section, the official assignee may, at the expense of the estate, cause a statement of affairs to be prepared in manner prescribed,



*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 15-18.)*

and, if the default of the debtor was in the opinion of the Court without reasonable excuse, the Court may, on the application of the official assignee, or of any creditor, adjudge him bankrupt.

(4) Any person stating himself in writing to be a creditor of the bankrupt may, personally or by agent, inspect the statement prepared under sub-section (1) or sub-section (3) at all reasonable times, and take any copy thereof or extract therefrom; but any person untruthfully so stating himself to be a creditor shall be punished, on the complaint of the official assignee, with imprisonment which may extend to three months, or with fine, or with both.

[New, cf. 46 & 47 Vic., c. 52, s. 15.]

15. The debtor may within the time limited for the submission of the statement of his affairs, or, with the permission of the Court, at any time before he has been adjudged bankrupt, submit to the official assignee a proposal for a composition in satisfaction of the debts due to his creditors or a proposal for a scheme of arrangement of his affairs.

*Public Examination of Debtor.*

[46 & 47 Vic., c. 52, s. 17.]

16. (1) Where the Court makes a receiving order it shall hold a public sitting, on a day to be appointed by the Court, for the examination of the debtor, and the debtor shall attend thereat, and shall be examined as to his conduct, dealings and property.

(2) The examination shall be held as soon as conveniently may be after the expiration of the time for the submission of the debtor's statement of affairs.

(3) The Court may adjourn the examination from time to time.

(4) Any creditor who has tendered a proof, or a legal practitioner authorised by him in this behalf, may question the debtor concerning his affairs and the causes of his failure.

(5) The official assignee shall take part in the examination, and for the purpose thereof may, subject to such directions as may be given by the Court, employ a legal practitioner.

(6) The Court may put such questions to the debtor as it may think expedient.

(7) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him.

(8) Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be open to the inspection of any creditor at all reasonable times.

(9) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but that order shall not preclude the Court from directing a further examination of the debtor as to his conduct, dealings or property whenever it may see fit to do so.

*Composition or Scheme of Arrangement.*

[New, cf. 46 & 47 Vic., c. 52, s. 15.]

17. (1) Where a debtor has submitted a proposal for a composition in satisfaction of the debts due to his creditors or a proposal for a scheme of arrangement of his affairs, the official assignee

shall, unless the Court otherwise directs, communicate the proposal in manner prescribed to each creditor mentioned in the debtor's statement of affairs and either summon him to attend a meeting to be held for the consideration of the proposal, or cause a notice to be served on him in manner prescribed requiring him, within a time to be specified in the notice, to notify in writing to the official assignee whether or not he accepts the proposal.

(2) The Court may at any time direct, and one-fourth in value of the creditors mentioned in the debtor's statement of affairs may, within the time specified in the notice served under sub-section (1), by requisition in writing, require, that a meeting of the creditors shall be held for the consideration of the proposal.

(3) With respect to the summoning of and proceedings at a meeting convened under this section, or any subsequent meeting of creditors, the rules in the first schedule shall be observed.

(4) Where the official assignee issues a notice under sub-section (1), requiring a creditor to notify whether or not he accepts a proposal, he shall send with the notice a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official assignee may think fit to make.

18. (1) The composition or scheme proposed by the debtor shall not be deemed to be accepted by the creditors unless—

(a) where a meeting has been convened under the last foregoing section, the creditors who have proved resolve, by special resolution passed at that meeting or an adjournment thereof, that the proposal shall be accepted, or,

(b) where a meeting has not been convened under that section, a majority in number representing three-fourths in value of the creditors who have proved notify in writing to the official assignee their acceptance of the proposal.

(2) The composition or scheme shall not be binding on the creditors unless, after its acceptance, by them, it is approved by the Court.

(3) The debtor or the official assignee may, after the conclusion of the public examination of the debtor, apply to the Court to approve any composition or scheme which has been accepted by the creditors, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(4) The Court shall, before approving a composition or scheme, hear a report of the official assignee as to the terms of the composition or scheme and as to the conduct of the debtor, and any objections which may be made by or on behalf of any creditor.

(5) If the Court is of opinion that the terms of the composition or scheme are not reasonable, or are not calculated to benefit the general body of creditors, or in any case in which the Court is required under this Act where the debtor is adjudged bankrupt to refuse his discharge, the Court shall, or if any such facts are proved as would under this Act justify the Court in refusing, qualifying or suspending the debtor's discharge, the Court

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may in its discretion, refuse to approve the composition or scheme.

(6) If the Court approves the composition or scheme, the approval shall be testified in the prescribed manner.

(7) A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in bankruptcy.

(8) A certificate of the official assignee that a composition or scheme has been duly accepted and approved shall, in the absence of fraud, be conclusive as to its validity.

(9) The provisions of a composition or scheme under this section may be enforced by the Court on application by any person interested, and an order of the Court made on the application may be executed as if it were a decree.

(10) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court, on satisfactory evidence, that the composition or scheme cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any creditor, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this subsection, any debt provable in other respects, which has been contracted before the date of the adjudication, shall be provable in the bankruptcy.

(11) If, under or in pursuance of a composition or scheme, the official assignee or a special assignee is appointed to administer the debtor's property or manage his business, Part IV or Part V of this Act, as the case may be, and such other portions of the Act as may be prescribed, shall apply to the assignee as if he were an assignee in a bankruptcy, and as if the terms "bankruptcy," "bankrupt" and "order of adjudication" included respectively a composition or scheme of arrangement, a compounding or arranging debtor and an order approving the composition or scheme.

(12) Part III of this Act shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto, the same interpretation being given to the words "assignee," "bankruptcy," "bankrupt" and "order of adjudication" as in the last preceding sub-section.

(13) A composition or scheme shall not be approved by the Court unless it provides for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt.

(14) The acceptance by a creditor of a composition or scheme shall not release any person who under this Act would not be released by an order of discharge if the debtor had been adjudged bankrupt.

**19.** Notwithstanding the acceptance and approval of a composition or scheme, the composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the

debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents to the composition or scheme.

*Adjudication of Bankruptcy.*

**20.** (1) At the time of making a receiving order, or at any time thereafter, the Court may, on the application of the debtor himself, adjudge him bankrupt. The application may be made orally and without notice.

(2) Where a receiving order is made against a debtor, then, if a composition or scheme is not accepted and approved in pursuance of this Act within fourteen days after the conclusion of the examination of the debtor or such further time as the Court may allow, the Court shall adjudge the debtor bankrupt.

(3) When a debtor is adjudged bankrupt his property shall become divisible among his creditors and shall vest in the official assignee.

(4) Notice of every order adjudging a debtor bankrupt, stating the name, address and description of the bankrupt, the date of the adjudication and the Court by which the adjudication is made, shall be published in the prescribed manner, and the date of the order shall, for the purposes of this Act, be the date of the adjudication.

**21.** (1) Where a debtor is adjudged bankrupt the creditors may, if they think fit, at any time after the adjudication, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them under the bankruptcy, or for a scheme of arrangement of the bankrupt's affairs; and thereupon the same proceedings shall be taken and the same consequences shall ensue as in the case of a composition or scheme accepted before adjudication.

(2) If the Court approves the composition or scheme, it may make an order annulling the bankruptcy and vesting the property of the bankrupt in him or in such other person as the Court may appoint, on such terms, and subject to such conditions, if any, as the Court may declare.

(3) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any person interested, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made, or thing duly done, under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this subsection, all debts, provable in other respects, which have been contracted before the date of such adjudication shall be provable in the bankruptcy.

*Control over Person and Property of Debtor.*

**22.** (1) Every debtor against whom a receiving order is made shall, unless prevented by sickness or other sufficient cause, attend any meeting of his creditors which the official assignee may require him to attend, and shall submit to such examination and give such information as the meeting may require.

Sec. 33 and 34 of this Bill.]

Sec. 28 (5) of this Bill.]

6 & 47 Vic., 52, s. 19.]

Sec. 28 and 29 of this Bill.]

Limitation of effect of composition or scheme.

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 23-26.)*

(2) He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, wait at such times and places on the official assignee or special manager, execute such powers-of-attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the official assignee or special manager or may be prescribed by general rules, or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the official assignee or special manager, or any creditor or person interested.

(3) He shall, if adjudged bankrupt, aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds among his creditors.

(4) If a debtor wilfully fails to perform the duties imposed on him by this section, or to deliver up possession of any part of his property which is divisible amongst his creditors under this Act, and which is for the time being in his possession or under his control, to the official assignee or to any person authorised by the Court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

[46 & 47 Vic.,  
c. 52, s. 25.]

23. (1) The Court may, by warrant addressed to any police-officer or prescribed officer of the Court, cause a debtor to be arrested, and any books, papers, money and goods in his possession to be seized, and him and them to be safely kept as prescribed until such time as the Court may order, under the following circumstances:—

(a) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he has absconded or is about to abscond with a view of avoiding service of a bankruptcy petition or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or embarrassing proceedings in bankruptcy against him;

(b) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he is about to remove his property with a view of preventing or delaying possession being taken of it by the official assignee, or that there is probable reason for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings which might be of use to his creditors in the course of his bankruptcy;

(c) if, after service of a bankruptcy petition on him, or after a receiving order is made against him, he removes any property in his possession above the value of fifty rupees without the leave of the official assignee;

(d) if, without good cause shown, he fails to attend any examination ordered by the Court.

(2) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of this Act relating to fraudulent preferences.

24. Where a receiving order is made against a debtor, the Court, on the application of the official assignee, may, from time to time, order that for such time, not exceeding three months, as the Court thinks fit, post letters and telegrams addressed to the debtor at any place or places mentioned in the order for re-direction shall be re-directed, sent or delivered by the Postal and Telegraph authorities in British India to the official assignee, or otherwise as the Court directs; and the same shall be done accordingly.

25. (1) The Court may, on the application of the official assignee, or of any creditor who has proved his debt, at any time after a receiving order has been made against a debtor, summon before it the debtor or any person known or suspected to have in his possession any property belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property; and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant, cause him to be apprehended and brought up for examination.

(3) The Court may examine on oath, either by word of mouth or by written interrogatories, any person so brought before it concerning the debtor, his dealings or property.

(4) If on the examination of any such person it appears to the Court that he is indebted to the debtor, the Court may, on the application of the official assignee, order him to pay to the official assignee, at such time and in such manner as to the Court seems expedient, the amount in which he is indebted, or any part thereof, either in full discharge of the whole amount or not, as the Court thinks fit, with or without costs of the examination.

(5) If on the examination of any such person it appears to the Court that he has in his possession any property belonging to the debtor, the Court may, on the application of the official assignee, order him to deliver to the official assignee that property, or any part thereof, at such time, in such manner and on such terms as to the Court may seem just.

*Discharge of Bankrupt.*

26. (1) A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until

[11 & 12  
Vic., c. 21, ss.  
47 & 59-61.  
46 & 47 Vic.,  
c. 52, s. 28.]

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 27-28.)*

the public examination of the bankrupt is concluded. The application shall be heard in open Court.

(2) On the hearing of the application the Court shall take into consideration a report of the official assignee as to the bankrupt's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his after-acquired property :

11 & 12 Vic.,  
21, ss. 50  
51.  
LV of 1860.  
Provided that the Court shall refuse the discharge in all cases where the bankrupt has committed any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, and shall, on proof of any of the facts hereinafter mentioned, either refuse the order, or suspend the operation of the order for a specified time, or grant an order of discharge subject to such conditions as aforesaid.

(3) The facts hereinbefore referred to are—

- (a) that the bankrupt, if a trader, has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy or within such shorter period immediately preceding that event as the Court may deem reasonable in the circumstances of the case;
- (b) that the bankrupt has continued to trade after knowing himself to be insolvent;
- (c) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall be on him) of being able to pay it;
- (d) that the bankrupt has brought on his bankruptcy by rash and hazardous speculation or unjustifiable extravagance in living;
- (e) that the bankrupt has put any of his creditors to undue or excessive expense in favour of or vexatious defence to any suit or other legal proceeding properly brought against him;
- (f) that the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they become due, given an undue preference to any of his creditors;
- (g) that the bankrupt has on any previous occasion been adjudged bankrupt or made under any enactment in force in any part of Her Majesty's dominions a composition or arrangement with his creditors;
- (h) that the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4) For the purposes of this section the report of the official assignee shall be *prima facie* evidence of the statements therein contained.

(5) Notice of the appointment by the Court of the day for hearing the application for discharge shall be published in the prescribed manner and sent one month at least before the day so appointed to each creditor who has proved, and the Court may hear the official assignee, and may

also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it may think fit.

(6) The Court may, on making an order of discharge, pass a decree against the debtor in favour of the official assignee for any balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge; but in that case the decree shall not be executed without leave of the Court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available for payment of his debts.

(7) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the official assignee may require in the realization and distribution of such of his property as is vested in the official assignee, and if he fails to do so he shall be guilty of a contempt of Court; and the Court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done subsequent to the discharge, but before its revocation.

(8) Where the Court refuses the discharge of the bankrupt, it may, after such time and in such circumstances as may be authorised by general rules, permit him to renew his application for an order of discharge.

27. In either of the following cases, that is to say :—

- (1) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement; or
- (2) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any legal or interest (including money or property of or in right of his wife),

if the settlor is adjudged bankrupt or compounds or arranges with his creditors, and it appears to the Court that the settlement, covenant or contract was made in order to defraud or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court may refuse or suspend an order of discharge or grant an order subject to conditions or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

28. (1) An order of discharge shall not release the bankrupt from any debt or liability on a recognisance, or from any debt with which the bankrupt may be charged at the suit of the Crown or of any person for any offence against an enactment relating to any branch of the public revenue, or at the suit of the sheriff or other public officer or a bail-bond entered into for the appearance of any person prosecuted for any such offence; and the bankrupt shall not be discharged from these excepted debts unless the Government certifies in writing its consent to his being discharged therefrom.

*The Indian Bankruptcy Bill, 1886.*  
(Part II.—Disqualifications of Bankrupt.—Part III.—Administration of  
Property.—Sections 29-32.)

(2) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, or from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party.

(3) An order of discharge shall release the bankrupt from all other debts provable in bankruptcy.

(4) An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein; and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

[11 & 12 Vic., c. 21, s. 59 & 60.] (5) An order of discharge shall not release any person who at the date of the receiving order was a partner or co-trustee with the bankrupt or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him.

## PART II.

### DISQUALIFICATIONS OF BANKRUPT.

[46 & 47 Vic., c. 52, s. 32 & 34.] 29. (1) Where a debtor is adjudged bankrupt, the disqualifications of him shall, subject to the provisions of this section, be disqualified for—

- (a) being appointed or acting as a Member of any Legislative Council constituted under the Indian Councils Act, 1861;
- (b) being appointed or acting as a Justice of the Peace, Judge or Magistrate;
- (c) being appointed or acting as a member of any local authority.

(2) The disqualifications to which a bankrupt is subject under this section shall be removed and cease if and when—

- (a) the adjudication of bankruptcy against him is annulled; or
- (b) he obtains from the Court his discharge with a certificate to the effect that his bankruptcy was caused by misfortune without any misconduct on his part.

The Court may grant or withhold the certificate as it thinks fit, but a refusal of the certificate shall be subject to appeal.

(3) If a person is adjudged bankrupt whilst holding the office of Member of a Legislative Council, Justice of the Peace, Judge, Magistrate or member of a local authority, his office shall thereupon become vacant.

## PART III.

### ADMINISTRATION OF PROPERTY.

#### *Proof of Debts.*

[11 & 12 Vic., c. 21, s. 11 & 46 & 47 Vic., c. 52, s. 37.] 30. (1) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise or breach of trust shall not be provable in bankruptcy.

(2) A person having notice of any act of bankruptcy available against the debtor shall not prove under the receiving order for any debt or liability

contracted by the debtor subsequently to the date of his so having notice.

(3) Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the receiving order, or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order, shall be deemed to be debts provable in bankruptcy.

(4) An estimate shall be made by the official assignee of the value of any debt or liability provable as aforesaid which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value. [11 & 12 Vic., c. 21, s. 19.]

(5) Any person aggrieved by any estimate made by the official assignee as aforesaid may appeal to the Court.

(6) If, in the opinion of the Court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy.

(7) If, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed before the Court itself, and may give all necessary directions for this purpose, and the amount of the value when assessed shall be deemed to be a debt provable in bankruptcy.

(8) "Liability" shall for the purposes of this Act include any compensation for work or labour done, and any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether the breach does or does not occur, or is or is not likely to occur or capable of occurring before the discharge of the debtor, and generally it shall include any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of, money, or money's worth, whether the payment is, as respects amount, fixed or unliquidated; as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation, capable of being ascertained by fixed rules, or as matter of opinion.

31. Where there have been mutual credits, mutual debts or other mutual dealings between a debtor against whom a receiving order is made under this Act and any other person proving or claiming to prove a debt under the receiving order, an account shall be taken by, or under the orders of, the Court of what is due from the one party to the other in respect of those mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a debtor in any case where he had at the time of giving credit to the debtor notice of an act of bankruptcy committed by the debtor and available against him. [11 & 12 Vic., c. 21, s. 39 & 46 & 47 Vic., c. 52, s. 38.]

32. With respect to the mode of proving debts, the right of proof by secured and other creditors, the admission and rejection of debts. [46 & 47 Vic., c. 52, s. 39.]

*The Indian Bankruptcy Bill, 1886.*  
(Part III.—Administration of Property.—Sections 33-37.)

proofs, and the other matters referred to in the second schedule, the rules in that schedule shall be observed.

3 & 17 Vic.,  
52, s. 40.]

**33. (1)** In the distribution of the property of a bankrupt there shall be paid in priority to all other debts—

1 & 12 Vic.,  
21, s. 16.]

(a) all revenue, taxes, cesses and rates, whether payable to Her Majesty, to any local authority or otherwise, due from the bankrupt at the date of the receiving order, and having become due and payable within twelve months next before that date;

(b) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees for each clerk or servant; and

(c) all wages of any labourer or workman, not exceeding five hundred rupees for each, whether payable for time or piece-work, in respect of services rendered to the bankrupt during four months before the date of the receiving order.

(2) The foregoing debts shall rank equally among themselves, and shall be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions among themselves.

Act 18 of  
572, s. 262.]

(3) In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts, and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates, it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate, it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

(4) Subject to the provisions of this Act, all debts proved in the bankruptcy shall be paid *pari passu*.

(5) If there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the receiving order at the rate of six per centum per annum on all debts proved in the bankruptcy.

46 & 47 Vic.,  
52, s. 41.]

**34. (1)** Where at the time of the presentation of the petition for the bankruptcy of any person is apprenticed or is an artied clerk to the bankrupt, the adjudication of bankruptcy shall, if either the bankrupt or the apprentice or clerk gives notice in writing to the official assignee to that effect, be a complete discharge of the contract of apprenticeship or articles of agreement; and, if any money has been paid by or on behalf of the apprentice or clerk to the bankrupt as a fee, the official assignee may, on the application of the apprentice or clerk, or of some person on his behalf, pay such sum as the official assignee, subject to an appeal to the Court, thinks reasonable, out of the bankrupt's property to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the contract or articles before the commencement of the bankruptcy, and to the other circumstances of the case.

(2) Where it appears expedient to the official assignee, he may, on the application of any apprentice or artied clerk to the bankrupt, or any person acting on behalf of the apprentice or artied clerk, instead of acting under the preceding provisions of this section, transfer the contract of apprenticeship or articles of agreement to some other person.

**35. (1)** The landlord or other person to whom any rent is due from the bankrupt may, at any time, either before or after the commencement of the bankruptcy, exercise his right of distress (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if the distress for rent be levied after the commencement of the bankruptcy it shall be available only for three months' rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

(2) For the purposes of this section the term "order of adjudication" shall be deemed to include an order for the administration of the estate of a deceased person who dies insolvent.

*Property available for Payment of Debts.*

**36.** The bankruptcy of a debtor, whether the relation back of same takes place on the debtor's own petition or upon that of a creditor or creditors, shall be deemed to have relation back to, and to commence at, the time of the act of bankruptcy being committed on which a receiving order is made against him, or, if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to, and to commence at, the time of the first of the acts of bankruptcy proved to have been committed by the bankrupt within three months next preceding the date of the presentation of the bankruptcy petition; but a bankruptcy petition, receiving order or adjudication shall not be rendered invalid by reason of any act of bankruptcy anterior to the date of the petitioning creditor.

**37.** The property of the bankrupt divisible amongst his creditors, and the property divisible under this Act referred to as the property of the bankrupt, shall not comprise the following particulars:—

(1) property held by the bankrupt on trust for any other person;

(2) the tools (if any) of his trade and the necessary wearing-apparel, bedding, and other such necessaries of himself, his wife and children, to a value, inclusive of tools and apparel and the other things aforesaid, not exceeding two hundred rupees in the whole;

But it shall comprise the following particulars:—

(3) all such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy or may be acquired by or devolve on him before his discharge;

(4) the capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bank-



*The Indian Bankruptcy Bill, 1886.*  
(Part III.—Administration of Property.—Sections 38-43.)

rupt for his own benefit at the commencement of his bankruptcy or before his discharge; and

[11 & 12 Vic.,  
21, s. 23.]

(5) all moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof: Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

*Effect of Bankruptcy on antecedent Transactions.*

[Of Act XIV  
of 1882, s.  
295,  
46 & 47 Vic.,  
c. 52, s. 45.]

38. (1) Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the official assignee, except in respect of assets realized in the course of the execution by sale or otherwise before the date of the receiving order, and before notice of the presentation of any bankruptcy petition by or against the debtor, or of the commission of any available act of bankruptcy by the debtor, has been given to the Court executing the decree.

(2) Nothing in this section shall affect the rights of a mortgagee or incumbrancer of property against which a decree is executed.

[46 & 47 Vic.,  
c. 52, s. 46.]

39. (1) Where execution of a decree has issued against any property of a debtor which is saleable in execution, and before the date thereof notice is given to the Court executing the decree that a receiving order has been made against the debtor, the Court shall, on application direct the property to be delivered to the official assignee, and the cost of the execution shall be a charge on the property so delivered, and the official assignee may sell the property or an adequate part thereof for the purpose of satisfying the charge.

(2) A person who in good faith purchases the property of a debtor under a sale in execution shall in all cases acquire a good title to it against the official assignee.

[46 & 47 Vic.,  
c. 52, s. 47.]

40. (1) Any settlement of property not being a settlement made before the commencement of the bankruptcy, and in consideration of marriage, or made in favour of a person or persons in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of the settlement, be void against the official assignee, and shall if the settlor becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the official assignee unless the parties claiming under the settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement and that the interest of the settlor in the property had passed to the trustee of the settlement on the execution thereof.

(2) Any covenant or contract made in consideration of marriage, for the future settlement on or for the settlor's wife or children of any money or

property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent in possession or remainder, and not being money or property of or in right of his wife, shall, on his becoming bankrupt before the money or property has been actually paid or transferred pursuant to the covenant or contract, be void against the official assignee.

(3) "Settlement" shall for the purposes of this section include any conveyance or transfer of property.

41. (1) Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred, and

every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving that creditor a preference over the other creditors, shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the official assignee.

(2) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.

42. Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy on an execution and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate in the case of a bankruptcy—

- (a) any payment of the bankrupt to any of his creditors,
- (b) any payment or delivery to the bankrupt,
- (c) any conveyance or assignment by the bankrupt for valuable consideration, or
- (d) any contract, dealing or transaction by or with the bankrupt for valuable consideration.

Provided that both the following conditions are complied with, namely:—

- (1) the payment, delivery, conveyance, assignment, contract, dealing or transaction, as the case may be, takes place before the date of the receiving order; and
- (2) the person (other than the debtor) to, by or with whom the payment, delivery, conveyance, assignment, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, contract, dealing or transaction, notice of any available act of bankruptcy committed by the bankrupt before that time.

*Realisation of Property.*

43. (1) The official assignee shall, as soon as may be, take possession of the deeds, books and documents of the bankrupt, and

all other parts of his property capable of manual delivery.



*The Indian Bankruptcy Bill, 1886.*  
(Part III.—Administration of Property.—Sections 41-47.)

(2) The official assignee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed under section 503 of the Code of Civil Procedure, and shall have such of the powers conferable on a receiver under that section as may be prescribed; and the Court may on his application enforce such acquisition or retention accordingly.

(3) Where any part of the property of the bankrupt consists of stock, shares in ships, shares or any other property transferable in the books of any company, office or person, the official assignee may exercise the right to transfer the property to the same extent as the bankrupt might have exercised it if he had not become bankrupt.

(4) Where any part of the property of the bankrupt consists of things in action, those things shall be deemed to have been duly assigned to the official assignee.

(5) Any treasurer or other officer, or any banker, attorney or agent of a bankrupt, shall pay and deliver to the official assignee all money and securities in his possession or power, as such officer, banker, attorney or agent, which he is not by law entitled to retain as against the bankrupt or the official assignee. If he does not, he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the official assignee.

44. Any person acting under warrant of the Court may seize any part of the property of a bankrupt in the custody or possession of the bankrupt or of any other person, and with a view to the seizure thereof may break open any house, building or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be: and, where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place not belonging to him, the Court may, if it thinks fit, grant a search-warrant to any police-officer or officer of the Court, who may execute it according to its tenor.

45. (1) Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian marine service, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, the official assignee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as, subject to the provisions of section 266 of the Code of Civil Procedure, the Court, on the application of the official assignee, may, by order under section 208 of that Code, direct.

(2) Where a bankrupt is in the receipt of a salary or income other than as aforesaid, the Court, on the application of the official assignee, shall from time to time, subject to the provisions of section 266 of the said Code and of the Pensions Act, 1871, make such order as it thinks just for the payment of the salary or income, or of any part thereof, to the official assignee, to be applied by him in such manner as the Court may direct.

(3) Nothing in this section shall take away or abridge any power of the chief officer of any public department to dismiss a bankrupt.

46. The property of a debtor who has been adjudged bankrupt shall pass from official assignee to official assignee, and shall vest in the official assignee for the time being during his continuance in office, without any conveyance, assignment or transfer whatever.

47. (1) Where any part of the property of the bankrupt consists of any tenancy burdened with onerous covenants, of shares or stock in companies, of unprofitable contracts, or of any other property that is unsaleable, or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the official assignee, notwithstanding that he has endeavoured to sell or has taken possession of the property, or exercised any act of ownership in relation thereto, but subject to the provisions of this section, may, by writing signed by him, at any time within three months after the adjudication of bankruptcy, disclaim the property:

Provided that, where any such property has not come to the knowledge of the official assignee within one month after the adjudication, he may disclaim the property at any time within two months after he first became aware thereof.

(2) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interests and liabilities of the bankrupt and his property in or in respect of the property disclaimed, and shall also discharge the official assignee from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of releasing the bankrupt and his property and the official assignee from liability, affect the rights or liabilities of any other person.

(3) The official assignee shall not be entitled to disclaim a tenancy without the leave of the Court, except in any cases which may be prescribed by general rules: and the Court may, before or on granting the leave, require such notices to be given to persons interested, and impose such terms as a condition of granting leave, and make such orders with respect to fixtures, tenant's improvements and other matters arising out of the tenancy, as the Court thinks just.

(4) The official assignee shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to him by any person interested in the property requiring him to decide whether he will disclaim or not, and he has for a period of twenty-eight days after the receipt of the application, or such extended period as may be allowed by the Court, declined or neglected to give notice whether he disclaims the property or not: and, in the case of a contract, if the official assignee, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

(5) The Court may, on the application of any person who is, as against the official assignee, entitled to the benefit or subject to the burden of a contract made with the bankrupt, make an order rescinding the contract on such terms as to payment by or to either party of damages for the non-performance of the contract, or otherwise, as to

*The Indian Bankruptcy Bill, 1886.*  
(Part III.—Administration of Property —Sections 48-50.)

the Court may seem equitable; and any damages payable under the order to any such person may be proved by him as a debt under the bankruptcy.

(6) The Court may, on application by any person either claiming any interest in any disclaimed property, or being under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the Court thinks just; and, on any such vesting order being made, the property comprised therein shall vest accordingly in the person therein named in that behalf without any conveyance or assignment for the purpose:

Provided always that, where the property disclaimed is a tenancy, the Court shall not make a vesting order in favour of any person claiming under the bankrupt, whether as under-tenant or as mortgagee by demise, except upon the terms of making that person subject to the same liabilities and obligations as the bankrupt was subject to under the tenancy in respect to the property at the date when the bankruptcy petition was filed, and any under-tenant or mortgagee declining to accept a vesting order upon these terms shall be excluded from all interest in and security upon the property; and if there is no person claiming under the bankrupt who is willing to accept an order upon these terms, the Court shall have power to vest the bankrupt's estate and interest in the property in any person bound either personally or in a representative character, and either alone or jointly with the bankrupt, to discharge the tenant's liabilities and obligations, freed and discharged from all estates, incumbrances and interests created therein by the bankrupt.

(7) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the bankrupt to the extent of the injury, and may accordingly prove the same as a debt under the bankruptcy.

**46 & 47 Vic., c. 52, s. 56.]** **48.** (1) Subject to the provisions of this Act, Powers of assignee as the official assignee may do to dealing with property. all or any of the following things:—

**[11 & 12 Vic., c. 21, s. 31.]** (a) sell all or any part of the property of the bankrupt (including the goodwill of his business, if any, and the book debts due or growing due to him by public auction or private contract, with power to transfer the whole thereof to any person or persons, or to sell the same in parcels;

(b) give receipts for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof

(c) prove, rank and draw a dividend in respect of any debt due to the bankrupt;

**[11 & 12 Vic., c. 21, s. 30.]** (d) exercise powers the capacity to exercise is vested in the official assignee under the Act, and execute any powers of attesting deeds and other instruments for the purpose of carrying into effect the provisions of this Act;

**[Of Act XXXI of 1854, s. 2]** (e) with any property to which the bankrupt is beneficially entitled as tenant

in tail or other owner of an estate of inheritance less than an estate in fee-simple in the same manner as the bankrupt might have dealt with it.

(2) Any dealing by an official assignee under clause (c) of sub-section (1) with any property to which the bankrupt is before his discharge entitled as in that clause mentioned shall, although the bankrupt be dead at the time of that dealing, be as valid and have the same operation as if the bankrupt were then alive.

**49.** The official assignee may, subject to any powers exercisable by general or special orders of the Court, do all or any of the following things:—

(1) carry on the business of the bankrupt, so far as may be necessary for the beneficial winding up of the same;

(2) bring, institute or defend any suit or other legal proceeding relating to the property of the bankrupt;

(3) employ a legal practitioner or other agent to take any proceedings or do any business;

(4) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as he thinks fit;

(5) mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;

(6) refer any dispute to arbitration, and compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, on the receipt of such sums, payable at such times, and generally on such terms as may be agreed on;

(7) make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy;

(8) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the official assignee by any person or by the official assignee on any person;

(9) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

*Distribution of Property.*

**50.** (1) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the official assignee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

(2) The first dividend, if any, shall be declared and be payable within six months after the adjudication, unless the official assignee satisfies the

**[11 & 12 Vic., c. 21, s. 41, 43 & 47 Vic., c. 52, s. 58.]**

*The Indian Bankruptcy Bill, 1886.*  
(Part IV.—Official Assignees.—Sections 51-58.)

Court that there is sufficient reason for postponing the declaration to a later date.

(3) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and be payable at intervals of not more than six months.

(4) Before declaring a dividend the official assignee shall cause notice of his intention to do so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the bankrupt's statement who has not proved his debt.

(5) When the official assignee has declared a dividend he shall send to each creditor who has proved a notice showing the amount of the dividend and when and how it is payable, and a statement in the prescribed form as to the particulars of the estate.

46 & 47 Vic.,  
52, s. 59.]

51. (1) Where one partner of a firm is adjudged bankrupt, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

(2) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of the official assignee or any person interested, be declared together; and the expenses of and incident to those dividends shall be fairly apportioned by the official assignee between the joint and separate properties, regard being had to the work done for and to the benefit received by each property.

11 & 12 Vic.,  
21, s. 43.  
5 & 17 Vic.,  
52, s. 60.]

52. In the calculation and distribution of a dividend the official assignee shall make provision for debts provable in bankruptcy appearing from the bankrupt's statements, or otherwise, to be due to persons resident in places so distant from the place where the official assignee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in bankruptcy the subject of claims not yet determined. He shall also make provision for any disputed proofs or claims, and for the expenses necessary for the administration of the estate or otherwise, and, subject to the foregoing provisions, he shall distribute as dividend all money in hand.

46 & 47 Vic.,  
52, s. 61.]

53. Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any money for the time being in the hands of the official assignee any dividend or dividends he may have failed to receive before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

46 & 47 Vic.,  
52, s. 62.]

54. When the official assignee has realized all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly

protracting the proceedings in bankruptcy, he shall, with the leave of the Court, declare a final dividend; but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified to him, but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the Court within a time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or, if the Court on application by any such claimant grants him further time for establishing his claim, then on the expiration of that further time, the property of the bankrupt shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons.

55. No suit for a dividend shall lie against the official assignee, but if the official assignee refuses to pay any dividend the Court may, if it thinks fit, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application. [11 & 12 c. 21, s. 41  
46 & 47 V c. 52, s. 6]

56. (1) The official assignee may appoint the bankrupt himself to superintend the management of the property of the bankrupt or of any part thereof, or to carry on the trade (if any) of the bankrupt for the benefit of his creditors, and in any other respect to aid in administering the property in such manner and on such terms as the official assignee may direct. [46 & 47 c. 52, s. 6]

(2) The official assignee may, from time to time, make such allowance as he thinks just to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate, but the Court may reduce any such allowance and limit the time for which it may be made. [11 & 12 c. 21, s. 4]

57. The bankrupt shall be entitled to any surplus remaining after payment in full of his creditors, with interest, as by this Act provided, and of the costs, charges and expenses of the proceedings under the bankruptcy petition. [46 & 47 c. 52, s. 6]

#### PART IV.

##### OFFICIAL ASSIGNEES.

##### *Appointment and Removal.*

58. (1) The Chief Justice of each of the High Courts of Judicature at Fort William, Madras and Bombay may from time to time appoint such person as he thinks fit to the office of official assignee of debtors' estates for that Court, and may, with the concurrence of a majority of the other Judges of the Court, remove the person for the time being holding that office for any of the following causes, namely, unwillingness to act, removal from out of the jurisdiction of the Court, incapacity or misconduct. [11 & 12 c. 21, s. 14  
46 & 47 V c. 52, s. 66 (1).]

(2) The Local Government may in like manner appoint such person as it thinks fit to the office of official assignee of debtors' estates for any other Court having bankruptcy jurisdiction under this Act, and may remove the person for the time being holding that office.

*The Indian Bankruptcy Bill, 1886.*  
(Part IV.—Official Assignees.—Sections 59-61.)

(3) Notwithstanding anything in sub-sections (1) and (2), the persons substantively or temporarily holding the office of official assignee immediately before the commencement of this Act in the Courts for the Relief of Insolvent Debtors at Calcutta, Madras and Bombay under the 11 & 12 Vic., cap. 21 (*an Act to consolidate and amend the Laws relating to Insolvent Debtors in India*), and in the Court of the Recorder of Rangoon under that statute as applied by the Burma Compts Act, 1875, shall, without further appointment for that purpose, become the official assignees, substantive or temporary, as the case may be, under this Act in the High Courts at Fort William, Madras and Bombay and in the Court of the Recorder of Rangoon, respectively.

[VII of 1875.]

*Duties.*

16 & 47 Vic.,  
52, s. 68.] **59.** (1) The duties of an official assignee shall have relation both to the conduct of the debtor and to the administration of his estate.

(2) An official assignee may, for the purpose of affidavits verifying proofs, petitions or other proceedings under this Act administer oaths.

6 & 47 Vic.,  
52, s. 69.] **60** As regards the debtor, it shall be the duty of the official assignee—  
Duties of official assignee as regards the debtor's conduct.

(1) to investigate the conduct of the debtor and to report to the Court, stating whether there is reason to believe that the debtor has committed any act which constitute an offence under this Act or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, or which would justify the Court in refusing, suspending or qualifying an order for his discharge;

LV of 1860.]

(2) to make such other reports concerning the conduct of the debtor as the Court may direct or as may be prescribed;

(3) to take such part as may be directed by the Court in the public examination of the debtor; and

(4) to take such part and give such assistance in relation to the prosecution of any fraudulent debtor as the Court may direct or as may be prescribed;

6 & 47 Vic.,  
52, s. 70.] **61.** (1) As regards the estate of a debtor it shall be the duty of the official assignee—  
Duties of official assignee as to debtor's estate.

(a) where a special assignee has not been appointed, to act as receiver of the debtor's estate, and, where a special manager has not been appointed, as manager thereof;

(b) to authorise the special manager to raise money or make advances for the purposes of the estate in any case where, in the interests of the creditors, it appears necessary so to do;

(c) to summon and preside at the meeting mentioned in section 17;

(d) to report to the creditors as to any proposal which the debtor has made with respect to the mode of liquidating his affairs;

(e) to advertise the receiving order, the date of the debtor's public examination, and such other matters as it may be necessary to advertise.

(2) For the purpose of his duties as interim receiver or manager the official assignee shall have such of the powers conferable on a receiver appointed under section 503 of the Code of Civil Procedure as may be prescribed. [Sec. 88 of Bill.] XIV of 18

(3) The official assignee shall account to the Court and pay over all moneys and deal with all securities in such manner as, subject to the provision of this Act, the Court, from time to time, directs. [Sec. 61 of Bill.]

*Remuneration.*

**62.** (1) The remuneration to be paid to the official assignee shall be fixed by general rules. [11 & 12 Vic. c. 21, s. 19, 46 & 47 Vic. c. 52, s. 72.]

(2) The rules shall express what expenses the remuneration is to cover, and no liability shall attach to the bankrupt's estate, or to the creditors, in respect of any expenses which the remuneration is expressed to cover.

(3) No remuneration whatever beyond that referred to in sub-section (1) shall be received by an official assignee as such.

*Costs.*

**63.** (1) No payment shall be allowed in the accounts of the official assignee or manager in respect of the performance by any other person of the ordinary duties which are required by this Act or the rules made under this Act to be performed by himself. [46 & 47 Vic. c. 52, s. 73.]

(2) All bills and charges of legal practitioners, managers, accountants, auctioneers, brokers and other persons shall be taxed by the prescribed officer, and no payments in respect thereof shall be allowed in the accounts of the official assignee without leave of the Court given after the bills and charges have been taxed.

(3) Every such person shall, on request by the official assignee (which request the official assignee shall make a sufficient time before declaring a dividend), deliver his bill of costs or charges to the prescribed officer, and if he fails to do so within seven days after receipt of the request, or such further time as the Court, on application, may grant, the official assignee shall declare and distribute the dividend without regard to any claim by him, and thereupon any such claim shall be forfeited as well against the official assignee personally as against the estate.

*Receipts, Payments, Accounts and Audit.*

**64.** (1) Two accounts, called respectively the Bankruptcy Estates Account and the Bankruptcy Dividends Account, shall be kept by the Court with such Government treasury, and in accordance with such rules, as the Governor General in Council may from time to time prescribe. [11 & 12 Vic. c. 21, ss. 15, 21. Ben. Rule 15. 46 & 47 Vic. c. 52, s. 74.]

(2) Subject to those rules, the Bankruptcy Estates Account shall be an account of money held by the Court for estates in bankruptcy, and the Bankruptcy Dividends Account shall be an account of declared dividends remaining unclaimed or undistributed. [New.]

(3) The said accounts shall be opened as soon as may be after the passing of this Act. [46 & 47 Vic. c. 52, s. 162.]

(4) The official assignee shall, in such manner and at such times as the Court, with the sanction

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(Part IV.—Official Assignees.—Sections 65-71.)

of the Governor General in Council, directs, pay the money received by him on account of estates in bankruptcy into the Court for credit to the Bankruptcy Estates Account, and the Court shall furnish him with a certificate of receipt of the money so paid.

(5) If an official assignee at any time retains for more than ten days a sum exceeding five hundred rupees, or such other sum as the Court in any particular case authorizes him to retain, then, unless he explains the retention to the satisfaction of the Court, he shall pay interest on the amount so retained in excess at the rate of twenty per centum per annum, and shall be liable to pay any expenses occasioned by reason of his default, and to submit to such other consequences as may be prescribed.

(6) All payments out of money standing to the credit of the Bankruptcy Estates Account or the Bankruptcy Dividends Account shall be made by the treasury in the prescribed manner on the order of the prescribed officer.

& 47 Vic.,  
2, s. 75.]

**65.** An official assignee shall not pay any sums received by him as official assignee into his private banking account.

& 47 Vic.,  
2, s. 76.]

**66.** (1) Whenever the balance standing to the credit of an estate in the Bankruptcy Estates Account exceeds ten thousand rupees, the Court may order such part thereof as is not required for the time being to answer demands in respect of the estate, or for transfer to the Bankruptcy Dividends Account in respect of dividends declared, to be invested in Government securities.

(2) When the Court has made an order under sub-section (1), it shall notify the order to such officer as the Governor General in Council may appoint in this behalf, and pay over to the officer the sum which it has ordered to be invested or any part thereof as the officer may require, and the officer may invest the said sum or part thereof in Government securities to be placed to the credit of the estate.

(3) Whenever any part of the money so invested is, in the opinion of the Court, required to answer any demands in respect of the estate or for transfer to the Bankruptcy Dividends Account, the Court shall notify to the officer the amount so required, and the officer shall thereupon repay to the Court such sum as may be required to the credit of the estate, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(4) Interest on investments under this section shall be paid to the Bankruptcy Estates Account to the credit of the estate.

12 Vic.,  
s. 33,

Rules,

17 Vic.,  
s. 78.]

**67.** (1) Every official assignee shall, at such times as may be prescribed, but not less than twice in each year during his tenure of office, submit to the Court, or as it directs, an account of his receipts and payments as such official assignee.

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a declaration in the prescribed form.

(3) The Court shall cause the account so submitted to be audited, by such officer as the Gov-

ernor General in Council may appoint in this behalf, and for the purposes of the audit the official assignee shall furnish the officer with such vouchers and information as the officer may require, and the officer may at any time require the production of and inspect any books or accounts kept by the official assignee.

(4) When any such account has been audited, a copy thereof shall be filed in the Court, and shall be open to the inspection of any creditor, or of the bankrupt, or of any person interested.

**68.** The official assignee shall, whenever required by any creditor so to do, and on payment by the creditor of the prescribed fee, furnish and transmit to the creditor by post a list of the creditors, showing in the list the amount of the debt due to each of the creditors.

**69.** The official assignee shall keep, in manner prescribed, proper books, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed; and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent, inspect any such books.

**70.** (1) Every official assignee shall, from time to time, as may be prescribed, and not less than once in every year, during the continuance of the bankruptcy, submit to the Court a statement showing the proceedings in the bankruptcy up to the date of the statement, containing the prescribed particulars, and made out in the prescribed form.

(2) The Court shall cause the statement so submitted to be examined, and shall call the official assignee to account for any misfeasance, neglect or omission which may appear on the statement or in his accounts or otherwise, and may require the official assignee to make good any loss which the estate of the bankrupt may have sustained by reason of the misfeasance, neglect or omission.

*Release.*

**71.** (1) When the official assignee has realized all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly protracting the proceedings in bankruptcy, and distributed a final dividend, if any, or has ceased to act by reason of a composition having been approved, or has resigned, or has vacated or been removed from his office, the Court shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Court, shall take into consideration the report, and any objection which may be urged by any creditor or person interested against the release of the official assignee, and shall either grant or withhold the release accordingly.

(2) Where the release of an official assignee is withheld, the Court may, on the application of any creditor or person interested, make such order as it thinks just, charging the official assignee with the consequences of any act or default which he may have done or made contrary to his duty.

(3) An order of the Court releasing the official assignee shall discharge him from all liability in

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respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as official assignee, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

*Official Name.*

[46 & 47 Vic.,  
c. 52, s. 83.]

**72.** The official assignee may sue and be sued by the name of "the official assignee of the property of \_\_\_\_\_, a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description, make contracts, enter into any engagements binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

*Vacation of Office on Insolvency.*

[46 & 47 Vic.,  
c. 52, s. 85.]

**73.** If a receiving order is made against an official assignee, he shall thereby vacate the office of official assignee.

*Control.*

[46 & 47 Vic.,  
c. 52, s. 89.]

**74.** (1) Subject to the provisions of this Act, the official assignee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by any resolution of the creditors at a meeting.

(2) The official assignee may, from time to time, summon meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution at any meeting, or the Court may direct, or whenever reported in writing to do so by one-fourth in value of the creditors.

(3) The official assignee may apply to the Court in manner provided for directions in relation to any particular matter arising under the bankruptcy.

(4) Subject to the provisions of this Act, the official assignee shall use his own discretion in the management of the estate and its distribution among the creditors.

[46 & 47 Vic.,  
c. 52, s. 90.]

**75.** If the bankrupt or any of the creditors, or any other person, is aggrieved by any act or decision of the official assignee, he may apply to the Court, and the Court may confirm, reverse or modify the act or decision complained of, and make such order in the premises as it thinks just.

[46 & 47 Vic.,  
c. 52, s. 91.]

**76.** (1) In the event of any official assignee not faithfully performing his duties and duly observing all the requirements imposed on him by any enactment, rules or otherwise, with respect to the performance of his duties, or in the event of any complaint being made to the Court by any creditor in regard thereto, the Court shall enquire into the matter and take such action thereon as may be deemed expedient.

(2) The Court may at any time require any official assignee to answer any inquiry made by it in relation to any bankruptcy in which he is

engaged, and may examine him or any other person on oath concerning the bankruptcy.

(3) The Court may also direct a local investigation to be made of the books and vouchers of the official assignee.

PART V.

SPECIAL ASSIGNEES.

**77.** (1) If any creditor desires that any person other than the official assignee be appointed assignee of the bankrupt's estate, he may, at any time after the debtor has been adjudged bankrupt, apply to the Court to summon a meeting of the creditors for the purpose of considering the appointment of a special assignee.

(2) The Court may in any case, and shall if the creditor, or he and other creditors applying with him, represent one-fourth in value of the creditors, cause a meeting to be summoned for that purpose.

(3) At the meeting convened under sub-section (2) the creditors may, by ordinary resolution, appoint a special assignee of the property of the bankrupt.

(4) If a special assignee is appointed, he shall give security in manner prescribed to the satisfaction of the Court; and the Court, if satisfied with the security, shall certify that his appointment has been duly made, unless it disapproves of the appointment on the ground that it has not been made in good faith by a majority in value of the creditors voting, or that the person appointed is not fit to act as assignee, or that his connection with or relation to the bankrupt or his estate or any particular creditor makes it difficult for him to act with impartiality in the interests of the creditors generally.

(5) The appointment of a special assignee shall take effect as from the date of the certificate.

(6) If the Court disapproves of the appointment made at the meeting summoned under sub-section (2), it shall cause a further meeting of the creditors to be summoned for the purpose of appointing some other person to be special assignee.

(7) If either at the meeting summoned under sub-section (2) or at the further meeting summoned under sub-section (6) the creditors do not, by ordinary resolution, appoint a special assignee, or if at the further meeting they make an appointment of which the Court disapproves on any of the grounds mentioned in sub-section (4), the official assignee shall be the assignee throughout the bankruptcy.

(8) Subject to the provisions of this Act with respect to security and the approval of the Court, the creditors, if they think fit, may, by ordinary resolution, appoint more persons than one to the office of special assignee; and, where more persons than one are appointed, the creditors shall declare whether any act required or authorised to be done by the special assignee is to be done by all or any one or more of those persons, all of whom are in this Act included under the term "special assignee," and shall be joint-tenants of the property of the bankrupt with right of survivorship.

(9) Where the Court disapproves of the appointment of any one of more persons than one



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appointed to the office of special assignee, it shall be deemed, subject to the next following sub-section, to disapprove of the appointment of all of them.

(10) Provided, with respect to sub-sections (6), (7), (8) and (9), that, where the creditors resolve to appoint a special assignee, or more persons than one to the office of special assignee, they may appoint one or more persons to be substituted in succession in the place of the person first named, or of one or more of the persons first named, in the event of his or their declining to accept the office of special assignee, or failing to give security, or not being approved of by the Court.

1 & 47 Vic.,  
2, s. 86.] (11) The creditors may, by ordinary resolution, at a meeting specially called for that purpose, of which seven days' notice has been given, remove a special assignee appointed by them, and may, at the same or any subsequent meeting, appoint another person to fill the vacancy as hereinafter provided in the case of a vacancy in the office of special assignee.

1 & 47 Vic.,  
2, s. 86.] (12) If the Court is of opinion that a special assignee appointed by the creditors is guilty of misconduct, or fails to perform his duties under this Act, the Court may remove him from his office.

1 & 47 Vic.,  
2, s. 87.] (13) If a vacancy occurs in the office of special assignee, the creditors at a meeting may appoint a person to fill the vacancy, and thereupon the same proceedings shall be taken as in the case of a first appointment.

1 & 47 Vic.,  
2, s. 87.] (14) The official assignee shall, on the requisition of any creditor, summon a meeting for the purpose of filling any such vacancy.

1 & 47 Vic.,  
2, s. 87.] (15) If the creditors do not within four weeks after the occurrence of a vacancy appoint a person to fill the vacancy, the official assignee shall be the assignee during the remainder of the bankruptcy.

1 & 47 Vic.,  
2, s. 87.] (16) During any vacancy in the office of special assignee the official assignee shall act as assignee.

78 Where a special assignee has been appointed under the last foregoing section, the property of the bankrupt shall vest in the special assignee without any conveyance or assignment for the purpose; and, save as provided by any general rules and any general or special orders of the Court, all the foregoing provisions of this Act referring to an official assignee shall, so far as may be, be construed as referring to the special assignee, subject to the following provisions, namely:—

(a) the references to the official assignee in sections 8, 9, 11 and 13 to 18 (both inclusive), section 20, sub-section (3), section 26, sub-sections (2), (3) and (4), sections 58 to 62 (both inclusive), and section 77, apply to the official assignee only;

6 & 47 Vic.,  
52, s. 57.] (b) the special assignee shall not do any of the things mentioned in section 19 without the permission of the Court, or, if the Court so directs, of the prescribed officer, given on an application to the Court or to the prescribed officer, as the case may be, for permission to do the particular thing or things in the specified case or cases stated in the application;

6 & 47 Vic.,  
52, s. 62.] (c) with his application to the Court for leave to declare a final dividend under section 54, the special assignee shall, when he has not realised all the property of the

bankrupt, submit a report by the prescribed officer as to the sufficiency of the grounds for his opinion that he has realised so much of the property of the bankrupt as can be realised without needlessly protracting the proceedings in bankruptcy;

(d) the special assignee shall not, without the previous sanction of the Court, or, if the Court so directs, of the prescribed officer, appoint the bankrupt himself to discharge any of the duties mentioned in sub-section (1) of section 56, or make any allowance to the bankrupt under sub-section (2) of that section;

(e) the remuneration, if any, of the special assignee shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realised, after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend, and it shall be fixed by the creditors, by ordinary resolution, at the meeting at which he is appointed, but may be reduced by the Court, and shall be so adjusted that the expense of administration by a special assignee shall not exceed the expense of administration by the official assignee;

(f) the special assignee shall not, under any circumstances whatever, make any arrangement for or accept from the bankrupt, or any legal practitioner, auctioneer or any other person that may be employed about the bankruptcy, any gift, remuneration or pecuniary or other consideration or benefit whatever beyond the remuneration fixed by the creditors and payable out of the estate, nor shall he make any arrangement for giving up, or give up, any part of the remuneration payable to him in any capacity, to the bankrupt or to any legal practitioner or other person that may be employed about the bankruptcy;

(g) where no remuneration has been voted to the special assignee, he shall be allowed out of the bankrupt's estate such proper costs and expenses incurred by him in or about the proceedings of the bankruptcy as the prescribed officer may allow;

(h) the special assignee shall supply the official assignee with such information, and give him such access to, and facilities for inspecting, the bankrupt's books and documents, and generally shall give him such aid as may be requisite for enabling the official assignee to perform his duties under this Act;

(i) where the special assignee has not previously resigned or vacated or been removed from his office, his release under section 71 shall operate as a removal of him from his office;

(j) the votes of the special assignee, or of his partner, clerk, legal practitioner or legal practitioner's clerk, or of any creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the special assignee.



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(Part VI.—Constitution, Procedure and Powers of Court.—Sections 79-87.)

## PART VI.

## CONSTITUTION, PROCEDURE AND POWERS OF COURT.

*Jurisdiction.*

79. (1) The Courts having jurisdiction in bankruptcy under this Act shall be—

Courts having jurisdiction in bankruptcy.

(a) the High Courts of Judicature at Fort William, Madras and Bombay;

(b) the Court of the Recorder of Rangoon; and

(c) subject to any limitation which the Governor General in Council may impose with respect to the extent of the jurisdiction to be exercised, such other Civil Courts as the Local Government, with the previous sanction of the Governor General in Council, may, from time to time, appoint in this behalf in the territories administered by it.

80. For the purposes of this Act the local limits of the jurisdiction of the said Courts shall, subject to the provisos to section 4, sub-section (1), be the following, namely:—

Local limits of their jurisdiction.

(a) the local limits of the jurisdiction of each of the said High Courts of Judicature shall be the local limits for the time being of its ordinary original civil jurisdiction;

(b) the local limits of the jurisdiction of the Court of the Recorder of Rangoon shall comprise the towns of Rangoon, Moulmein, Akyab and Bassein;

(c) the local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

81. All matters in respect of which jurisdiction is given by this Act shall, where the Court consists of more Judges than one, be ordinarily transacted and disposed of by or under the direction of one of the Judges of that Court, and the Chief Justice or senior Judge shall, from time to time, assign a Judge for that purpose.

82. Any proceedings in bankruptcy pending in any Court appointed by the Local Government of a province under section 79 may, at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by the High Court of the province to itself or to any Court appointed as aforesaid in the province.

Transfer of proceedings from Court to Court

83. If any question of law arises in any bankruptcy proceeding in a Court appointed by the Local Government of a province under section 79, and all the parties to the proceeding desire, or one of them and the Judge of the Court desire, to have the question determined in the first instance in the High Court of the province, the Judge shall state the facts in the form of a special case, for the opinion of that High Court. The special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

Power to state special case.

84. Subject to the provisions of this Act and to general rules, the Judge of a Court exercising jurisdiction in bankruptcy may exercise in chambers the whole or any part of his jurisdiction. [46 & 47 Vic. c. 52, s. 98.]

85. (1) Subject to general rules limiting the powers conferred by this section, the High Court of Judicature at Fort William, Madras or Bombay may, from time to time, direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, an officer of the Court or Judge of the Presidency Small Cause Court appointed by it in this behalf shall have all or any of the powers in this section mentioned; and any order made or act done by such officer or Judge in the exercise of the said powers shall be deemed the order or act of the High Court. [46 & 47 Vic. c. 52, s. 99.]

(2) The powers referred to in sub-section (1) are the following, namely:—

(a) to hear bankruptcy petitions, and to make receiving orders and adjudications thereon;

(b) to hold the public examination of debtors;

(c) to grant orders of discharge;

(d) to approve compositions or schemes of arrangement;

(e) to make interim orders in any case of urgency;

(f) to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers;

(g) to hear and determine any unopposed or *ex parte* application;

(h) to summon and examine any person known or suspected to have in his possession effects of the debtor, or to be indebted to him, or to be capable of giving information respecting the debtor, his dealings or property.

86. The Court of the Recorder of Rangoon, and any Court appointed by a Local Government under section 79, shall, for the purposes of its bankruptcy jurisdiction, in addition to its ordinary powers, have all the powers and jurisdiction possessed by any of the said High Courts of Judicature; and the orders of the Court may be enforced accordingly in manner prescribed. [46 & 47 Vic. c. 52, s. 100.]

87. (1) Subject to the provisions of this Act, every Court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, which may arise in any case of bankruptcy coming within the cognizance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case. [46 & 47 Vic. c. 52, s. 102.]

(2) A Court having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

General powers of Bankruptcy Courts.

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*(Part VI.—Constitution, Procedure and Powers of Court.—Sections 88-95.)*

(3) Where a receiving order has been made in any Court having jurisdiction in bankruptcy under this Act, and that Court consists of more Judges than one, the Judge by whom the order was made, or, where the order was made by an authority empowered in that behalf under section 85, the Judge assigned under section 81 for the transaction and disposal of matters in a bankruptcy, shall have power, if he sees fit, without any further consent, to order the transfer to himself of any suit or other proceeding by or against the bankrupt pending before any other Judge or Judges of the Court.

(4) Where default is made by an assignee, debtor or other person in obeying any order or direction given by the Court or by an official assignee or any other officer of the Court under any power conferred by this Act, the Court may, on the application of the official assignee or other duly authorised person, or of its own motion, order the defaulting assignee, debtor or person to comply with the order or direction so given; and the Court may also, if it thinks fit, upon any such application make an immediate order for the committal of the defaulting assignee, debtor or other person:

Provided that the power given by this sub-section shall be deemed to be in addition to and not in substitution for any other right or remedy in respect of the default.

*Appeals.*

**88. (1)** Every Court having jurisdiction in bankruptcy under this Act may review, rescind or vary any order made by it under its bankruptcy jurisdiction.

(2) Orders in bankruptcy matters shall, at the instance of any person aggrieved, be subject to appeal as follows:—

(a) an appeal from an order made by an officer of the Court or Judge of a Presidency Small Cause Court empowered under section 85 shall lie to the Judge assigned under section 81 for the transaction and disposal of matters in bankruptcy;

(b) an appeal from an original order made by a single Judge or Bench of a High Court consisting of more Judges than one shall, if appeals lie to the High Court from orders passed by a single Judge or Bench thereof in exercise of its original civil jurisdiction, lie to the High Court in accordance with the rules applicable to those appeals;

(c) an appeal from an order of the Court of the Recorder of Rangoon shall lie to the Special Court;

(d) an appeal from an order of a Court appointed by a Local Government under section 79, not being a High Court to which clause (b) of this sub-section applies, shall lie, if the Court is not a High Court, to the High Court of the province, and, if the Court is a High Court, as the Governor General in Council may from time to time direct;

(e) no appeal shall be entertained except in conformity with such general rules as

*Procedure.*

**89. (1)** Subject to the provisions of this Act and to general rules, the Discretionary powers of the Court. costs of and incidental to any proceeding in Court under this Act shall be in the discretion of the Court.

(2) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it thinks fit to impose.

(3) The Court may at any time amend any written process or proceeding under this Act upon such terms, if any, as it thinks fit to impose.

(4) Where by this Act or by general rules the time for doing any act or thing is limited, the Court may extend the time either before or after the expiration thereof, upon such terms, if any, as the Court thinks fit to impose.

(5) Subject to general rules, the Court may in any matter take the whole or any part of the evidence either *visu voce* or by interrogatories, or upon affidavit, or by commission beyond the limits of British India.

(6) For the purpose of approving a composition or scheme by joint debtors, the Court may, if it thinks fit, and on the report of the official assignee that it is expedient so to do, dispense with the public examination of one of the joint debtors if he is unavoidably prevented from attending the examination by illness or absence abroad.

**90.** Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the Court may consolidate the proceedings or any of them, on such terms as the Court thinks fit.

**91.** Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor is indebted in the amount required by this Act in the case of the petitioning creditor, or may give the carriage of the proceeding to the official assignee.

**92.** If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive.

**93.** The Court may, at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court thinks just.

**94.** Any creditor whose debt is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others.

**95.** Where there are more respondents than one to a petition, the Court may dismiss the petition as to one or more of them.

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(Part VII.—Small Bankruptcies.—Part VIII.—Fraudulent Debtors and Creditors.  
—Sections 96-102.)

**96.** Where a receiving order has been made on a bankruptcy petition against a partnership, any other bankruptcy petition against or by a member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution; and, if an assignee is acting in respect of the property of the first-mentioned member of the partnership, the same assignee shall, unless the Court otherwise directs, act in respect of the property of the last-mentioned member, and the Court may give such directions for consolidating the proceedings under the petitions as it thinks just.

**97.** Where a member of a partnership is adjudged bankrupt, the Court may authorise the assignee to commence and prosecute any suit or other legal proceeding in the names of the assignee and of the bankrupt's partner; and any release by the partner of the debt or demand to which the proceeding relates shall be void; but notice of the application for authority to commence the proceeding shall be given to him, and he may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the proceeding, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the Court directs.

**98.** Where a bankrupt is a contractor in respect of any contract jointly with any other person, that other person may sue or be sued in respect of the contract without the joinder of the bankrupt.

**99.** Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm; but in that case the Court may, on application by any person interested, order the names of the persons who are partners in the firm, or the name of the person carrying on business under a partnership name, to be disclosed in such manner, and verified on oath or otherwise, as the Court may direct.

*Adjudication as Administrator.*

**100.** (1) Where in the opinion of the Court a debtor ought not to have been adjudged bankrupt, or where it is proved to the satisfaction of the Court that the debts of the bankrupt are paid in full, or where in any part of British India, or of Her Majesty's dominions elsewhere, beyond the limits within which the Court ordinarily exercises civil jurisdiction, proceedings are pending for the distribution of the estate and effects of the bankrupt among his creditors under this Act or under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions, and it appears to the Court that the distribution ought to take place in that part of British India or of Her Majesty's dominions elsewhere, the Court may, on the application of any person interested, by order, annul the adjudica-

done, by the assignee or other person acting under his authority, or by the Court, shall be valid, but the property of the debtor who was adjudged bankrupt shall vest in such person as the Court may appoint, or, in default of any such appointment, revert to the debtor for all his estate or interest therein, on such terms and subject to such conditions, if any, as the Court may declare by order.

(3) Notice of the order annulling an adjudication shall be forthwith published in the prescribed manner.

(4) For the purposes of this section any debt disputed by a debtor shall be considered as paid in full if the debtor enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into Court.

PART VII.

SMALL BANKRUPTCIES.

**101.** When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official assignee reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications, namely:—

- (a) if the debtor is adjudged bankrupt, the official assignee shall be the assignee in the bankruptcy;
- (b) no appeal shall lie from any order of the Court, except by order of the Court;
- (c) the estate shall, where practicable, be distributed in a single dividend;
- (d) such other modifications may be made in the provisions of this Act as may be prescribed with the view of saving expense and simplifying procedure; but nothing in this section shall permit the modification of the provisions of this Act relating to the examination or discharge of the debtor.

PART VIII.

FRAUDULENT DEBTORS AND CREDITORS.

**102.** (1) "The Court" in this Part means the Court before which an accused person is tried and, with respect to matters which it is the duty of a jury to decide or determine, includes the jury where the trial of the accused is by jury.

(2) Nothing in this Part shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Part, or from being liable under

*The Indian Bankruptcy Bill, 1886.*  
(Part VIII.—*Fraudulent Debtors and Creditors.*—Sections 103-104.)

**103.** Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with imprisonment which may extend two years, or with fine, or with both; that is say—

- (a) if he does not, to the best of his knowledge and belief, fully and truly discover to the assignee administering his estate for the benefit of his creditors all his property, and how, and to whom, and for what consideration, and when, he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expenses of his family, unless the Court is satisfied that he had no intent to defraud;
- (b) if he does not deliver up to that assignee, or as he directs, all such part of his property as is in his custody or under his control, and which he is required by law to deliver up, unless the Court is satisfied that he had no intent to defraud;
- (c) if he does not deliver up to that assignee, or as he directs, all books, documents, papers and writings in his custody or under his control relating to his property or affairs, unless the Court is satisfied that he had no intent to defraud;
- (d) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he conceals any part of his property to the value of one hundred rupees or upwards, or conceals any debt due to or from him, unless the Court is satisfied that he had no intent to defraud;
- (e) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he fraudulently removes any part of his property of the value of one hundred rupees or upwards;
- (f) if he makes any material omission in any statement relating to his affairs, unless the Court is satisfied that he had no intent to defraud;
- (g) if, knowing or believing that a false debt has been proved by any person under the bankruptcy, he fails for the period of one month to inform the assignee thereof;
- (h) if, after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper, or writing affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;
- (i) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he conceals, destroys, mutilates or falsifies, or is privy to the concealment, destruction, mutilation or falsification of, any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no

(j) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;

(k) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he fraudulently parts with, alters or makes any omission in, or is privy to the fraudulently parting with, altering or making any omission in, any document affecting or relating to his property or affairs;

(l) if, after the presentation of a bankruptcy petition by or against him, or at any meeting of his creditors within four months next before the presentation thereof, he attempts to account for any part of his property by fictitious losses or expenses;

(m) if while undischarged he obtains credit to the extent of two hundred rupees or upwards from any person without informing that person that he is an undischarged bankrupt;

(n) if, within four months next before the presentation of a bankruptcy petition by or against him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same;

(o) if, within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, obtains, under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the Court is satisfied that he had no intent to defraud;

(p) if, within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, pawns, pledges or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless the Court is satisfied that he had no intent to defraud;

(q) if he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy.

**104.** If, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, any person against whom a receiving order is made under this Act quits British India and takes with him, or attempts or makes preparation to quit British India and to take with him, any part of his property to the amount of two hundred rupees or upwards, which ought by law

Penalty for absconding with property.

*The Indian Bankruptcy Bill, 1886.*  
(Part IX.—*Supplemental Provisions.*—Sections 105-112.)

to defraud) be punished with imprisonment which may extend to two years, or with fine, or with both.

**105.** Any person shall in each of the cases following be punished with imprisonment which may extend to one year, or with fine, or with both; that is to say—

- (a) if in incurring any debt or liability he has obtained credit under false pretences or by means of any other fraud;
- (b) if he has, with intent to defraud his creditors, or any of them, made, or caused to be made, any gift, delivery or transfer of or any charge on his property;
- (c) if he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied decree or order for payment of money obtained against him.

**106.** If any creditor, in any bankruptcy composition or arrangement with creditors wilfully and with intent to defraud makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be punished with imprisonment which may extend to one year, or with fine, or with both.

**107.** Where a debtor makes any composition or arrangement with his creditors, he shall remain liable for the unpaid balance of any debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting dividends.

**108.** Where the assignee reports to any Court exercising jurisdiction in bankruptcy that in his opinion a debtor against whom a receiving order has been made under this Act has been guilty of any offence under section 121, 122, 123 or 124 of the Indian Penal Code or any amendment thereof, where any such Court is satisfied upon the representation of any creditor that there is ground to believe that the debtor has been guilty of any offence as aforesaid, that Court shall, if it appears to it that there is a reasonable probability that the debtor may be convicted, order the assignee to prosecute him for the offence.

**109.** Where a debtor has been guilty of any offence he shall not be entitled to be discharged or composed against thereafter by reason that he has obtained his discharge or that a composition or scheme of arrangement has been acted or approved.

### PART IX.

#### SUPPLEMENTAL PROVISIONS.

##### *Application of Act.*

**110.** A married woman shall, in respect of her separate property (if any)

**111.** A receiving order shall not be made against any corporation, or against any partnership, association or company registered under any enactment relating to companies for the time being in force.

**112.** (1) Any creditor of a deceased debtor in whose debt would have been sufficient to support a bankruptcy petition against the debtor, had he been alive, may present to the Court a petition in the prescribed form praying for an order for the administration of the estate of the deceased debtor according to the law of bankruptcy.

(2) Upon the prescribed notice being given to the executor, administrator or other legal representative of the deceased debtor, the Court may in the prescribed manner, upon proof of the petitioner's debt, unless the Court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in bankruptcy of the deceased debtor's estate, or may upon cause shown dismiss the petition with or without costs.

(3) An order of administration under this section shall not, in cases where a grant of probate or administration is required to establish a title as legal representative, be made until the expiration of two months from the date of the grant of probate or letters of administration, unless with the concurrence of the legal representative of the deceased debtor, or unless the petitioner proves to the satisfaction of the Court that the debtor committed an act of bankruptcy within three months prior to his decease.

(4) A petition for administration under this section shall not be presented to the Court after proceedings have been commenced in any Court of Justice for the administration of the deceased debtor's estate; but that Court may, in that case, on the application of any creditor, and on proof that the estate is insufficient to pay its debts, transfer the proceedings to the Court exercising jurisdiction in bankruptcy; and thereupon the last-mentioned Court may, in the prescribed manner, make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(5) Upon an order being made for the administration of a deceased debtor's estate under this section, the property of the debtor shall vest in the official assignee of the Court, and he shall forthwith proceed to realize and distribute the same in accordance with the provisions of this Act.

(6) With the modifications hereinafter mentioned, all the provisions of Part III of this Act, relating to the administration of the property of a bankrupt, shall, so far as the same are applicable, apply to the case of an administration order under this section in like manner as to an order of adjudication under this Act.

(7) In the administration of the property of the deceased debtor under an order of administration, the official assignee shall have regard to any claims by the legal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and

*The Indian Bankruptcy Bill, 1886.*  
(Part I.V.—Supplemental Provisions.—Sections 113-119.)

payable in full, out of the debtor's estate, in priority to all other debts.

(8) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the official assignee after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of bankruptcy, the surplus shall be paid over to the legal representative of the deceased debtor's estate, or dealt with in such other manner as may be prescribed.

(9) Notice to the legal representative of a deceased debtor of the presentation by a creditor of a petition under this section shall, in the event of an order for administration being made thereon, be deemed to be equivalent to notice of an act of bankruptcy, and after the notice no payment or transfer of property made by the legal representative shall operate as a discharge to him as between himself and the official assignee. Save as aforesaid nothing in this section shall invalidate any payment made or act or thing done in good faith by the legal representative before the date of the order for administration.

(10) Unless the context otherwise requires, "Court," in this section, means the Court exercising jurisdiction in bankruptcy within the local limits of the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his decease; and "creditor" means one or more creditors qualified to present a bankruptcy petition as in this Act provided.

(11) General rules, for carrying into effect the provisions of this section, may be made in the same manner and to the like effect and extent as in bankruptcy.

*General Rules.*

**113. (1)** The High Court of a province may, from time to time, with the concurrence of the Governor General in Council, make, revoke and alter general rules for carrying into effect the objects of this Act.

(2) All general rules made under the foregoing provisions of this section shall be judicially noticed, and shall have effect as if enacted by this Act.

(3) After the commencement of this Act no general rule under the provisions of this section shall come into operation until the expiration of one month after the same has been made and issued.

*Fees.*

**114.** The High Court of a province, with the previous sanction of the Governor General in Council, may from time to time make rules prescribing the fees and percentages to be charged for or in respect of proceedings under this Act, and the fees to be charged for or in respect of proceedings instituted under Chapter XX of the Code of Civil Procedure in any Court having jurisdiction under this Act, and may direct by whom and in what manner the same are to be collected and accounted for, and to what account they shall be paid.

*Evidence.*

**115. (1)** A copy of the *Gazette of India*, or of the *Gazette of a Local Government*, containing any notice inserted therein in pursuance of this Act

or the rules made under this Act, shall be evidence of the facts stated in the notice.

(2) The production of a copy of the *Gazette* containing any notice of a receiving order, or of an order adjudging a debtor bankrupt, shall be conclusive proof in all legal proceedings of the order having been duly made, and of its date.

**116. (1)** A minute of proceedings at a meeting of creditors under this Act, signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

**117.** Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate made by any Court having jurisdiction in bankruptcy, any instrument, affidavit or document made or used in the course of any bankruptcy proceedings, or other proceedings had under this Act, shall, if it appears to be sealed with the seal of any Court having jurisdiction in bankruptcy, or purports to be signed by any Judge thereof, or is certified as a true copy by any Registrar thereof, be receivable in evidence in all legal proceedings whatever.

**118.** Subject to general rules, any affidavit may be used in a Bankruptcy Court if it is sworn—

(1) in British India, before—

(a) any Court or Magistrate;

(b) any officer whom the High Court of a province may appoint in this behalf; or

(c) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf;

(2) in England, before any person authorised to administer oaths in Her Majesty's High Court of Justice, or in the Court of Chancery of the County Palatine of Lancaster, or before any Registrar of a Bankruptcy Court, or before any officer of a Bankruptcy Court authorised in writing in that behalf by the Judge of the Court;

(3) in Scotland or in Ireland, before a Judge Ordinary, Magistrate or Justice of the Peace; and

(4) in any other place, before a Magistrate or Justice of the Peace or other person qualified to administer oaths in that place (he being deemed to be a Magistrate or Justice of the Peace, or qualified as aforesaid, by a British Minister or British Consul or British Political Agent or by a notary public).

**119.** In case of the death of the debtor, or of a witness whose evidence has been received by any Court in any proceeding under this Act, the



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(Part IX.—Supplemental Provisions.—Sections 120-130.)

deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

[11 & 12 Vic., c. 21, s. 4.] **120.** Every Court having jurisdiction in bankruptcy under this Act shall have a seal describing the Court in such manner as may be directed by order of the High Court of the province, and judicial notice shall be taken in all legal proceedings of the seal, and of the signature of the Judge or Registrar of any Court having that jurisdiction.

[46 & 47 Vic., c. 52, s. 138.] **121.** A certificate of the Court, that a person has been appointed or is an assignee under this Act, shall be conclusive proof of his having been appointed or being such assignee.

*Time.*

[46 & 47 Vic., c. 52, s. 141.] **122.** (1) Where by or under this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day, and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a day on which the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

(2) Where by or under this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a day on which the Court does not sit, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

*Notices.*

[46 & 47 Vic., c. 52, s. 142.] **123.** All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

*Formal Defects.*

[46 & 47 Vic., c. 52, s. 143.] **124.** (1) No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity unless the Court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of that Court.

(2) No defect or irregularity in the appointment of an assignee shall vitiate any act done by him in good faith.

*Bankrupt Trustee.*

XXVII of 1866. [46 & 47 Vic., c. 52, s. 147.] **125.** Where a bankrupt is a trustee within the Indian Trustee Act, 1866, section 30 of that Act shall have effect so as to authorize the appointment of a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

*Corporations, Firms and Lunatics.*

**126.** For all or any of the purposes of this Act, a corporation may act by any of its officers authorised in that behalf under the seal of the corporation; a firm may act by any of its members; and a lunatic may act by his committee, curator bonis or manager, or, when the matter is one in respect of which a Court of Wards has superintendence, by that Court or such person as it may appoint in this behalf.

*Construction of former Acts, &c.*

**127.** Whereby any enactment or instrument reference is made to the 11 & 12 Vic., cap. 21 (*an Act to consolidate and amend the Laws relating to Insolvent Debtors in India*), the enactment or instrument shall, so far as may be, be construed and have effect as if reference were made therein to the corresponding provisions of this Act.

**128.** The provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge shall bind the Crown.

**129.** Nothing in this Act, or in any transfer of jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had immediately before the commencement of this Act; and all attorneys or other persons who had the right of audience before the Courts for the Relief of Insolvent Debtors shall have the like right of audience in bankruptcy matters in the High Courts of Judicature at Fort William, Madras and Bombay, respectively.

*Unclaimed Funds or Dividends.*

**130.** (1) Where an assignee under any bankruptcy, composition or scheme pursuant to this Act has under his control any unclaimed dividend which has remained unclaimed for more than six months, or where, after making a final dividend, he has in his hands or under his control any unclaimed or undistributed money arising from the property of the debtor, or where, after the passing of this Act, any unclaimed or undistributed fund or dividend in the hands or under the control of an assignee under the 11 & 12 Vic., c. 21 (*An Act to consolidate and amend the Laws relating to Insolvent Debtors in India*) has remained or remains unclaimed or undistributed for six months after the same became claimable or distributable, or in any other case for two years after the receipt thereof by the assignee, the assignee shall forthwith pay it into the Court for credit, if it is held for an estate, to the Bankruptcy Estates Account of that Court, or, if it is held as a dividend for a creditor, to the Bankruptcy Dividends Account of that Court.

(2) In the case of an assignee under the Statute aforesaid in the Court for the Relief of Insolvent Debtors at Calcutta, Madras or Bombay, or in the Court of the Recorder of Rangoon, "the Court" in sub-section (1) means the High Court of Judicature at Fort William, Madras or Bombay, or the Court of the Recorder of Rangoon, as the case may be.



*The Indian Bankruptcy Bill, 1886.*  
(Part IX.—Supplemental Provisions.—Sections 131-135.)

(3) The Court, with the concurrence of the Governor General in Council, may, from time to time, appoint a person to collect and get in all such unclaimed or undistributed moneys, funds or dividends; and for the purposes of this section the Court shall have, and at the instance of the person so appointed or of its own motion may exercise, all the power conferred by this Act with respect to the discovery and realization of the property of a debtor, and the provisions of Part I of this Act with respect thereto shall, with any necessary modifications, apply to proceedings under this section.

(4) The provisions of this section shall not, except as expressly declared herein, deprive any person of any larger or other right or remedy to which he may be entitled against the assignee.

[Act II of 1871, s. 62.] **131.** Moneys transferred to the credit of the

Bankruptcy Dividends Account which are not paid within six years from the date of their transfer to that account shall be carried to the account and credit of the Government of India, unless the Court, on the motion of a person interested, otherwise directs.

[16 & 17 Vic. c. 52, s. 162. Act II of 1874, s. 63.] **132.** Any person claiming to be entitled to any moneys paid into the Bankruptcy Estates Account or the Bankruptcy Dividends Account pursuant to section 130, or carried to the account and credit of the Government of India pursuant to section 131, may apply to the Court for an order for payment to him of the same; and the Court, if satisfied that the person claiming is entitled, shall make an order for payment to him of the sum due:

Provided that, before making an order for the payment of a sum which has been carried to the account and credit of the Government of India, the Court shall cause a notice to be served on such officer as the Governor General in Council may appoint in this behalf, calling on the officer to show cause, within one month from the date of the service of the notice, why the order should not be made.

New.]

**133.** (1) Where in the books of the official assignee of the Court for the Relief of Insolvent Debtors at Calcutta, Madras or Bombay, or of the Court of the Recorder of Rangoon, a dividend in respect of the claim of a person who has been named in a schedule as a creditor of an insolvent in proceedings under the 11 & 12 Vic. c. 21 (*An Act to consolidate and amend the laws relating to Insolvent Debtors in India*), but has not established his title to the dividend, has been standing to the credit of the estate of the insolvent for a longer period than six years from the date of the declaration of the dividend, the official assignee of the High Court of Judicature at Fort William, Madras or Bombay, or of the Court of the Recorder of Rangoon, as the case may be, shall, at the prescribed time and in the prescribed form, file an account of it in Court, and publish the account in two successive issues of the local official Gazette.

(2) If the dividend is not claimed within six months from the date of the second publication of the account in the Gazette, it shall, after deduction therefrom of the cost of preparing, filing

among the creditors of the estate who have proved their debts or demands.

*Debtor's Books.*

**134** (1) No person shall, as against the assignee, be entitled to withhold possession of the books or accounts belonging to the debtor or to set up any lien thereon.

(2) Any creditor of the bankrupt may, subject to the control of the Court, inspect at all reasonable times, personally or by agent, any such books in the possession of the assignee.

*Interpretation.*

**135.** (1) In this Act, unless the context otherwise requires,—

(1) "province" means the territories under the administration of a Local Government:

(2) "High Court of the province" and "High Court of a province" mean the highest Civil Court of appeal for a province:

(3) "the Court" (except in Part VIII) means the Court having jurisdiction in bankruptcy under this Act:

(4) "affidavit" includes declarations under any legislative enactment, affirmations, and attestations on honour:

(5) "assignee" means an official assignee or special assignee:

(6) "available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made:

(7) "debt provable in bankruptcy" or "provable debt" includes any debt or liability by the Act made provable in bankruptcy:

(8) "general rules" includes forms:

(9) "Government treasury" includes a bank which conducts treasury business for the Government:

(10) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund:

(11) "oath" includes affirmation, declaration under any legislative enactment, and attestation on honour:

(12) "ordinary resolution" means a resolution decided by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution:

(13) "prescribed" means prescribed by general rules within the meaning of this Act:

(14) "property" includes money, goods, things in action and every other description of property, whether moveable or immoveable; also, obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined:

(15) "schedule" means a schedule to this Act:

*The Indian Bankruptcy Bill, 1886.*  
(Part IX.—Supplemental Provisions.—Section 136.)  
(The First Schedule.—Meetings of Creditors.)

(16) "secured creditor" means a person holding a mortgage, charge or lien on the property of the debtor, or any part thereof, as a security for a debt due to him from the debtor :

(17) "sheriff" includes any officer charged with the execution of a writ or other process :

(18) "special resolution" means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution.

(2) The schedules to this Act shall be construed and have effect as part of the Act.

*Repeal.*

46 & 47 Vic.,  
c. 52, s. 169.]

**136.** (1) The enactments described in the third schedule are hereby repealed as from the commencement of this Act to the extent mentioned in that schedule.

(2) The repeal effected by this Act shall not affect—

- (a) anything done or suffered before the commencement of this Act under any enactment repealed by this Act ; or
- (b) any right or privilege acquired, or disimposed, or liability or disqualification incurred, under any enactment so repealed ; or
- (c) any fine, forfeiture or other punishment incurred or to be incurred in respect of any offence committed or to be committed against any enactment so repealed ; or
- (d) the institution or continuance of any proceeding or other remedy, whether under any enactment so repealed or otherwise, for ascertaining any such liability or disqualification, or recovering or enforcing any such fine, forfeiture or punishment as aforesaid.

(3) Notwithstanding the repeal effected by this Act, all proceedings in any Court or before a Judge of any Court under any of the enactments repealed pending at the commencement of this Act shall, except so far as any provision of this Act expressly applies to pending proceedings, continue, and those enactments shall, except as aforesaid, apply thereto, as if this Act had not passed.

(4) The person for the time being holding the office of official assignee for any of the High Courts of Judicature at Fort William, Madras and Bombay, or for the Court of the Recorder of Rangoon, shall, for the purposes of any such proceedings pending before that Court or any Judge thereof, be deemed to have been appointed official assignee under the repealed enactment.

2. The official assignee shall also, as soon as practicable, send to each creditor mentioned in the debtor's statement of affairs a notice of the time and place of the meeting, accompanied by a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official assignee may think fit to make ; but the proceedings at the meeting shall not be invalidated by reason of any such notice or summary not having been sent or received before the meeting.

3. The meeting shall be held at such place as is in the opinion of the official assignee most convenient for the majority of the creditors.

4. The official assignee or the special assignee may at any time summon a meeting of creditors, and shall do so whenever so directed by the Court, or so requested in writing by one-fourth in value of the creditors.

5. Meetings subsequent to the meeting mentioned in section 17 shall be summoned by sending notice of the time and place thereof to each creditor at the address given in his proof, or, if he has not proved, at the address given in the debtor's statement of affairs, or at such other address as may be known to the person summoning the meeting.

6. The official assignee, or some person nominated by him, shall be the chairman at every meeting : Provided that, if the Court so directs, the chairman at any meeting subsequent to the meeting mentioned in section 17 shall be such person as the meeting by ordinary resolution appoint.

7. A person shall not be entitled to vote as a creditor at any meeting of creditors unless he has duly proved a debt provable in bankruptcy to be due to him from the debtor, and the proof has been duly lodged before the time appointed for the meeting.

8. A creditor shall not vote at any such meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

9. For the purpose of voting a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. If he votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

10. A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, as a security in his hands, and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend to deduct it from his proof.

11. It shall be competent to the assignee within twenty-eight days after a proof estimating the value of a security as aforesaid has been made use of in voting at any meeting, to require the creditor to give up the security for the benefit of the creditors generally on payment of the value

THE FIRST SCHEDULE.

(See section 13.)

MEETINGS OF CREDITORS.

1. The official assignee shall summon the meeting mentioned in section 17 by giving not less than seven days' notice of the time and place thereof in the prescribed manner.

[46 & 47 Vic.,  
c. 52, Sch. I.]

*The Indian Bankruptcy Bill, 1886.*  
(*The Second Schedule.—Proof of Debts.*)

so estimated, with an addition thereto of twenty per centum: Provided that, where a creditor has put a value on the security, he may at any time before he has been required to give up the security as aforesaid correct the valuation by a new proof, and deduct the new value from his debt, but in that case the addition of twenty per centum shall not be made if the assignee requires the security to be given up.

12. If a receiving order is made against one partner of a firm, any creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat.

13. The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether the proof of a creditor should be admitted or rejected, he shall mark the proof as objected to and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

14. A creditor may vote either in person or by proxy.

15. Every instrument of proxy shall be in the prescribed form, and shall be signed by the official assignee, or, if a special assignee has been appointed, by the special assignee, and every inscription therein shall be in the handwriting of the person giving the proxy.

16. A creditor may give a general proxy to his manager or clerk or any other person in his regular employment. In that case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor.

17. A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof, for or against any specific resolution, or for or against any specified person as special assignee.

18. A proxy shall not be used unless it is deposited with the official assignee or special assignee before the meeting at which it is to be used.

19. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a special assignee in obtaining proxies, or in procuring the special assigneeship, except by the direction of a meeting of creditors, the Court shall have power, if it thinks fit, to order that no remuneration shall be allowed to the person by whom or on whose behalf the solicitation has been exercised, notwithstanding any resolution of the creditors to the contrary.

20. A creditor may appoint the official assignee of the debtor's estate to act in manner prescribed as his general or special proxy.

21. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

22. A meeting shall not be competent to act for any purpose, except the election of a chairman and the adjournment of the meeting, unless there are present, or represented thereat, at least three creditors, or all the creditors if their number does not exceed three.

23. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be

adjourned to the same day in the full wing week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

24. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up, and fairly enter them in a book kept for that purpose, and the minutes shall be signed by him.

25. No person acting under either a general or a special proxy shall vote in favour of any resolution which would directly or indirectly place him self, his partner or employer in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor entitled with the other creditors of the debtor. Provided that where any person holds special proxies to vote for the appointment of himself as special assignee, he may use the said proxies and vote accordingly.

#### THE SECOND SCHEDULE

*Section 32.*

[16 & 17 Vic.  
c. 52, Sch. II.]

#### PROOF OF DEBTS.

##### *Proof of indebtedness.*

1. Every creditor shall prove his debt as soon as may be after the making of a receiving order.

2. A debt may be proved by delivering or sending through the post in a prepaid letter to the official assignee, or, if a special assignee has been appointed, to the special assignee, an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The official assignee or special assignee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt, unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all interest due, but he shall not be compelled to deduct any commission exceeding five per centum on the net amount payable, which he may have actually expended in so doing.

##### *Proof by secured creditor.*

9. If a secured creditor surrenders his security, he may prove for the balance due to him, after deducting the net amount realized.

10. If a secured creditor pledges his security to the assignee for the general benefit of the creditors, he may prove for his whole debt.

11. If a secured creditor does not either realize or surrender his security, he shall, before ranking for dividend, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled

*The Indian Bankruptcy Bill, 1886.  
(The Second Schedule.—Proof of Debts.)*

to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. (a) Where a security is so valued the assignee may at any time redeem it on payment to the creditor of the assessed value.

(b) If the assignee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the assignee, or, in default of agreement, the Court may direct. If the sale is by public auction, the creditor, or the assignee on behalf of the estate, may bid or purchase.

(c) Provided that the creditor may at any time, by notice in writing, require the assignee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the assignee does not, within six months after receiving the notice, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it, and the equity of redemption, or any other interest in the property comprised in the security which is vested in the assignee, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

13. Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the assignee, or the Court, that the valuation and proof were made *bona fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor, and upon such terms as the Court shall order, unless the assignee shall allow the amendment without application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rule, the creditor shall forthwith repay any surplus dividend which he has received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend his dividend or share of dividend which he has only to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend; but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realizes it, or if it is realized under the provisions of rule 12, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

16. If a secured creditor does not comply with the foregoing rules, he shall be excluded from all share in any dividend.

17. Subject to the provisions of rule 12, a creditor shall in no case receive more than sixteen annas in the rupee and interest as provided by this Act.

*Taking Accounts of Property mortgaged and  
Sale thereof.*

18. Upon application by motion by any person claiming to be a mortgagee of any part of the bank

rupt's immoveable property, whether the mortgage is of a legal or equitable nature, the Court shall proceed to inquire whether the person is such mortgagee, and for what consideration and under what circumstances; and if it is found that the person is such mortgagee, and if no sufficient objection appears to the title of the person to the sum claimed by him under the mortgage, the Court shall direct such accounts and inquiries to be taken as may be necessary for ascertaining the principal, interest and costs due upon the mortgage, and the rents and profits, or dividends, interest or other proceeds received by the person, or by any other person by his order or for his use in case he has been in possession of the property over which the mortgage extends, or any part thereof; and the Court, if satisfied that there ought to be a sale, shall direct notice to be given in such Gazettes or newspapers as it thinks fit, when and where, and by whom and in what way, the property, or the interest therein so mortgaged, is to be sold, and that the sale be made accordingly, and that the assignee (unless it be otherwise ordered) shall have the conduct of the sale; but it shall not be imperative on any such mortgagee to make such application. At any such sale the mortgagee may bid and purchase.

19. All proper parties shall join in the conveyance to the purchaser, as the Court may direct.

20. The moneys arising from the sale shall be applied in the first place in payment of the costs, charges and expenses of the assignee, of and occasioned by the application to the Court and of and attending the sale, and then in payment and satisfaction so far as the same will extend of what is found due to the mortgagee, for principal, interest and costs; and the surplus of the said moneys (if any) shall then be paid to the assignee. But in case the moneys arising from the sale are insufficient to pay and satisfy what is so found due to the mortgagee, then he shall be entitled to prove as a creditor for the deficiency, and receive dividends thereon rateably with the other creditors, but not so as to disturb any dividend then already declared.

21. For the better taking of such inquiries and accounts, and making a title to the purchaser, all parties may be examined by the Court upon interrogatories or otherwise as it may think fit, and shall produce before the Court upon oath all deeds, papers, books and writings in their respective custody or power relating to the estate or effects of the bankrupt, as the Court may direct.

*Proof in respect of Distinct Contracts.*

22. If a debtor was at the date of the receiving order liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors shall not prevent proof in respect of the contracts against the properties respectively liable on the contracts.

*Periodical Payments.*

23. When any rent or other payment falls due at stated periods, and the receiving order is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of

*The Indian Bankruptcy Bill, 1886.*  
*(The Third Schedule. — Enactments repealed.)*

the order as if the rent or payment grew due from day to day.

*Interest.*

24. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order and provable in bankruptcy, the creditor may prove for interest at a rate not exceeding six per centum per annum to the date of the order from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and, if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

*Debt payable at a future Time.*

25. A creditor may prove for a debt not payable when the debtor committed an act of bankruptcy as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable according to the terms on which it was contracted.

*Admission or Rejection of Proofs.*

26. The assignee shall examine every proof and the grounds of the debt, and in writing admit or reject it in whole or in part, or require further evidence in support of it. If he rejects a proof, he shall state in writing to the creditor the grounds of the rejection.

27. If the assignee thinks that a proof has been improperly admitted, the Court may, on the application of the assignee, after notice to the creditor who made the proof, expunge the proof or reduce its amount.

28. If a creditor is dissatisfied with the decision of the assignee in respect of a proof, the Court

may, on the application of the creditor, reverse or vary the decision.

29. The Court may also expunge or reduce a proof upon the application of a creditor if the assignee declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

30. For the purpose of any of his duties in relation to proofs, the assignee may administer oaths and take affidavits.

THE THIRD SCHEDULE.

*(See section 136.)*

ENACTMENTS REPEALED.

*A.—Statute repealed.*

Year and chapter	Title.	Extent of repeal
11 & 12 Vic., c. 21.	An Act to consolidate and amend the Laws relating to Insolvent Debtors in India.	So much as has not been repealed.

*B.—Acts repealed.*

Number and year	Subject or title	Extent of repeal.
XXVII of 1841.	An Act for appropriating the unclaimed Dividends on Insolvent Estates.	So much as has not been repealed.
XVII of 1875.	The Burma Courts Act, 1875.	Section 66.

STATEMENT OF OBJECTS AND REASONS.

THIS matter of the general amendment of the law of bankruptcy and insolvency in India has been frequently of late years pressed upon the attention of the Government of India.

There are at present two main bodies of insolvency law in force in British India—first, the Statute 11 & 12 Vic., cap. 21; and secondly, Chapter XX of the Code of Civil Procedure (XIV of 1862). Roughly speaking, the former constitutes the insolvency law for the three Presidency-towns and for the towns of Rangoon, Moulmein, Akyab and Bassein; the latter the law for the country outside those towns. It is, however, to be observed that the High Courts administer the insolvency chapter of the Civil Procedure Code concurrently with their ordinary insolvency jurisdiction. Besides these two main bodies of law, there is a special insolvency law for the Punjab under Act IV of 1872, sections 22 to 33; and there are special Acts that have been passed for the relief of indebted landowners in different parts of the country.

2. In the year 1870 Sir James Stephen introduced a Bill repealing the Statute of 1848, and substituting for it an insolvency law applicable to the whole of British India. It was taken mainly from the English Bankruptcy Act of 1869. The general opinion about it was that its provisions were too complicated for the Mufassal, and that the system of voluntary management by creditors, which was then the principle of the English Act, was unsuitable to India, and the measure was accordingly dropped. The Bill was possibly open to the objection that it was beyond the competency of the Indian legislature, but this point does not appear to have been taken at the time.

3. Sir Arthur Hobhouse did not attempt to touch the insolvency law of the Presidency-towns, but he paid a good deal of attention to what he described as "those seldom-used sections" of the Code of Civil Procedure "which do duty for an insolvency law" in the Mufassal.

\* Legislative Proceedings, 1876, page 241

† Legislative Proceedings, 1875, page 76

sal.\* Speaking on the subject in 1875,† he remarked that the Code then contained the germ of an insolvency law, but nothing more than a germ. He believed that this part of the Code had been very little used, and he remarked that if this was so it was not surprising, as there was very small inducement to the debtor to avail himself of it. It seemed, however, he went on to say, to be the prevailing opinion that the judicial machinery in the Mufassal was hardly adapted to the working of any general and complete law of insolvency. At all events, he said, such a law should be treated as a separate measure, and not as part of the Code. It would, probably, he added, be better for the present, and be likely to pave the way for some more complete measure in the future, if the legislature were to make the law a little less rudimentary than it then was, and at all events to supplement it where it seemed to be broken off in its natural course; and he embodied in Chapter XX of the Code of 1877 certain provisions framed in accordance with these views.

4. By Act XII of 1879 (now superseded by the Code of Civil Procedure of 1882) several amendments were made in the insolvency chapter of the Code. The most important of these was the extension of the chapter to persons against whose property orders of attachment had been issued in execution of money-decrees. In his speech on the passing of this Act, Mr. Whitney Stiles said that Chapter XX, even with all the improvements made by this Act, would still be incomplete; but that it went as far as most of the Committee with their present knowledge of the condition of the Mufassal Courts and the extent of India's indebtedness thought safe and wise. The Government of India in the Home Department, he said, either had issued, or was about to issue, a circular to the Local Governments, requesting their opinion as to the propriety of allowing debtors to a certain amount to apply for a declaration of insolvency, and if this were found possible the law would

‡ Abstract of Proceedings, 1879, page 202.

be altered accordingly.‡

5. The circular referred to by Mr. Stiles was issued on the 22nd of September, 1879, and invited an expression of opinion on the suggestion that persons owing Rs. 200 and upwards should be allowed to apply to be adjudged insolvents, though they might not have been arrested or imprisoned, and though no order of attachment against their property had been made. The majority of the opinions received was adverse to the suggestion, and accordingly it was dropped.

6. In January, 1881, Mr. Pitt-Kenning brought in a Bill for the amendment of the law relating to insolvent debtors in India. It was a short amending Bill of seven sections, and did not attempt to consolidate the law. Serious doubts were entertained whether some of the proposals of the Bill were not *ultra vires*, and it was therefore decided that the Bill should not be proceeded with. In the meantime, however, it had been circulated to Local Governments and Administrations for opinion; and among the comments and criticisms which were passed upon it the doubt is not unfrequently expressed whether it was worth while to pass a mere amending Bill, and whether it would not be possible to re-cast completely the insolvency law for India.

7. It is clear further that, apart from any question of general revision, there are certain points in which the existing law stands in somewhat urgent need of emendation.

Thus, the Secretary of State, in a despatch dated the 21st October, 1880, requested the early consideration by the Government of India, in communication with the several High Courts, of the question whether the Insolvency Courts could not under the existing law order the charge for advertising notices of insolvency in the provincial Gazettes and in the *London Gazette* to be defrayed by the estates concerned, and suggested that, if necessary, recourse should be had to legislation to ensure the recovery from every estate of all costs, whether incurred in England or in India, attendant on the insolvency. The Local Governments and High Courts were consulted on this question; and though the majority of them were of opinion that the point might be dealt with by an alteration of the statutory rules, yet the possibility of meeting the difficulty satisfactorily in this way does not appear to be altogether free from doubt.

8. Again, at Bombay, in consequence of the discovery some five or six years ago of serious defalcations on the part of the Official Assignee, it became necessary to re-organize the office of that functionary, and the High Court decreed it necessary—

(1) to provide that the accounts of the Official Assignees should be regularly audited by a competent auditor; and

(2) to appoint an Official Assignee of such position and character as might afford an effectual guarantee against misappropriation, and of such energy and legal knowledge as might ensure the most satisfactory and least expensive realization and distribution amongst creditors.

For these purposes additional funds were required, and the Court proposed to provide these funds mainly from unclaimed dividends. Accordingly, they framed certain new rules under the Insolvency Act of 1818, by which the unclaimed dividends were to be formed into a fund to be invested, with other money, in Government paper. The interest was to be

applied in paying an auditor, and in supplementing the remuneration of the Official Assignee. These rules have hitherto been acted on, but doubts have been suggested as to their validity, and the Bombay Government have been pressing the Government of India to introduce or sanction legislation for the purpose of validating them. It appears, however, to be doubtful whether they can be validated by anything short of Parliamentary legislation.

9. The insolvency law of the Presidency-towns is admittedly cumbrous, defective and out of date, and in some points of detail is, as has been shown, urgently in need of amendment. The proposals for its revision which have hitherto been submitted to the legislature have been objected to, not so much on the ground that they were undesirable, as on the ground that they were insufficient, and that, while it was desirable to re-cast the whole law and bring it into conformity with English law, it was expedient to postpone legislation for this purpose while proposals involving important amendments of the English law itself were under consideration. This objection has recently been removed by the passing of the English Bankruptcy Act of 1883. That Act may not be perfect; but at least it embodies the accumulated experience of the thirty-five years which elapsed since the passing of the Indian Insolvency Act; and in commercial law perfection of detail is less important than uniformity of principle. It is eminently desirable that the circumstances under which a debtor may be declared insolvent and under which he may obtain his discharge should be, as far as possible, the same in London and Calcutta.

10. The Government of India, therefore, after reference to the Secretary of State, came to the conclusion that the opportunity should be taken of repealing the Indian Insolvency Act and substituting a new Act conforming in general principles to the English Act of 1883, but adapted in details to Indian circumstances.

A Bill on these lines was prepared last year, and, having regard to the circumstance that an Indian Bankruptcy Act will have in some cases to be used by persons beyond the limits of British India, and to the advantage of having the decisions of the English Courts as a guide to its construction, it was thought well that its form and drafting should follow the English Act as closely as possible, except where there was some substantial reason for taking a different course. The result of the adoption of the English Act as a model then is that in some instances the phraseology of the present Bill, which is based on the draft of 1885, will be found to vary slightly from that ordinarily adopted in Acts of the Indian legislature, and in others it may be found to contain rules of interpretation and evidence, penal clauses and other provisions, which either cover ground already covered by parallel Indian enactments, or would be somewhat differently framed in a Bill intended only for this country.

11. The Bill which was prepared last year was submitted for opinion to the authorities most competent to advise on the subject of bankruptcy, and the further deviations from the scheme of the English Act which will be found in the present Bill are the outcome of the advice given by those authorities.

12. The first question which presents itself in connection with this measure is whether the new law should be applied to the whole of British India or only to specified towns.

There is something to be said in favour of having one, and only one, insolvency law for the whole of India. But, on the other hand, the difference between the circumstances of indebtedness in commercial seaports and in the interior appears to be such as to require, not indeed a different law, but different machinery. If Chapter XX of the Code of Civil Procedure were not in existence, it might be desirable to insert in a general Insolvency Act a chapter applying the law for the Presidency-towns, with modifications and simplifications, to the Mufassal Courts. But under existing circumstances it is thought that the best course is to keep Chapter XX standing, to amend it where necessary, and to apply it generally to parts of the country and to forms of indebtedness to which a law framed principally with a view to commercial insolvencies is not applicable, the new law being applied in the first instance only to the three Presidency-towns, and to Rangoon, Moulmein, Akyab and Bassin, and a power being taken to extend it to other commercial centres, such as Karachi.

13. The Bill accordingly (section 79) constitutes by its direct operation only four Courts of Bankruptcy, namely, the High Courts of Judicature at Calcutta, Madras and Bombay and the Court of the Recorder of Rangoon, and confers upon the Local Governments power, with the previous sanction of the Governor General in Council, to constitute other Courts of Bankruptcy in the territories administered by them. The local limits of the jurisdiction of the Presidency High Courts when exercising bankruptcy jurisdiction are (section 80) defined to be the same as the local limits of their ordinary original civil jurisdiction, the local limits of the jurisdiction of the Recorder of Rangoon to comprise (as at present) the towns of Rangoon, Moulmein, Akyab and Bassin. The local limits of the Courts which may be constituted by Local Governments will be defined by those Governments with the previous sanction of the Governor General in Council.

14. The next question that presents itself is one as to the powers of the Governor General's Council. The present Indian insolvency law is contained in an Act of Parliament so framed as to operate throughout Her Majesty's dominions. Thus a vesting order made under it



vests in the assignee by its direct operation all the real and personal estate and effects of the insolvent in whatever part of those dominions they may be situated or accrue. An order of discharge made under it has direct effect in every part of those dominions. And the subordinate provisions of the Act are, speaking generally, framed on similar lines. The Act is one of those which it is within the competency of the Legislative Council of the Governor General to modify or repeal; but if we were to undertake without the aid of Parliament to repeal and re-cast it in the manner above indicated, we should, owing to the limitation of our legislative powers, produce an enactment which would fall short of the present law in the important matter of its local extent and operation. Nor could we attain our object by any amendment of the existing Act. To say nothing of the impracticability, from the draftsman's point of view, of effecting, by way of amendment, the multitude of alterations which are needed in details and in matters of form, it must be remembered that it would be beyond the powers of the Council to extend in any way or substantially modify any of those provisions which apply beyond the limits of British India. And it is apprehended that, even if we were content to forego all notion of directly interfering with these provisions, any extensive amendment of the Act would probably affect them in such a way that either they would be held to have lost their operation beyond British India, or our enactment would be held to be *ultra vires* so far as it affected them, or else some other confusion or difficulty would arise.

15. It is an apprehension of some such result as this that has deterred the Government from attempting certain amendments of the Insolvency Act which have been from time to time suggested, and which in themselves would appear to be of a most trifling description. It is true that if the Council were to repeal the existing Act and substitute for it an Act of its own, drawn on improved lines, the new law, though treated as a foreign bankruptcy law, would receive a certain amount of recognition, and would be given effect to in many cases in the United Kingdom and in British Colonies; but it is apprehended that this result would, as a rule, be attainable only indirectly and through the medium of further judicial proceedings, that in some cases those proceedings would give rise to perplexing questions of private international law, and that in other cases again the Indian law would obtain but partial recognition. It is believed, for example, that a vesting order passed by our Courts under such a law would be allowed no effect as regards immovable property situate in another British jurisdiction, and that the cases in which effect would be given to an order of discharge so passed are not as yet completely defined. Such difficulties could, no doubt, be met by supplementary bankruptcy proceedings currently instituted in the United Kingdom or the Colony, but it is obvious that the necessity for this should, if possible, be avoided. The Government of India has no information as to the proportion of the cases that now come before our Insolvency Courts in this country in which a limitation of the local operation of the law, like that just referred to, would be felt as a serious impediment; but it is apprehended that it would be so felt in the more important cases of bankrupts engaged in business transactions extending to the United Kingdom or the Colonies.

16. For these reasons it is necessary that any legislation undertaken here should be supported by an Act of Parliament. The precise form which the Act of Parliament should take is still under consideration in communication with the Secretary of State, but the Government of India as at present advised is disposed to think that the Act should be a confirming Act following legislation here rather than an enabling Act preceding it. An enabling Act followed by an Indian Act would give rise to questions as to whether the Indian legislature had exceeded the powers given to it by the English Act.

17. As regards the provision of the Bill itself, it will be observed that the most striking difference between them and those of the English Act is that the duties discharged in England by the Board of Trade and committees of inspection are by the Bill entrusted to the Bankruptcy Court. This was unavoidable, as there is no authority in this country outside the Courts which could undertake the duties of the Board of Trade with any prospect of success, and the opinion is almost unanimous that the superintendence of bankruptcy proceedings by committees of inspection is unsuited to India.

18. Opinion is also adverse to the application to India of some of the provisions of the English Act respecting meetings of creditors. It is proposed therefore that meetings shall be held only when they are demanded by the assignee or the Court or one-fourth in value of the creditors to be necessary.

19. The other points in the Bill which appear to require explanation will be referred to, as far as possible, in the order of the sections in which they occur.

20. The local extent of the Act (section 1) has been made as wide as the powers of the Indian legislature permit, and no extension can only be further extended by Parliament.

21. Some of the objections which have been recorded against the draft of 1885, and among them a Committee of the Judges of the High Court at Fort William, have taken exception to the seizure and sale of the goods of a debtor under process of a Civil Court, and the failure of a debtor to comply with the requirements of a bankruptcy notice, being made acts of bankruptcy in India as they have been in England by section 4, sub-section (1), clauses (c) and (g), of the English Act. These cases have been excluded from the Bill (section 2), but in their stead have been added clauses making it an act of bankruptcy for a debtor to offer a

composition to his creditors (L. R. 13 Q. B. D. 471), or to be lying in prison for a longer period than twenty-one days for making default in payment of money (11 & 12 Vic., c. 21, ss. 8 and 9).

22. By section 4 the jurisdiction of the Court is limited to cases in which the debtor is in prison within the local limits of the jurisdiction under an order of a Civil Court for default in payment of money, or in which the debtor, or, if he is a member of a firm, his partner, has within a year before the presentation of the bankruptcy petition or finally resided or had a dwelling-house or place of business within those limits. This differs from the corresponding provisions of the English Act, which place no restriction of this kind on a petition by a debtor, and which admit a petition against a debtor when, and only when, he "is domiciled in England, or, within a year before the date of the presentation of the petition, has ordinarily resided or had a dwelling-house or place of business in England."

It differs also from the corresponding provisions of the Indian Insolvency Act; which proceed on the distinction, now to be abolished, between traders and others, and the effect of which in all particulars it would be hazardous to attempt to state.

23. As regards the difference between the English Act and the Bill in this respect, it seems clear that the fact of the debtor being in prison within the jurisdiction should, in this country, continue to be, as it is under the present Insolvency Act, a ground of jurisdiction; and it seems almost equally clear, having regard to the conditions under which the present legislation is undertaken and to the circumstances that the local limits of the jurisdiction of each Court, however they may be fixed, must embrace only a part of British India, that domicile should be rejected here as a ground of jurisdiction.

24. Comparing the Bill with the existing Indian insolvency law as construed by the High Courts, it will be observed that Bankruptcy Courts will, under the Bill, continue to have jurisdiction in cases where the bankrupt has a home of business within the local limits, as *Pontifex, J.*, held them, in the cases of *Boon Chuan Goh* (L. B. L. R., App. 26) and *Howard Brothers* (L. B. L. R. 254), to have under the existing law, but that a High Court will not have bankruptcy jurisdiction in respect of an out-country debtor merely by reason of his being personally subject to the jurisdiction of that Court. It will be remembered that opposite views have been taken as to the existence of a jurisdiction on this latter ground under the existing law — see *The Mta*, L. B. L. R., O. C., 84, on the one hand, and *ex Blackwell*, 9 B. H. C. Rep. 131, and *ex Puck*, 3 Mad. H. C. Rep. 101, on the other.

25. It has, however, been provided (section 10) on the recommendation of the Committee of the Judges of the High Court of Fort William, that a Court exercising jurisdiction in bankruptcy under the proposed Act may transfer to itself any proceedings begun under Chapter XX of the Code of Civil Procedure and decided within its jurisdiction. It is also to be provided (section 11) that in any possible class of cases the Court may make a receiving order on a bankruptcy petition notwithstanding the restrictions generally concerning its jurisdiction to cases arising within certain local limits. Section 9 provides that, where concurrent proceedings have been instituted under the Bankruptcy Act and under the Code, the Court may stay the proceedings under the Code whenever they may be pending.

26. On the recommendation of the Chief Judge of the Bombay Court of Small Causes it is proposed (section 12) that a Bankruptcy Court may refuse to make a receiving order on a debtor's petition if in its opinion the petition ought to have been presented before some other Bankruptcy Court.

27. A receiving order made under section 6 or section 7 of the Bill will not have precisely the same effect as a vesting order made under section 7 of the present Insolvency Act. It will transfer the possession of, but not the property in, the debtor's estate. The debtor will not be divested of his estate until he has been adjudged bankrupt (section 26).

28. When the receiving order has been made, the debtor, if in prison, will be released (section 8), but he will be under the control of the official assignee (section 22), to whom the carriage of proceedings may be given if the petitioner does not proceed with due diligence (section 91).

29. Sections 13 and 100 of the Bill give a Bankruptcy Court power to make a receiving order or to annul an adjudication of bankruptcy when it appears that the debtor's estate would be more conveniently administered in some other part of British India or in one of Majesty's dominions elsewhere. When an adjudication annulled under the latter section is annulled, any done under it remains valid, and the Court is empowered to direct that the debtor's property shall vest in any person it may appoint. It is conceived that if similar wide powers were conferred on the English Bankruptcy Courts the provisions regarding annulment contained in sections 77 *et seq.* of the present Indian Insolvency Act may be dispensed with.

30. Section 58 protects existing interests of official assignees, and while it is proposed (section 62), in accordance with ordinary Indian practice, to leave the remuneration of official assignees to be determined by executive order, it is implied that the existing mode of remuneration will be altered during the incumbency of present office-holders.

31. It was urged, among other objections to Sir J. Stephen's Bill, that it would generally be difficult to find among the creditors in this country persons qualified and willing to take a large share in the administration of a bankrupt's estate, and as a matter of fact the official element has always been prominent in administrations under the existing law. It is accordingly proposed, on the practically unanimous advice of all authorities conversant with the practice of bankruptcy in this country, that the official assignee shall discharge the functions of trustee in bankruptcy except when the creditors express a wish for the appointment of a special assignee (section 77).

32. By section 21 of the Bill the provisions of section 23 of the English Bankruptcy Act, respecting the re-direction of debtors' letters, have, on the advice of the Bombay Chamber of Commerce, been extended to debtors' telegrams.

33. The saving of section 5 of the Statute commonly known as Bovill's Act (28 & 29 Vic., c. 86) in section 40 (6) of the English Bankruptcy Act has been omitted from section 33 of the Bill, as there is no corresponding enactment in the law of British India.

34. It has been suggested by the Bengal Chamber of Commerce and the Calcutta Trades Association that the clause (section 37) respecting reputed ownership should be so drawn as to meet the contention of the Official Assignee in the case of *Cutboby v. Miller* (1 L. R. 6 Cal. 633). This suggestion raises a very difficult question, which has been left unsolved by the English Bankruptcy Act of 1883. The opinions of the authorities in India who specially considered the question in 1881 with reference to Mr. Pitt-Kennedy's Bill, may be summed up in the following remarks of Mr. Justice Pentelux on section 23 of 11 & 12 Vic., c. 21 :—

"The fact is that the clause, though extremely valuable in particular cases, is one very dangerous to meddle with. As it stands, it is beneficial. To alter it as proposed would, in my opinion, be most mischievous. It is impossible with justice to make it apply to every case and it would be hazardous to attempt to define with particularity to what cases it should apply. In my opinion it should be left as it now stands."

If further legislation is required, it must, in the opinion of the Government of India, take the form of a Bill of Sale Act.

35. Sections 45 and 46 of the English Bankruptcy Act, being framed with reference to English forms of execution, could not be adopted in the Bill without modification. It has been thought (sections 38 and 39 of the Bill) that the course most in harmony at the same time with those sections of the English Act and with the analogies presented by the Code of Civil Procedure would be to make the point of time at which the attaching creditor's title becomes complete against the assignee the same as that at which under section 295 of the Code it becomes complete against a final decree-holder. It is hoped that this will afford a simple and equitable settlement of a point regarding which there has been some difficulty in connection with the existing insolvency law.

36. On the suggestion of Mahirājā Sir Jotendro Mohun Tagore and Bābū Doorga Churn Law the provisions of section 45 of the Bill, with respect to the appropriation of pay or pension, have been made subject to the provisions of the Code of Civil Procedure and the Pensions Act, 1871.

37. The difference between section 48 (1) (e) of the Bill, defining the trustee's powers in respect of property to which the bankrupt is entitled "as tenant in tail or other owner of an estate of inheritance less than an estate in fee-simple," and the corresponding provision of the English Bankruptcy Act is explained by the peculiar position in which the owners of such estates are placed by section 2 of Act XXXI of 1851. The simplicity of that position makes it possible to dispense with all the provisions of the Act for the abolition of fines and recoveries, which are incorporated by reference in the English Bankruptcy Act, with the exception of one, the substance of which, so far as it appears to be required, is embodied in sub-section (2) of section 48 of the Bill.

38. A Bankruptcy Court will have two entirely different kinds of money under its control, namely, (a) money held by it on account of estates before declaration of dividend, and (b) declared dividends awaiting distribution, the former being the property of estates and the latter the property of specific creditors. Section 64 recognises this distinction, and requires the Court to keep a Bankruptcy Estates Account and a Bankruptcy Dividends Account, the former being an account of money held for estates and the latter of money removed from that account on declaration of dividends and held for creditors till their dividends are paid to them or, through their default, lapse to the Government (section 131).

Both the Accounts are to be kept by the Court with a Government treasury. It is considered desirable that, like moneys received by ordinary Civil Courts, money received on account of bankruptcy estates should be paid into a Government treasury, in order that there may be the security of the Government for safe custody, and that the safeguards against the occurrence of error provided by the rules of the Government regarding payments from Government treasuries may be brought into operation. The expression "Government treasury" is so defined in section 135 as to include a Presidency Bank conducting treasury business for the Government.

39. Under the English Act of 1883, dividends on investments of money belonging to estates in bankruptcy are credited to the Government, and the Lord Chancellor is required to have regard to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings. It has been urged, and the Government of India is of opinion, that in this country, where bankruptcy proceedings are often necessarily more protracted than in England, interest on investments should be paid to creditors. But in that case each investment must be made and held separately for each estate, any portion of the funds of which is invested, and investments should only be made when the sum available for investment is large enough to make the interest sensible in amount. Section 66 provides for investments being made on these conditions at the instance of the Court out of funds standing to the credit of estates in the Bankruptcy Estates Account. It is only under that Account that delay prejudicial to creditors can arise. After money has been transferred to the Bankruptcy Dividends Account, any person to whom a dividend is due has only to present his receipt to obtain it, and he should have no inducement, whether by the money lying at interest or in any other way, to postpone for a day his taking the money out of the custody of the Court.

40. Section 79, sub-section (1), clause (c), of the Bill has been so drawn that jurisdiction in bankruptcy may be conferred in a limited class of cases on Courts beyond the Presidency-towns, as, for instance, on the High Court of Judicature for the North-Western Provinces or the Chief Court of the Punjab, with respect to proceedings under Chapter XX of the Code of Civil Procedure, where, by reason of the sum involved or the difficulty of winding up the estate under the Code, the Court may see fit to withdraw the proceedings from the Court in which they are pending and deal with them under proviso (c) to section 4, sub-section (1).

41. Section 85 is based on the section of the English Act which permits the delegation of subordinate jurisdiction in certain matters to Registrars in bankruptcy. It seems that this jurisdiction may be most conveniently exercised by a Judge of the Small Cause Court in Madras and by officers of the High Court in Calcutta and Bombay.

42. Under section 88 of the Bill the appeal from a single Judge of a Presidency High Court and the Recorder of Rangoon exercising bankruptcy jurisdiction lies as at present. The appeal from any Mufassal Courts of Bankruptcy which may be established will in most cases lie to the High Court of the province.

43. Section 101 follows the English Act in fixing the limit for small bankruptcies at Rs. 3,000. But the opinion has been expressed by some of the authorities who have advised on the draft of last year that the limit should be raised to Rs. 5,000 or even to Rs. 10,000. The Government of India itself inclines to that opinion, but deems it advisable to adhere to the limit prescribed in the English Act until the matter can be further considered in the light of the criticisms on the present Bill.

44. Part VIII of the Bill is taken from the English Debtors' Act, 1869, as amended by the Bankruptcy Act, 1883. It embodies those full and strong powers for the arrest and punishment of fraudulent debtors and creditors which are the essential adjuncts of every proper law of bankruptcy. It is proposed, when a suitable occasion presents itself, to amend the Code of Criminal Procedure so as to give a Bankruptcy Court a power to commit offenders for trial similar to that which is conferred on the English Bankruptcy Courts by section 165 of the Act of 1883.

45. With respect to the suggestion that certain additional offences should be created by Part VIII of the Bill, it will be found that the Bill or the Indian Penal Code covers most, if not all, of the acts and omissions for which it has been proposed that further provision should be made.

46. Section 110 of the Bill provides that a married woman shall, in respect of her separate property (if any), be subject to the Act in the same way as if she were unmarried. The restriction in the corresponding provision, section 1 (5), of the English Married Women's Property Act, 1882, which confines it to the case of a woman carrying on a trade separately from her husband, has been omitted, because the vast majority of women to whom the Bill will be applicable stand either under sections 4 and 44 of the Indian Succession Act or under their personal laws on a footing altogether different from that of married women in England.

The phrase "separate property," it may be observed, is used in the wide sense in which it is used in the Indian Married Women's Property Act, 1874.

47. Section 130 provides, among other matters, for the payment into the Bankruptcy Courts of unclaimed dividends and other undistributed money remaining in the hands or under the control of assignees under the 11 & 12 Vic., c. 21, after the passing of the proposed Act.

The unclaimed dividends are of two classes, namely, dividends belonging to creditors who have proved their debts, and dividends reserved for creditors who have not done so.

With respect to dividends of the first class, they are, as the late Chief Justice of Bengal has said, the property of the creditors for whom they have been set apart, or of their representatives, just as much as money appropriated to a person interested in an administration-suit belongs to him or his representative.

The case of dividends of the second class is different, and it is proposed to provide for them by section 133 of the Bill. With respect to this class of dividends, Mr. Turner, the Official Assignee at Bombay, has observed as follows :—

"The other class of unclaimed dividends, which amounts probably to some two or more lakhs of rupees, has arisen in Bombay partly from there being no provision in the Act 11 & 12 Vic., c. 21, section 41 (similar to that in the present proposed Act, section 51), for the declaration of dividends, only among creditors who "have proved their debts.\*"

\* No unclaimed dividends of this class can arise under the proposed new Act (see section 50).  
A practice therefore grew up in the office of the Official Assignee of declaring dividends calculated on the total amount entered in respect of claims, whether partially secured or not, and only adjusting the claims when creditors came to receive payment of the dividend declared. And it must be noticed that this practice had one great practical advantage, inasmuch as such partially secured creditors generally held goods on the way to Europe, and it could not be ascertained, till such goods were actually put on the European market, what the loss (if any) would be. And as creditors in their own interest as well as that of the estate would frequently hold such goods for a considerable time, it would have caused great delay in declaring dividends to wait until such creditors were in a position to adjust and prove their claims. But in many cases the result was that such creditors, when the account-sales were received, did not find it worth their while to prove their claims at all, and in such cases the dividend calculated on the whole original debt, as entered in the schedule, still remains unclaimed.

"Formerly, in the older estates, proceedings were taken under the old Act, XXVII of 1841, to strike such claims off the schedules, but of late years it has been considered that that process could not now be legally carried out."

18. Section 134 is designed to meet the suggestion of the Acting Prothonotary and the Official Assignee of Bombay that the Act itself, and not the rules under it, should disallow claims to any lien on debtors' books, and the suggestion of the Bombay Chamber of Commerce that the Act should provide for the free access of creditors to those books.

19. Section 136 (3) of the Bill provides that notwithstanding the repeal of the existing law all proceedings pending under it at the time when the new Act comes into operation shall be disposed of as if that Act had not been passed. This is the course taken in respect of pending proceedings by the English Act, and, having regard to the extent of the change to be made in the law, it seems the only practicable course.

50. Rules 15 to 21 of the Second Schedule, regarding the taking of mortgagees' accounts and the sale of mortgaged property, have been inserted on the suggestion of Mr. Macgregor, the Official Assignee at Calcutta. These rules, which are frequently followed in this country, are substantially the same as those issued by Lord Loughborough in 1791, and the fact that they have been retained, with slight alterations, under the many Bankruptcy Acts passed in England since that date, is strong evidence of their utility.

51. It has been suggested that certain privileges should be accorded to the Official Assignee as a party to legal proceedings. But he will be a public officer within the meaning of section 2 of the Code of Civil Procedure, and, as such, entitled to the protection given to public officers by Chapter XXVII of that Code.

52. It has been objected that in certain circumstances the time limited by the draft of 1885 for doing some acts and things under the proposed Act would be found to be inconveniently short. In some cases the time has now been extended, and it is believed that section 89, sub-section (4), will enable the Courts to prevent hardship in the exceptional cases to which the time as now limited may prove inapplicable.

*The 11th May, 1886.*

C. P. ILBERT.

**COLLECTION OF PAPERS REGARDING THE BANKRUPTCY BILL REFERRED  
TO IN THE STATEMENT OF OBJECTS AND REASONS.**

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Extract, paragraphs 1 to 10, of Despatch from the Government of India to Her Majesty's Secretary of State for India,—(dated the 12th June, 1885).

With reference to Your Lordship's despatch No. 24 (Judicial), dated 14th of August last, we have the honour to submit herewith copies of a Bill (with the Objects and Reasons for the same) which has been prepared in our Legislative Department to adapt the English Bankruptcy Act, 1883, to Indian circumstances.

2. In exercise of the discretion left to us by paragraph 4 of Your Lordship's despatch, we have thought it well to make the measure applicable by its own vigour not only to the town of Rangoon but also to those of Bassem, Moulmein and Akyab, in which, as well as in Rangoon, the Presidency-town Insolvency Law has been for some years in force.

3. As regards the details of the measure, the material particulars in which it differs from the English Act are so fully explained in the Statement of Objects and Reasons that we deem it unnecessary to trouble Your Lordship with any further observations upon them.

4. As regards the form of the Parliamentary legislation required to give our Act operation in certain respects beyond the limits of British India, the proposal made in paragraph 27 of our despatch of the 5th May, 1884, was that we should pass our Act and that then an Act of Parliament should be passed extending such of its provisions as ought to apply beyond the limits of British India. On a further consideration of the point, however, we have come to the conclusion that the more convenient course—in fact, the only convenient course—would be that an Act of Parliament should be passed conferring upon the Governor General's Council the extended powers required for the object in view, and that our legislation should then proceed here in exercise of those powers. We are led to this conclusion chiefly by the consideration that, if the course we originally proposed were adopted, we should, on almost every occasion on which a necessity for amending our Act arose, find ourselves beset by difficulties of a nature similar to those which present themselves in connection with the amendment of the present Indian Insolvency Act,\* and which are fully described in paragraph 25 of the despatch

\* 11 & 12 Vic. c. 21.

last referred to.

5. Assuming that Your Lordship will agree with us on this point, we have, as requested by Your Lordship, had prepared and forward herewith (annexed to the Objects and Reasons of the Bill) two drafts of enabling Acts of Parliament, either of which, we believe, would put the Governor General's Council in a position to deal with the subject in an adequate manner.

Of these we give the preference to that marked No. I, which, following more closely the precedents present-

† 17 & 18 Vic. c. 104.

† 17 & 18 Vic. c. 38.

ed by section 248 of the Merchant Shipping Act, 1854,† and the Indian Marine Act, 1885,‡ confers the requisite powers in wider terms, and has further the merit of being the shorter of the two, but if the generality of its provisions should be deemed an objection, we should be prepared to accept an Act framed on the lines of the draft No. II. This latter attempts to specify with some particularity the several matters in respect of which extended powers are conferred on the Indian legislature; and though we have every hope that it would accomplish its purpose, we need hardly observe that a draft in this form cannot be so confidently relied on as one conceived in more general terms.

6. On collating either of these drafts with the draft Bill which we propose to introduce here, Your Lordship will perceive that while the Indian Bankruptcy Courts would be empowered through the medium of their adjudications, discharges, judgments, &c., to affect matters beyond the limits of British India, their direct action will, as explained in the Statement of Objects and Reasons, be strictly confined to this country.

To supply what might thus appear to be a defect in the system we rely on section 118 of the English Bankruptcy Act, 1883, which we assume will enable the Indian Bankruptcy Courts to invoke the aid of the English Bankruptcy Courts and that not only by specific requisitions directed to a particular stage of a particular matter, but also in a more general form, as, for example, by requesting them to entertain all applications of a certain class which may be made to them on behalf of an Indian official receiver or trustee.

7. The local extent clause of the Bill to be introduced here is, as Your Lordship will observe, drawn on the assumption that the Parliamentary legislation will take the form indicated in the draft No. I. It would be altered in the opposite event.

8. In paragraph 27 of our de-patch already referred to we said that we thought that the Bill to be submitted to Parliament should contain provisions relating to concurrent bankruptcies somewhat similar to those contained in sections 77 *et seq.* of the present Act (11 & 12 Vic. c. 21), and we should have no great objection to such provisions being inserted if Your Lordship should be advised that they are essential; but it seems to us on further consideration that it would be desirable to dispense, if possible, with so serious a complication, and we are inclined to think that the rare cases (none have been brought to our notice) in which bankruptcy proceedings are instituted *simultaneously* in a Court in England and in a Court in this country might be met by one Court surrendering the case to the other. The provisions of section 13 of our local Bill, giving power to annul a receiving order, and those of section 50, giving power to annul an adjudication, will, we conceive, confer upon the Courts in this country the powers requisite for this; but perhaps some extension of the corresponding powers conferred by the Bankruptcy Act, 1883, on the English Courts would be necessary.

9. The only further observation we have to make regarding the draft Acts of Parliament forwarded to Your Lordship is that both are restricted to what we consider necessary for our own purposes. If it is desired, for instance, that bankruptcy in this country should be a disqualification for offices in England, or if it is thought that the 13th and 30th sections of our local Bill, to which we have just referred, are not sufficient, but that it is necessary to confer on Courts of Bankruptcy in England a power of staying proceedings in the Bankruptcy



Courts of this country or removing a case pending here, the requisite provisions will doubtless be inserted in England.

10. We have circulated the draft Bill with a view to obtaining the opinion of the High Courts, commercial bodies and others, but we do not propose to take any step regarding it in the Legislative Council until we hear from Your Lordship in reply to this despatch. We desire to introduce the Bill at the opening of the next Calcutta session, and as we should before that time be in possession of the views of all those interested in, or qualified to form an opinion on, the measure, we might hope to pass it through all the stages at which discussion would be likely to arise before the return of the Government to Simla next year. If the requisite Parliamentary legislation should not be complete by that date, we should defer the final stage of our Bill.

*Draft Bill referred to in paragraph 1 of Despatch to Her Majesty's Secretary of State No 32, dated the 12th June, 1885.*

## DRAFT OF

### A BILL

TO

*Amend and consolidate the Law of Bankruptcy and Insolvency in British India.*

WHEREAS it is expedient to amend and consolidate the law relating to bankruptcy and insolvency; It is hereby enacted as follows—

#### *Preliminary.*

1. (1) This Act may be cited as the Indian Bankruptcy Act, 1885.

(2) It shall, except as by this Act otherwise provided, come into force on such date as the Governor General in Council may, by notification in the official Gazette, fix in this behalf, which date is in this Act referred to as the commencement of this Act.

2. Except as otherwise expressly provided by this Act, the provisions of this Act shall have the same local extent as those of the Bankruptcy Act, 1883.

Provided that the following shall not extend to England, namely—

Sections 39 and 40;

Section 44, sub-section (2);

Section 48;

Section 49, sub-section (1), clause (c), and sub-section (2);

Section 62, sub-section (2).

## PART I.

### PROCEEDINGS FROM ACT OF BANKRUPTCY TO DISCHARGE.

#### *Acts of Bankruptcy.*

3. (1) A debtor commits an act of bankruptcy in each of the following cases—

- if in British India or elsewhere he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally;
- if in British India or elsewhere he makes a fraudulent conveyance, gift, delivery or transfer of his property, or of any part thereof;
- if in British India or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged bankrupt;
- if with intent to defeat or delay his creditors he does any of the following things, namely, departs out of British India, or being out of British India remains out of British India or departs from his dwelling-house, or otherwise absents himself, or begins to keep house;
- if execution issued against him has been levied by sale of his property in any civil proceeding in British India;
- if he files in the Court a declaration of his inability to pay his debts or presents a bankruptcy petition against himself;
- if a creditor has obtained in British India a decree against him for any amount, and, execution thereof not having been stayed, has served on him in British India, or, by leave of the Court, elsewhere, a bankruptcy notice under this Act, requiring him to pay the judgment-debt in accordance with the terms of the decree, or to secure or compound for it to the satisfaction of the creditor or the Court, and he does not, within fifteen days after service of the notice in case the service is effected in British India, and in case the service is effected elsewhere then within the time limited in that behalf by the

comply with the requirements of the notice, or satisfy the Court that he has a counter-claim, set-off or cross demand which equals or exceeds the amount of the decree and which he could not set up in the suit in which the decree was obtained;

(4) if the debtor gives notice to any of his creditors that he has suspended, or that he is about to suspend, payment of his debts.

(2) A bankruptcy notice under this Act shall be in the prescribed form, and shall state the consequences of non-compliance therewith, and shall be served in the prescribed manner.

#### *Receiving Order.*

4. Subject to the conditions hereinafter specified, if a debtor commits an act of bankruptcy, the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order in this Act called a receiving order, for the protection of the estate.

5. (1) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

(a) the debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to the several petitioning creditors, amounts to five hundred rupees; and

(b) the debt is a liquidated sum, payable either immediately or at some certain future time; and

(c) the act of bankruptcy on which the petition is grounded has occurred within three months before the presentation of the petition; and

(d) the debtor is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition voluntarily resided or had a dwelling-house or place of business within those limits.

(2) If the petitioning creditor is a secured creditor, he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated in the same manner as if he were an unsecured creditor.

6. (1) A creditor's petition shall be verified by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and served in the prescribed manner.

(2) At the hearing the Court shall require proof of the debt of the petitioning creditor, or of the service of the petition, and of the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, of some one of the alleged acts of bankruptcy, and if satisfied with the proof may make a receiving order in pursuance of the petition.

(3) If the Court is not satisfied with the proof of the petitioning creditor's debt or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(4) When the act of bankruptcy relied on is non-compliance with a bankruptcy notice to pay, secure or compound for a judgment-debt the Court may, if it thinks fit, stay or dismiss the petition on the ground that an appeal is pending from the decree.

(5) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court, on such security (if any) being given to the Court may require for payment to the petitioner of any debt which may be established against him in due course of law, and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be

*The Indian Bankruptcy Bill, 1885.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 7-17.)*

(6) Where proceedings are stayed, the Court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make a receiving order on the petition of some other creditor, and shall thereupon dismiss, on such terms as it thinks just, the petition in which proceedings have been stayed as aforesaid.

(7) A creditor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, s. 7,  
40 & 47 Vic., c. 62, s. 8.]

7. (1) A debtor shall not be entitled to present a bankruptcy petition against himself unless he is in prison within the local limits of the jurisdiction of the Court, and an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling house or place of business within those limits.

(2) A debtor's petition shall allege that the debtor is unable to pay his debts, and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts, and, if the debtor proves that he is entitled to present the petition, the Court shall thereupon make a receiving order.

(3) A debtor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, s. 8,  
40 & 47 Vic., c. 62, s. 9.]

8. (1) On the making of a receiving order the official receiver shall be thereby constituted receiver of the property of the debtor, and thereafter, except as directed in this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any civil action or other legal proceedings unless with the leave of the Court, and on such terms as the Court may impose.

(2) But this section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed.

[11 & 13 Vic., c. 21, s. 9,  
40 & 47 Vic., c. 62, s. 10.]

9. (1) The Court may, if it is shown to be necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition and before a receiving order is made, appoint the official receiver to be interim receiver of the property of the debtor, or of any part thereof, and entitle him to take immediate possession thereof or of any part thereof.

(2) The Court may at any time, after the presentation of a bankruptcy petition, stay any suit, action, execution or other legal process pending in any Court in British India against the property or person of the debtor, and any Court in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just.

[11 & 17 Vic., c. 21, s. 10.]

10. When the Court makes an order staying any suit, action, execution or other legal process, or staying proceedings in any Court, or allowing proceedings to continue, the order may be served by sending a copy thereof, under the seal of the Court, by post or otherwise to the Court before which the proceedings are pending.

[11 & 17 Vic., c. 21, s. 11.]

11. (1) The official receiver of a debtor's estate may, on the application of any creditor or creditor's committee, if satisfied that the nature of the debtor's estate or business, or the interests of the creditors, specially require the appointment of a special manager of the estate or business, either nominate an official receiver, or appoint a manager thereof accordingly, and entitle a trustee, if appointed, and with such powers (including any of the powers of a receiver) as may be entrusted to him by the official receiver.

(2) The special manager shall give accounts and account in such manner as the Court may direct.

(3) The special manager shall receive such remuneration as the Court may by resolution at an ordinary meeting determine, or in default of any such resolution, as may be prescribed.

[11 & 17 Vic., c. 21, s. 12.]

12. Notice of every receiving order, stating the name, address and description of the debtor, the date of the order, the Court by which the order is made and the date of the petition, shall be published in the prescribed manner.

[46 & 47 Vic., c. 62, s. 13.]

13. If in any case where a receiving order has been made on a bankruptcy petition it appears to the Court by which the order was made upon application by the official receiver, or any creditor or other person interested, that a majority of the creditors in number and value are resident in

the United Kingdom or in any other part of Her Majesty's dominions beyond the limits of British India, or that from the situation of the property of the debtor, or other cause, his estate and effects ought to be distributed among the creditors under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions, the said Court, after such enquiry as to it may seem fit, may rescind the receiving order and stay all proceedings on, or dismiss the petition upon such terms, if any, as the Court may think fit.

*Proceedings consequent on Order.*

14. (1) As soon as may be after the making of a receiving order against a debtor, a general meeting of his creditors (on this Act referred to as the first meeting of creditors) shall be held for the purpose of considering whether a proposal for a composition or scheme of arrangement shall be entertained, or whether it is expedient that the debtor shall be adjudged bankrupt, and generally as to the mode of dealing with the debtor's property.

(2) With respect to the summoning of an proceedings at the first and other meetings of creditors, the rules in the first schedule shall be observed.

15. (1) Where a receiving order is made against a debtor, the debtor's statement shall be made out and submitted to the official receiver a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and showing the particulars of the debtor's assets, debts and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official receiver may require.

(2) The statement shall be so submitted within the following times, namely:—

- (i) if the order is made on the petition of the debtor, within three days from the date of the order;
- (ii) if the order is made on the petition of a creditor, within seven days from the date of the order.

But the Court may, in either case, for special reasons, extend the time.

(3) If the debtor fails without reasonable excuse to comply with the requirements of this section, the Court may, on the application of the official receiver, or of any creditor, adjudge him bankrupt.

(4) Any person stating himself in writing to be a creditor of the bankrupt may, personally or by agent, inspect this statement at all reasonable times, and take any copy thereof or extract therefrom; but any person habitually so stating himself to be a creditor shall be punishable, on the complaint of the trustee or official receiver, with imprisonment which may extend to three months, or with fine, or with both.

*Public Examination of Debtor.*

16. (1) Where the Court makes a receiving order it shall hold a public sitting, on a day to be appointed by the Court for the examination of the debtor, and the debtor shall attend thereat, and shall be examined as to his conduct, dealings and property.

(2) The examination shall be held as soon as conveniently may be after the execution of the time for the submission of the debtor's statement of affairs.

(3) The Court may adjourn the examination from time to time.

(4) Any creditor who has tendered a proof, or his representative, authorized in writing, may question the debtor concerning his affairs and the causes of his failure.

(5) The official receiver, and a trustee if he is appointed before the conclusion of the examination, may take part therein.

(6) The Court may put such questions to the debtor as it may think expedient.

(7) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him.

(8) Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be read over to and signed by the debtor, and may thereafter be used in evidence against him; they shall also be open to the inspection of any creditor at all reasonable times.

(9) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but such order shall not be made until after the day appointed for the first meeting of creditors.

*Composition or Scheme of Arrangement.*

17. (1) The creditors may at the first meeting or any adjournment thereof, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them from the debtor.

Power for creditors to accept and Court to approve composition or arrangement.

[11 & 12 Vic., c. 21, s. 14.]

[11 & 12 Vic., c. 21, s. 15,  
40 & 47 Vic., c. 62, s. 16.]

[46 & 47 Vic., c. 62, s. 17.]

[46 & 47 Vic., c. 62, s. 18.]

*The Indian Bankruptcy Bill, 1885.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 18-20.)*

or a proposal for a scheme of arrangement of the debtor's affairs.

(2) The composition or scheme shall not be binding on the creditors unless it is confirmed by a resolution passed (by a majority in number representing three-fourths in value of all the creditors who have proved) at a subsequent meeting of the creditors, and is approved by the Court.

Any creditor who has proved his debt may assent to or dissent from the composition or scheme by a letter addressed to the official receiver in the prescribed form, and attested by a witness, so as to be received by the official receiver not later than the day preceding the said subsequent meeting, and any such creditor shall be taken as being present and voting at the meeting.

(3) The subsequent meeting shall be summoned by the official receiver by not less than seven days' notice, and shall not be held until after the public examination of the debtor is concluded. The notice shall state generally the terms of the proposal, and shall be accompanied by a report of the official receiver thereon.

(4) The debtor or the official receiver may, after the composition or scheme is accepted by the creditors, apply to the Court to approve it, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(5) The Court shall, before approving a composition or scheme, hear a report of the official receiver as to the terms of the composition or scheme and as to the conduct of the debtor, and any objections which may be made by or on behalf of any creditor.

(6) If the Court is of opinion that the terms of the composition or scheme are not reasonable, or are not calculated to benefit the general body of creditors, or in any case in which the Court is required under this Act where the debtor is adjudged bankrupt to refuse his discharge, the Court shall, if any such facts are proved as would under this Act justify the Court in refusing, qualifying or suspending the debtor's discharge, the Court may, in its discretion, refuse to approve the composition or scheme.

(7) If the Court approves the composition or scheme, the approval may be testified by the seal of the Court being attached to the instrument containing the terms of the composition or scheme, or by the terms being embodied in an order of the Court.

(8) A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in bankruptcy.

(9) A certificate of the official receiver that a composition or scheme has been duly accepted and approved shall, in the absence of fraud, be conclusive as to its validity.

(10) The provisions of a composition or scheme under this section may be enforced by the Court in British India on application by any person interested, and an order of the Court made on the application may be executed as if it were a decree.

(11) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court, on satisfactory evidence, that the composition or scheme cannot in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any creditor, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made, or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, any debt provable in other respects, which has been contracted before the date of the adjudication, shall be provable in the bankruptcy.

(12) If, under or in pursuance of a composition or scheme, a trustee is appointed to administer the debtor's property or manage his business, Part V of this Act shall apply to the trustee as if he were a trustee in a bankruptcy, and as if the terms "bankruptcy," "bankrupt" and "order of adjudication" included respectively a composition or scheme of arrangement, a compounding or arranging debtor and order approving the composition or scheme.

(13) Part III of this Act shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto, the same interpretation being giving to the words "trustee," "bankruptcy," "bankrupt" and "order of adjudication" as in the last preceding sub-section.

(14) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt.

(15) The acceptance by a creditor of a composition or scheme shall not release any person who under this Act

would not be released by an order of discharge if the debtor had been adjudged bankrupt.

18. Notwithstanding the acceptance and approval of a composition or scheme, such composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents to the composition or scheme.

*Adjudication of Bankruptcy.*

19. (1) At the time of making a receiving order or at any time thereafter, the Court may, on the application of the debtor himself, adjudge him bankrupt. The application may be made orally and without notice.

(2) Where a receiving order is made against a debtor, then, if the creditors at the first meeting or any adjournment thereof by ordinary resolution resolve that the debtor be adjudged bankrupt, or pass no resolution, or if the creditors do not meet, or if a composition or scheme is not accepted or approved in pursuance of this Act within fourteen days after the conclusion of the examination of the debtor or such further time as the Court may allow, the Court shall adjudge the debtor bankrupt.

(3) When a receiving order is made and no creditors attend at the time and place appointed for the first meeting or one adjournment thereof, or if sufficient creditors do not attend then to pass a special resolution, or when the official receiver satisfies the Court that the debtor has absconded or that the debtor does not intend to propose a composition or scheme, the Court may, either on the application of a creditor or of the official receiver, forthwith adjudge the debtor bankrupt.

(4) When a debtor is adjudged bankrupt his property shall become divisible among his creditors and shall vest in a trustee.

(5) Notice of every order adjudging a debtor bankrupt, stating the name, address and description of the bankrupt, the date of the adjudication and the Court by which the adjudication is made, shall be published in the prescribed manner, and the date of the order shall, for the purposes of this Act, be the date of the adjudication.

20. (1) The official receiver shall be the trustee of the property of the bankrupt unless some other person is appointed trustee under the provisions next hereinafter contained.

(2) Where a debtor is adjudged bankrupt, or the creditors have resolved that he be adjudged bankrupt, and the Court having regard to the value of the property or for any other reason declares that the appointment of a person other than the official receiver as trustee is desirable, the creditors may, by ordinary resolution, appoint some fit person, whether a creditor or not, to fill the office of trustee of the property of the bankrupt; or they may resolve to leave his appointment to the committee of inspection hereinafter mentioned.

(3) The person so appointed shall give security in manner prescribed to the satisfaction of the Court, and the Court, if satisfied with the security, shall certify that his appointment has been duly made, unless it disapproves of the appointment on the ground that it has not been made in good faith by a majority in value of the creditors voting, or that the person appointed is not fit to act as trustee, or that his connection with or relation to the bankrupt or his estate or any particular creditor makes it difficult for him to act with impartiality in the interests of the creditors generally.

(4) The appointment of a trustee shall take effect as from the date of the certificate.

(5) If a declaration is made by the Court under sub-section (2) and a trustee is not appointed by the creditors within four weeks from the date of the declaration, or, if the declaration precedes the adjudication, from the date of the adjudication, or, in the event of negotiations for a composition or scheme being pending at the expiration of those four weeks, then within seven days from the close of those negotiations by the refusal of the creditors to accept, or of the Court to approve, the composition or scheme, the official receiver shall report the matter to the Court; and thereupon the Court may, if it thinks fit, appoint some fit person to be trustee of the bankrupt's property, and shall certify the appointment if made.

(6) Provided that the creditors or the committee of inspection (if so authorised by resolution of the creditors) may, at any subsequent time, if they think fit, appoint a trustee, and on the appointment being made and certified the person appointed shall become trustee in the place of the person appointed by the Court.

*The Indian Bankruptcy Bill, 1885.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 21-26.)*

(7) When a debtor is adjudged bankrupt after the first meeting of creditors has been held, and a trustee has not been appointed prior to the adjudication, the official receiver shall, if a declaration has been made by the Court under sub-section (2), forthwith summon a meeting of creditors for the purpose of appointing a trustee.

[46 & 47 Vic.,  
c. 52, s. 22.]

21. (1) In any case in which a declaration is made under section 20, sub-section (2), and with the permission of the Court in any other case, the creditors qualified to vote may at their first or any subsequent meeting, by resolution, appoint from among the creditors qualified to vote, or the holders of general proxies or general powers-of-attorney from such creditors, a committee of inspection for the purpose of superintending the administration of the bankrupt's property by the trustee. The committee of inspection shall consist of not more than five nor less than three persons.

(2) The committee of inspection shall meet at such times as they from time to time appoint, and, failing such appointment, at least once a month; and the trustee or any member of the committee may also call a meeting of the committee as and when he thinks necessary.

(3) The committee may act by a majority of their members present at a meeting, but shall not act unless a majority of the committee are present at the meeting.

(4) Any member of the committee may resign his office by notice in writing signed by him, and delivered to the trustee.

(5) If a member of the committee becomes bankrupt, or compounds or arranges with his creditors, or is absent from five consecutive meetings of the committee, his office shall thereupon become vacant.

(6) Any member of the committee may be removed by an ordinary resolution at any meeting of creditors, of which seven days' notice has been given, stating the object of the meeting.

(7) On a vacancy occurring in the office of a member of the committee, the trustee shall forthwith summon a meeting of creditors for the purpose of filling the vacancy, and the meeting may, by resolution, appoint another creditor or other person eligible as above to fill the vacancy.

(8) The continuing members of the committee, provided there be not less than two such continuing members, may act notwithstanding any vacancy in their body; and where the number of members of the committee of inspection is for the time being less than five, the creditors may increase that number so that it do not exceed five.

(9) If there is no committee of inspection, any act or thing or any direction or permission by this Act authorized or required to be done or given by the committee may be done or given by the Court on the application of the trustee.

[46 & 47 Vic.,  
c. 52, s. 23.]

22. (1) Where a debtor is adjudged bankrupt the creditors may, if they think fit, at any time after the adjudication, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them under the bankruptcy, or for a scheme of arrangement of the bankrupt's affairs; and thereupon the same proceedings shall be taken and the same consequences shall ensue as in the case of a composition or scheme accepted before adjudication.

(2) If the Court approves the composition or scheme, it may make an order annulling the bankruptcy and vesting the property of the bankrupt in him or in such other person as the Court may appoint, on such terms, and subject to such conditions, if any, as the Court may declare.

(3) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any person interested, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done, under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, all debts, provable in other respects, which have been contracted before the date of such adjudication shall be provable in the bankruptcy.

*Control over Person and Property of Debtor.*

[46 & 47 Vic.,  
c. 52, s. 24.]

23. (1) Every debtor against whom a receiving order is made shall, unless prevented by sickness or other sufficient cause, attend the first meeting of his creditors, and shall submit to such examination and give such information as the meeting may require.

(2) He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and

from them respectively, submit to such examination in respect of his property or his creditors, attend such other meetings of his creditors, wait at such times on the official receiver, special manager or trustee, execute such powers-of-attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors as may be reasonably required by the official receiver, special manager or trustee, or may be prescribed by general rules, or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the official receiver, special manager, trustee or any creditor or person interested.

(3) He shall, if adjudged bankrupt, aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds among his creditors.

(4) If a debtor wilfully fails to perform the duties imposed on him by this section, or to deliver up possession of any part of his property, which is divisible amongst his creditors under this Act, and which is for the time being in his possession or under his control, to the official receiver or to the trustee, or to any person authorised by the Court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

24. (1) The Court may, by warrant addressed to any police-officer or prescribed officer of the Court, cause a debtor to be arrested in British India, and any books, papers, money and goods in his possession there to be seized, and him and them to be safely kept as prescribed until such time as the Court may order under the following circumstances:—

(a) if, after a bankruptcy notice has been issued under this Act, or after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he is about to abscond with a view of avoiding payment of the debt in respect of which the bankruptcy notice was issued, or of avoiding service of a bankruptcy petition, or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or embarrassing proceedings in bankruptcy against him;

(b) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable cause for believing that he is about to remove his property with a view of preventing or delaying possession being taken of it by the official receiver or trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings which might be of use to his creditors in the course of his bankruptcy;

(c) if, after service of a bankruptcy petition on him, or after a receiving order is made against him, he removes any property in his possession above the value of fifty rupees without the leave of the official receiver or trustee;

(d) if, without good cause shown, he fails to attend any examination ordered by the Court:

Provided that no arrest upon a bankruptcy notice shall be valid and protected unless the debtor before or at the time of his arrest shall be served with such bankruptcy notice.

(2) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of the Act relating to fraudulent preferences.

25. Where a receiving order is made against a debtor, the Court, on the application of the official receiver or trustee, may, from time to time, order that for such time, not exceeding three months, as the Court thinks fit, post letters addressed to the debtor at any place or places mentioned in the order for re-direction shall be re-directed, sent or delivered by the Postal authorities in British India to the official receiver, or the trustee, or otherwise as the Court directs, and the same shall be done accordingly.

26. (1) The Court may, on the application of the official receiver or trustee, at any time after a receiving order has been made against a debtor, summon before it the debtor or his wife, or any person known or suspected to have in his possession any property belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property; and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

(2) The Court may, on the application of the official receiver or trustee, at any time after a receiving order has been made against a debtor, summon before it the debtor or his wife, or any person known or suspected to have in his possession any property belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property; and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

*The Indian Bankruptcy Bill, 1885.*  
(Part II.—Annulment of Adjudication.—Sections 27-30.)

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant, cause him if in British India to be apprehended and brought up for examination.

(3) The Court may examine on oath, either by word of mouth or by written interrogatories, any person so brought before it concerning the debtor, his dealings or property.

(4) If any person on examination before the Court admits that he is indebted to the debtor, the Court may, on the application of the official receiver or trustee, order him to pay to the receiver or trustee, at such time and in such manner as to the Court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the Court thinks fit, with or without costs of the examination.

(5) If any person on examination before the Court admits that he has in his possession any property belonging to the debtor, the Court may, on the application of the official receiver or trustee, order him to deliver to the official receiver or trustee such property, or any part thereof, at such time, and in such manner, and on such terms as to the Court may seem just.

(6) The Court may, if it think fit, issue a commission for the examination beyond the limits of British India of any person who if in British India would be liable to be brought before it for examination under this section.

*Discharge of Bankrupt.*

27. (1) A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until the public examination of the bankrupt is concluded. The application shall be heard in open Court.

(2) On the hearing of the application the Court shall take into consideration a report of the official receiver as to the bankrupt's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his after-acquired property: Provided that the Court shall refuse the discharge in all cases where the bankrupt has committed any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, and shall, on proof of any of the facts hereinafter mentioned, either refuse the order, or suspend the operation of the order for a specified time, or grant an order of discharge, subject to such conditions as aforesaid.

(3) The facts hereinbefore referred to are—

(a) that the bankrupt has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy;

(b) that the bankrupt has continued to trade after knowing himself to be insolvent;

(c) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it;

(d) that the bankrupt has brought on his bankruptcy by rash and hazardous speculations or unjustifiable extravagance in living;

(e) that the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action or suit properly brought against him;

(f) that the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they become due, given an undue preference to any of his creditors;

(g) that the bankrupt has on any previous occasion been adjudged bankrupt, or made under any enactment in force in any part of Her Majesty's dominions a composition or arrangement with his creditors;

(h) that the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4) For the purposes of this section the report of the official receiver shall be *prima facie* evidence of the statements therein contained.

(5) Notice of the appointment by the Court of the day for hearing the application for discharge shall be published

in the prescribed manner and sent fourteen days at least before the day so appointed to each creditor who has proved, and the Court may hear the official receiver and the trustee, and may also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it may think fit.

(6) The Court may, in making an order of discharge, pass a decree against the debtor in favour of the official receiver or trustee for any balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge; but in such case the decree shall not be executed without leave of the Court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available for payment of his debts.

(7) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the trustee may require in the realization and distribution of such of his property as is vested in the trustee, and if he fails to do so he shall be guilty of a contempt of Court, and the Court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done subsequent to the discharge, but before its revocation.

28. In either of the following cases; that is to say:—

(1) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement; or

(2) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife);

if the settlor is adjudged bankrupt or compounds or arranges with his creditors, and it appears to the Court that such settlement, covenant or contract was made in order to defeat or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court may refuse or suspend an order of discharge or grant an order subject to conditions or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

29. (1) An order of discharge shall not release the bankrupt from any debt on a recognizance, nor from any debt with which the bankrupt may be chargeable at the suit of the Crown or of any person for any offence against an enactment relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence; and he shall not be discharged from such excepted debts unless the Government certifies in writing its consent to his being discharged therefrom.

(2) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, nor from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party.

(3) An order of discharge shall release the bankrupt from all other debts provable in bankruptcy.

(4) An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein; and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

(5) An order of discharge shall not release any person who at the date of the receiving order was a partner or co-trustee with the bankrupt or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him.

PART II.

ANNULMENT OF ADJUDICATION.

30. (1) Where in the opinion of the Court a debtor ought not to have been adjudged bankrupt, or where it is proved to the satisfaction of the Court that the debts of the bankrupt are paid in full, or where proceedings are pending in the United Kingdom or any other part of Her Majesty's dominions beyond the limits of British India for the distribution of the estate and effects of the bankrupt among his creditors under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions and it appears to



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the Court that the distribution ought to take place in that part of Her Majesty's dominions, the Court may, on the application of any person interested, by order, annul the adjudication.

[11 & 12 Vic., c. 21, ss. 7 & 11.]

(2) Where an adjudication is annulled under this section, all sales and dispositions of property and payments duly made, and all acts theretofore done, by the official receiver, trustee or other person acting under their authority, or by the Court, shall be valid, but the property of the debtor who was adjudged bankrupt shall vest in such person as the Court may appoint, or in default of any such appointment revert to the debtor for all his estate or interest therein on such terms and subject to such conditions, if any, as the Court may declare by order.

(3) Notice of the order annulling an adjudication shall be forthwith published in the prescribed manner.

[40 & 47 Vic., c. 52, s. 30.]

(4) For the purposes of this section any debt disputed by a debtor shall be considered as paid in full if the debtor enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt, with costs; and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into Court.

### PART III.

#### ADMINISTRATION OF PROPERTY.

##### *Proof of Debts.*

[11 & 12 Vic., c. 21, s. 11.  
40 & 47 Vic., c. 52, s. 37.]

31. (1) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise or breach of trust shall not be provable in bankruptcy.

(2) A person having notice of any act of bankruptcy available against the debtor shall not prove under the order for any debt or liability contracted by the debtor subsequently to the date of his so having notice.

(3) Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the receiving order, or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order, shall be deemed to be debts provable in bankruptcy.

[11 & 12 Vic., c. 21, s. 18.]

(4) An estimate shall be made by the trustee of the value of any debt or liability provable as aforesaid which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

(5) Any person aggrieved by any estimate made by the trustee as aforesaid may appeal to the Court.

(6) If, in the opinion of the Court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy.

(7) If, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed before the Court itself, and may give all necessary directions for this purpose, and the amount of the value when assessed shall be deemed to be a debt provable in bankruptcy.

(8) "Liability" shall for the purposes of this Act include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether the breach does or does not occur, or is or is not likely to occur or capable of occurring before the discharge of the debtor, and generally it shall include any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of, money, or money's worth, whether the payment is as respects amount fixed or unliquidated; as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation, capable of being ascertained by fixed rules or as matter of opinion.

[11 & 12 Vic., c. 21, s. 30.  
40 & 47 Vic., c. 52, s. 38.]

32. Where there have been mutual credits, mutual debts or other mutual dealings between a debtor and a creditor against whom a receiving order shall be made under this Act, and any other person proving or claiming to prove a debt under such receiving order, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a debtor in any case where he had at the time of giving credit to the debtor notice of an act of bankruptcy committed by the debtor and available against him.

33. With respect to the mode of proving debts, the right of proof by secured and other creditors, the admission and rejection of proofs, and the other matters referred to in the second schedule, the rules in that schedule shall be observed.

34. (1) In the distribution of the property of a bankrupt there shall be paid in priority to all other debts—

(a) all revenue, taxes, cesses and rates, whether payable to Her Majesty, to any local authority or otherwise, due from the bankrupt at the date of the receiving order, and having become due and payable within twelve months next before such time;

(b) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees; and

(c) all wages of any labourer or workman, not exceeding five hundred rupees, whether payable for time or piece-work, in respect of services rendered to the bankrupt during four months before the date of the receiving order.

(2) The foregoing debts shall rank equally between themselves, and shall be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions between themselves.

(3) In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts, and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates, it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate, it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

(4) Subject to the provisions of this Act, all debts proved in the bankruptcy shall be paid *pari passu*.

(5) If there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the receiving order at the rate of four per centum per annum on all debts proved in the bankruptcy.

35. (1) Where at the time of the presentation of the petition in bankruptcy any person is an apprentice or is an articled clerk to the bankrupt, the adjudication of bankruptcy shall, if either bankrupt or apprentice or clerk gives notice in writing to the trustee to that effect, be a complete discharge of the contract of apprenticeship or articles of agreement; and if any money has been paid by or on behalf of the apprentice or clerk to the bankrupt as a fee, the trustee may, on the application of the apprentice or clerk, or of some person on this behalf, pay such sum as the trustee, subject to an appeal to the Court, thinks reasonable, out of the bankrupt's property, to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the contract or articles before the commencement of the bankruptcy, and to the other circumstances of the case.

(2) Where it appears expedient to a trustee, he may, on the application of any apprentice or articled clerk to the bankrupt, or any person acting on behalf of such apprentice or articled clerk, instead of acting under the preceding provisions of this section, transfer the contract of apprenticeship or articles of agreement to some other person.

36. (1) The landlord or other person to whom any rent is due from the bankrupt may at any time, either before or after the commencement of the bankruptcy, exercise his right of distress (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress for rent be levied after the commencement of the bankruptcy it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

(2) For the purposes of this section the term "order of adjudication" shall be deemed to include an order for the administration of the estate of a deceased person who dies insolvent.

##### *Property available for Payment of Debts.*

37. The bankruptcy of a debtor, whether the same takes place on the debtor's own petition or upon that of a creditor or creditors, shall be deemed to have relation back to, and to commence at, the time of the act of bankruptcy being committed on

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which a receiving order is made against him, or, if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to, and to commence at, the time of the first of the acts of bankruptcy proved to have been committed by the bankrupt within three months next preceding the date of the presentation of the bankruptcy petition; but no bankruptcy petition, receiving order or adjudication shall be rendered invalid by reason of any act of bankruptcy anterior to the date of the petitioning creditor.

**38.** The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:—

- (1) property held by the bankrupt on trust for any other person;
- (2) the tools (if any) of his trade and the necessary wearing apparel and bedding of himself, his wife and children, to a value, inclusive of tools and apparel and bedding, not exceeding two hundred rupees in the whole;

But it shall comprise the following particulars:—

- (i) all such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy or may be acquired by or devolve on him before his discharge;
- (ii) the capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bankrupt for his own benefit at the commencement of his bankruptcy or before his discharge, except the right of nomination to a vacant ecclesiastical benefice; and
- (iii) all movable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances as may be proved to the satisfaction of the Court that he is the reputed owner thereof. Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed movable property within the meaning of this section.

*Effect of bankruptcy on antecedent Transactions.*

**39.** (1) Where execution of a decree has issued against the property of a debtor, no person of whom the property shall be entitled to the benefit of the execution against the trustee in bankruptcy of the debtor, except in respect of assets realized in the course of the execution by sale or otherwise before the date of the receiving order, and before notice of the presentation of any bankruptcy petition by or against the debtor, or of the commission of any act of bankruptcy by the debtor, has been given to the Court executing the decree.

(2) Nothing in this section shall affect the rights of a mortgagee or encumbrancer of property against which a decree is executed.

**40.** (1) Where execution of a decree has issued against any property of a debtor which is subject to a decree in execution, and before the date of the receiving order, notice is given to the Court executing the decree that a receiving order has been made against the debtor, the Court shall, on application, direct the property to be delivered to the official receiver or trustee under the order, but the costs of the execution shall be a charge on the property so delivered, and the official receiver or trustee may sell the property or an adequate part thereof for the purpose of satisfying the charge.

(2) An execution levied against the property of a debtor is not void by reason only of its being an act of bankruptcy, and a person who purchases the property in good faith under a sale in execution shall in all cases acquire a good title to them against the trustee in bankruptcy.

**41.** (1) Any settlement of property not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of the settlement, be void against the trustee in the bankruptcy, and shall, if the settlor becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the trustee in the bankruptcy, unless the parties claiming under the settlement

can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement, and that the interest of the settlor in such property had passed to the trustee of such settlement on the execution thereof.

(2) Any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property, wherein he had not at the date of his marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property or of an right of his wife, shall, on his becoming bankrupt before the property or money has been actually transferred or paid pursuant to the contract or covenant, be void against the trustee in the bankruptcy.

(3) "Settlement" shall for the purposes of this section include any conveyance or transfer of property.

**42.** (1) Every conveyance or transfer of property or charge thereon made, every payment made, every obligation incurred and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving such or other a preference over the other creditors, shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy.

(2) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.

**43.** Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy on an execution or attachment, and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate in this case of a bankruptcy—

- (a) any payment of the bankrupt to any of his creditors;
- (b) any payment or delivery to the bankrupt;
- (c) any conveyance or assignment by the bankrupt for valuable consideration;
- (d) any contract, dealing or transaction by or with the bankrupt for valuable consideration.

Provided that both the following conditions are complied with, namely:—

- (1) the payment, delivery, conveyance, assignment, contract, dealing or transaction, as the case may be, takes place before the date of the receiving order; and
- (2) the person (other than the debtor) to, by or with whom the payment, delivery, conveyance, assignment, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, contract, dealing or transaction notice of any available act of bankruptcy committed by the bankrupt before that time.

*Realization of Property.*

**44.** (1) The trustee shall, as soon as may be, take possession of the deeds, books and documents of the bankrupt, and all other parts of his property capable of manual delivery.

(2) The trustee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed under section 505 of the Code of Civil Procedure, and shall have such of the powers conferred on a receiver under that section as may be specified in general rules, and the Court may, on his application, enforce such acquisition or retention accordingly.

(3) Where any part of the property of the bankrupt consists of stock, shares in ships, shares or any other property transferable in the books of any company, office or person, the trustee may exercise the right to transfer the property to the same extent as the bankrupt might have exercised it if he had not become bankrupt.

(4) Where any part of the property of the bankrupt consists of things in action, such things shall be deemed to have been duly assigned to the trustee.

(5) Any treasurer or other officer, or any banker, attorney or agent of a bankrupt, shall pay and deliver to the trustee all money and securities in his possession or power, as such officer, banker, attorney or agent, which he is not by law entitled to retain as against the bankrupt or the trustee. If he does not, he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the trustee.

[11 & 12 Vic., c. 21, s. 24.  
16 & 17 Vic., c. 62, s. 48.]

[16 & 17 Vic., c. 62, s. 49.]

[11 & 12 Vic., c. 21, s. 21.  
16 & 17 Vic., c. 2, s. 50.]

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[11 & 12 Vic., c. 21, s. 25.]



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[40 & 47 Vic., c. 62, s. 61.] **45.** Any person acting under warrant of the Court may seize any part of the property of a bankrupt in the custody or possession of the bankrupt, or of any other person in British India, and with a view to such seizure may break open any house, building or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place in British India not belonging to him, the Court may, if it thinks fit, grant a search-warrant to any Police-officer or officer of the Court, who may execute it according to its tenor.

[11 & 12 Vic., c. 21, s. 27. 40 & 47 Vic., c. 62, s. 63.] **46.** (1) Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian marine service, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, the trustee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as the Court, on the application of the trustee, with the consent of the chief officer of the department under which the pay or salary is enjoyed, may direct. Before making any order under this sub-section the Court shall communicate with the chief officer of the department as to the amount, time and manner of the payment to the trustee, and shall obtain the written consent of the chief officer to the terms of such payment.

(2) Where a bankrupt is in the receipt of a salary or income other than as aforesaid, or is entitled to any half pay, or pension, or to any compensation granted by the Government, the Court, on the application of the trustee, shall, from time to time, make such order as it thinks just for the payment of the salary, income, half pay, pension or compensation, or of any part thereof, to the trustee to be applied by him in such manner as the Court may direct.

(3) Nothing in this section shall take away, or abridge any power of the chief officer of any public department to dismiss a bankrupt, or to declare the pension, half pay or compensation of any bankrupt to be forfeited.

[11 & 12 Vic., c. 21, s. 7. 40 & 47 Vic., c. 62, s. 64.] **47.** (1) Until a trustee is appointed the official receiver shall be the trustee for the purposes of this Act, and, immediately on a debtor being adjudged bankrupt, the property of the bankrupt shall vest in the trustee.

(2) On the appointment of a trustee the property shall forthwith pass to and vest in the trustee appointed.

[11 & 12 Vic., c. 21, s. 20.] (3) The property of the bankrupt shall pass from trustee to trustee, including under that term the official receiver, when he fills the office of trustee, and shall vest in the trustee on the time being during his continuance in office, without any conveyance, assignment or transfer whatever.

[40 & 47 Vic., c. 62, s. 65.] **48.** (1) Where any part of the property of the bankrupt consists of any tenancy burdened with onerous covenants, of shares or stock in companies, of unprofitable contracts, or of any other property that is unsaleable or not readily saleable, by reason of its landing the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the trustee, notwithstanding that he has endeavoured to sell or has taken possession of the property, or exercised any act of ownership in relation thereto but subject to the provisions of this section, may, by writing signed by him, at any time within three months after the adjudication of bankruptcy, or, where a person other than the official receiver is appointed trustee, after the first appointment of a trustee, disclaim the property.

Provided that where any such property shall not have come to the knowledge of the trustee within one month after the adjudication or appointment (as the case may be), he may disclaim such property at any time within two months after he first became aware thereof.

(2) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interest and liabilities of the bankrupt and his property in or in respect of the property disclaimed, and shall also discharge the trustee from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of releasing the bankrupt and his property and the trustee from liability, affect the rights or liabilities of any other person.

(3) A trustee shall not be entitled to disclaim a tenancy without the leave of the Court, except in any cases which may be prescribed by general rules; and the Court may, before or on granting such leave, require such notices to be given to persons interested, and impose such terms as a condition of granting leave and make such orders with respect to fixtures, tenant's improvements and other matters arising out of the tenancy as the Court thinks just.

(4) The trustee shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to the trustee by any person interested in the property requiring him to decide whether he will disclaim or not, and the trustee has for a period of twenty-eight days after the receipt of the application, or such extended period as may be allowed by the Court, declined or neglected to give notice whether he disclaims the property or not; and, in the case of a contract, if the trustee, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

(5) The Court may, on the application of any person who is, as against the trustee, entitled to the benefit or subject to the burden of a contract made with the bankrupt, make an order rescinding the contract on such terms as to payment by or to either party of damages for the non-performance of the contract, or otherwise, as to the Court may seem equitable, and any damages payable under the order to any such person may be proved by him as a debt under the bankruptcy.

(6) The Court may, on application by any person either claiming any interest in any disclaimed property, or under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the Court thinks just; and, on any such vesting order being made, the property comprised therein shall vest accordingly in the person therein named in that behalf without any conveyance or assignment for the purposes.

Provided always that, where the property disclaimed is a tenancy, the Court shall not make a vesting order in favour of any person claiming under the bankrupt, whether as under-tenant or as mortgagee by demise, except upon the terms of making such person subject to the same liabilities and obligations as the bankrupt was subject to under the tenancy in respect of the property at the date when the bankruptcy petition was filed, and any mortgage or under-tenant claiming to accept a vesting order upon such terms shall be excluded from all interest in and security upon the property; and if there shall be no person claiming under the bankrupt who is willing to accept an order upon such terms, the Court shall have power to vest the bankrupt's estate and interest in the property in any person named either personally or in a representative character, and either alone or jointly with the bankrupt, to discharge the tenant's liabilities and obligations, freed and discharged from all estates, incumbrances and interests created therein by the bankrupt.

(7) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the bankrupt to the extent of the injury, and may accordingly prove the same as a debt under the bankruptcy.

**49.** (1) Subject to the provisions of this Act, the trustee [40 & 47 Vic., c. 62, s. 66.] may do or any of the following things:—

- (a) sell all or any part of the property of the bankrupt [11 & 12 Vic., c. 21, s. 31.] (including the goodwill of the business, if any, and the book debts due or growing due to the bankrupt) by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels;
- (b) give receipts for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof;
- (c) prove, rank, claim and draw a dividend in respect of any debt due to the bankrupt;
- (d) exercise any powers the capacity to exercise which is [11 & 12 Vic., c. 21, s. 30.] vested in the trustee under this Act, and execute any powers-of-attorney, deeds and other instruments for the purpose of carrying into effect the provisions of this Act;
- (e) deal with property to which the bankrupt is beneficially entitled as tenant in tail or other owner of an estate of inheritance less than an estate in fee-simple in the same manner as the bankrupt might have dealt with it.

(2) Any dealing by a trustee under clause (e) with any [3 & 4 Wm. IV., c. 74, s. 1.] property to which the bankrupt is before his discharge entitled as in that clause mentioned shall, although the bankrupt be dead at the time of that dealing, be as valid and have the same operation as if the bankrupt were then alive.

*The Indian Bankruptcy Bill, 1885.**(Part IV.—Official Receivers.—Sections 50-60.)*

**50.** The trustee may, with the permission of the committee of inspection, do all or any of the following things:—

Powers exercisable by trustee with permission of committee of inspection.

- (1) carry on the business of the bankrupt, so far as may be necessary for the beneficial winding up of the same;
- (2) bring, institute or defend any action, suit or other legal proceeding relating to the property of the bankrupt;
- (3) employ a solicitor or other agent to take any proceedings or do any business which may be sanctioned by the committee of inspection;
- (4) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as the committee think fit;
- (5) mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;
- (6) refer any dispute to arbitration, compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, on the receipt of such sums, payable at such times, and generally on such terms as may be agreed on;
- (7) make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy;
- (8) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the trustee by any person or by the trustee on any person;
- (9) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

The permission given for the purposes of this section shall not be a general permission to do all or any of the above-mentioned things, but shall only be a permission to do the particular thing or things for which permission is sought in the specified case or cases.

*Distribution of Property*

**51.** (1) Subject to the retention of such sums as may be necessary for the costs of administration, or otherwise, the trustee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

(2) The first dividend, if any, shall be declared and distributed within four months after the conclusion of the first meeting of creditors, unless the trustee satisfies the committee of inspection that there is sufficient reason for postponing the declaration to a later date.

(3) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and distributed at intervals of not more than six months.

(4) Before declaring a dividend the trustee shall cause notice of his intention to do so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the bankrupt's statement who has not proved his debts.

(5) When the trustee has declared a dividend he shall send to each creditor who has proved a notice showing the amount of the dividend and when and how it is payable, and a statement in the prescribed form as to the particulars of the estate.

**52.** (1) Where one partner of a firm is adjudged bankrupt, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

(2) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of any person interested, be declared together; and the expenses of and incident to such dividends shall be fairly apportioned by the trustee between the joint and separate properties, regard being had to the work done for and the benefit received by each property.

**53.** In the calculation and distribution of a dividend the trustee shall make provision for debts payable in bankruptcy, appearing from the bankrupt's statement, or otherwise, to be due to persons resident in places so distant from the place where the trustee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in bankruptcy the subject of claims not yet determined. He shall also make provision for any disputed proofs or claims, and for the expenses necessary for the administration of the estate or otherwise, and, subject to the foregoing provisions, he shall distribute as dividend all money in hand.

**54.** Any creditor who has not proved his debt before the declaration of any dividend or dividend shall be entitled to be paid out of any money for the time being in the hands of the trustee any dividend or dividends he may have failed to receive before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

**55.** When the trustee has realized all the property of the bankrupt, or so much thereof as can, in the joint opinion of himself and of the committee of inspection, be realized without needlessly protracting the trusteeship, he shall declare a final dividend, but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified to him, but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the Court within a time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or if the Court on application by any such claimant grant him further time for establishing his claim, then on the expiration of such further time the property of the bankrupt shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons.

**56.** No suit or action for a dividend shall be brought against the trustee, but if the trustee refuses to pay any dividend the Court may, if it thinks fit, order him to pay it, and it to pay out of his own money interest thereon from the time that it is withheld, and the costs of the application.

**57.** (1) The trustee, with the permission of the committee of inspection, may appoint the bankrupt, or of any part thereof, or to any of the trade (if any) of the bankrupt for the benefit of his creditors, and in any other respect to a liquidation of the property in such manner as he may think fit.

(2) The trustee may, from time to time, with the permission of the committee of inspection, allow to the bankrupt for his maintenance or for the support of his family, or in consideration of his services if he is engaged in winding up his estate, but any such allowance may be recovered by the Court.

**58.** The bankrupt shall be entitled to any surplus remaining after payment to each of his creditors, with interest as by this Act provided, and of the costs, charges and expenses of the proceedings under the bankruptcy petition.

*PART IV.**Official Receivers.*

**59.** (1) The Chief Justice of each High Court may, at any time after the passing of this Act, and, from time to time, appoint such person as he thinks fit to be official receiver of debtors' estates for that Court, and may remove any person so appointed from that office.

(2) The Local Government may in like manner appoint any such person as it thinks fit to be official receiver of debtors' estates for any other Court having bankruptcy jurisdiction under this Act, and remove any person so appointed from such office.

**60.** (1) The duties of the official receiver shall have relation both to the conduct of the debtor and to the administration of the estate.

(2) An official receiver may, for the purpose of affidavits verifying proofs, petitions or oaths, administer oaths.

*The Indian Bankruptcy Bill, 1885.*  
(Part V.—Trustees.—Sections 61-67.)

(3) All expressions referring to the trustee under a bankruptcy shall, unless the context otherwise requires or the Act otherwise provides, include the official receiver when acting as trustee.

(4) The trustee shall supply the official receiver with such information and give him such access to, and facilities for inspecting the bankrupt's books and documents as generally shall give him such access as may be requisite for enabling the official receiver to perform his duties under this Act.

[40 & 47 Vic., c. 52, s. 60.]

61. As regards the debtor, it shall be the duty of the official receiver—

- (1) to investigate the conduct of the debtor and to report to the Court, stating whether there is reason to believe that the debtor has committed any act which constitutes an offence under this Act or under sections 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, or which would justify the Court in holding a suspension or prohibition order for his discharge;
- (2) to make such other reports concerning the conduct of the debtor as the Court may direct;
- (3) to take such part as may be directed by the Court at the public examination of the debtor;
- (4) to take such part as may be directed by the Court in the prosecution of any proceedings in which the Court may direct.

XIV of 1860.

[40 & 47 Vic., c. 52, s. 70.]

62. (1) As regards the estate of a debtor as official receiver, the duties of the official receiver shall be—

- (a) pending the appointment of a trustee, to get a list of the names of the creditors of the debtor, and where a special meeting of the creditors is summoned, to attend thereat;
- (b) to attend at the special meeting to be summoned, and to make such report as the Court may direct;
- (c) to summon and preside at a meeting of the creditors;
- (d) to issue writs of process for use at the meeting of creditors;
- (e) to report to the Court as to any proposal which the creditors may make with respect to the mode of liquidating the estate;
- (f) to cause to be prepared under the date of the order of the Court, a list of the names of the creditors, public examination, and other matters as may be necessary to be done;
- (g) to appoint a trustee or to cause a trustee to be appointed on doing any vacancy in the office of trustee.

IV of 1862.

(2) For the purpose of the duties as official receiver or manager the official receiver shall have such of the powers conferred on a receiver appointed under section 301 of the Code of Civil Procedure as may be specified in the general rules, but shall not, for as particularly, consult the wishes of the creditors with respect to the management of the debtor's property, and may for that purpose, if he thinks it advisable, summon meetings of the creditors claiming to be creditors, and may, under the Court's orders, in any special case, do such as is requisite for the protection of the debtor's property or for disposing of the same.

Provided that, when the official receiver himself prepares a proper statement of affairs, the official receiver may, subject to any prescribed conditions, and at the expense of the estate, employ some person or persons to assist in the preparation of the statement of affairs.

(3) Every official receiver shall account to the Court and pay over to him, as and when directed, all moneys in such manner as the Court, from time to time, directs.

## PART V.

### TRUSTEES.

#### *Remuneration of Trustee.*

12 Vic., c. 10, s. 7, c. 52.]

63. (1) Where the creditors appoint any person to be trustee of a debtor's estate, the remuneration (if any) shall be fixed by an ordinary resolution of the creditors, or, if the creditors so resolve, by the committee of inspection, and shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realized, after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend.

(2) If one-fourth in number or value of the creditors dissent from the resolution, or the bankrupt satisfies the Court that the remuneration is unnecessarily large, the Court shall fix the amount of the remuneration.

(3) The resolution shall express what expenses the remuneration is to cover, and no liability shall attach to the bankrupt's estate, or to the creditors, in respect of any expenses which the remuneration is expressed to cover.

(4) Where no remuneration has been voted to a trustee, he shall be allowed out of the bankrupt's estate such proper costs and expenses incurred by him in or about the proceedings of the bankruptcy as the prescribed officer may allow.

(5) A trustee shall not, under any circumstances whatever, make any arrangement for or accept from the bankrupt, or any solicitor, auctioneer or any other person that may be employed about a bankruptcy, any gift, remuneration or pecuniary or other consideration or benefit whatever beyond the remuneration fixed by the creditors and payable out of the estate, nor shall he make any arrangement for giving up, or give up, any part of his remuneration, either as receiver, manager, or trustee, to the bankrupt, or any solicitor or other person that may be employed about a bankruptcy.

*Costs.*

64. (1) Where a trustee or manager receives remuneration for his services as such, no payment shall be allowed in his accounts in respect of the performance by any other person of the ordinary duties which are required by this Act or the rules made under this Act to be performed by himself.

(2) Where the trustee is a solicitor, he may contract that the remuneration for his services as trustee shall include all professional services.

(3) All bills and charges of solicitors, managers, accountants, auctioneers, brokers and other persons, not being trustees, shall be taxed by the prescribed officer, and no payment in respect thereof shall be allowed in the trustee's account, without proof of such tax, on having been made. The trustee shall satisfy himself before paying such bills and charges that the employment of such solicitors and other persons is a part of the particular matters out of which such bills and charges are payable.

(4) Every solicitor or other person shall, on request by the trustee (which request the trustee shall make a sufficient time before demanding a bill), deliver his bill of costs or charges to the prescribed officer, and if he fails to do so within seven days after receipt of the request, or such forthwith time as the Court on application, may grant, the trustee shall declare and distribute the dividend out of the estate to any claim by him, and then upon any such claim shall be forfeited as well against the trustee personally as against the estate.

#### *Receipts, Payments, Accounts, Audit.*

65. (1) An account of the bankruptcy estate, account of the trustee, shall be kept by the Court with such Government treasury or bank as the Governor General in Council may direct, and all moneys realized on account of a bankrupt's estate by the Court or any officer thereof under this Act shall, unless it is otherwise prescribed, be paid to that account.

(2) Every trustee in bankruptcy shall, in such manner and at such times as the Court, with the sanction of the Governor General in Council, directs, pay the money received by him to the bankruptcy estate account, and the treasury or bank shall furnish him with a certificate of receipt of the money so paid.

(3) Subject to any general rules relating to small bankruptcies under Part VII of this Act, where the debtor at the date of the receiving order has an account at a bank, such account shall not be withdrawn until the expiration of seven days from the day appointed for the first meeting of creditors, unless the Court, for the safety of the account, or other sufficient cause, orders the withdrawal of the account.

(4) If a trustee at any time retains for more than ten days a sum exceeding five hundred rupees, or such other amount as the Court in any particular case authorizes him to retain, then, unless he explains the retention to the satisfaction of the Court, he shall pay interest on the amount so retained in excess at the rate of twenty per centum per annum, and shall have no claim for remuneration, and may be removed from his office by the Court, and shall be liable to pay any expenses occasioned by reason of his default.

(5) All payments out of money standing to the credit of the bankruptcy estate account shall be made by the treasury or bank in the prescribed manner.

66. No trustee in a bankruptcy or under any composition shall pay or scheme of arrangement shall pay into his private banking account any sum received by him as trustee.

67. (1) Whenever the cash balance standing to the credit of the bankruptcy estate account is in excess of the amount which, in the opinion of the Court, is required for the time being to answer demands in respect of bankrupts' estates, the Court shall notify the same to such officer as the Governor General in Council may appoint in this behalf, and shall pay over the

[40 & 47 Vic., c. 52, s. 73.]

[11 & 12 Vic., c. 21, s. 13, c. 46, s. 47, c. 52, s. 74.]

[11 & 12 Vic., c. 21, s. 31.]

[40 & 47 Vic., c. 52, s. 75.]

[40 & 47 Vic., c. 52, s. 70.]

*The Indian Bankruptcy Bill, 1885.*  
(Part V.—Trustees.—Sections 68 to 79.)

same, or any part thereof, as the officer may direct, to the officer, and the officer may invest the said sums or any part thereof in Government securities to be placed to the credit of the said account.

(2) Whenever any part of the money so invested is, in the opinion of the Court, required to answer any demands in respect of bankrupts' estates, the Court shall notify to the officer the amount so required, and the officer shall thereupon repay to the Court such sum as may be required to the credit of the bankrupts' estates account, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(3) The dividends on the investments under this section shall be paid to such account as the Governor General in Council may direct, and regard shall be had to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings.

**68.** (1) Every trustee shall, at such times as may be prescribed, but not less than twice in each year during his tenure of office, send to the Court, or as it directs, an account of his receipts and payments as such trustee.

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a declaration in the prescribed form.

(3) The Court shall cause the accounts so sent to be audited, and for the purposes of the audit the trustee shall furnish the Court with such vouchers and information as the Court may require, and the Court may at any time require the production of and inspect any books or accounts kept by the trustee.

(4) When any such account has been audited, a copy thereof shall be filed in the Court, and shall be open to the inspection of any creditor, or of the bankrupt, or of any person interested.

**69.** The trustee shall, whenever required by any creditor so to do, and on payment by such creditor of the prescribed fee, furnish and transmit to such creditor by post a list of the creditors, showing in such list the amount of the debt due to each of such creditors.

**70.** The trustee shall keep, in manner prescribed, proper books, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed; and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent inspect any such books.

**71.** (1) Every trustee in a bankruptcy shall from time to time, as may be prescribed, and not less than once in every year, during the continuance of the bankruptcy, submit to the Court a statement showing the proceedings in the bankruptcy up to the date of the statement, containing the prescribed particulars, and made out in the prescribed form.

(2) The Court shall cause the statements so transmitted to be examined, and shall call the trustee to account for any misfeasance, neglect or omission which may appear on the said statements or in his accounts or otherwise, and may require the trustee to make good any loss which the estate of the bankrupt may have sustained by the misfeasance, neglect or omission.

*Release of Trustee.*

**72.** (1) When the trustee has realised all the property of the bankrupt, or so much thereof as can, in his opinion, be realised without needlessly protracting the trusteeship, and distributed a final dividend, if any, or has ceased to act by the reason of a composition having been approved, or as resigned, or has been removed from his office, the Court shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Court, shall take into consideration the report, and any objection which may be urged by any creditor or person interested against the release of the trustee, and shall either grant or withhold the release accordingly.

(2) Where the release of a trustee is withheld, the Court may, on the application of any creditor or person interested, make such order as it thinks just, charging the trustee with the consequences of any act or default he may have done or made contrary to his duty.

(3) An order of the Court releasing the trustee shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as trustee; but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(4) Where the trustee has not previously resigned or been removed, his release shall operate as a removal of him from his office, and thereupon the official receiver shall be the trustee.

*Official Name.*

**73.** The trustee may sue and be sued by the official name of "the trustee of the property of \_\_\_\_\_, a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description, make contracts, sue and be sued, enter into any engagements binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

*Appointment and Removal.*

**74.** (1) Subject to the provisions of this Act, the creditors may, if they think fit, appoint more persons than one to the office of trustee, and when more persons than one are appointed they shall declare whether any act required or authorised to be done by the trustee is to be done by all or any one or more of such persons, but all such persons are in this Act included under the term "trustee," and shall be joint-tenants of the property of the bankrupt.

(2) Subject as aforesaid, the creditors may also appoint persons to act as trustees in succession in the event of one or more of the persons first named declining to accept the office of trustee, or failing to give security, or not being approved of by the Court.

**75.** If a receiving order is made against a trustee, he shall thereby vacate his office of trustee.

**76.** (1) The creditors may, by ordinary resolution, at a meeting specially called for that purpose, of which seven days' notice has been given, remove a trustee appointed by them, and may at the same or any subsequent meeting appoint another person to fill the vacancy as hereinafter provided in case of a vacancy in the office of trustee.

(2) If the Court is of opinion that a trustee appointed by the creditors is guilty of misconduct, or fails to perform his duties under this Act, the Court may remove him from his office.

**77.** (1) If a vacancy occurs in the office of a trustee, the creditors in general meeting may appoint a person to fill the vacancy, and thereupon the same proceedings shall be taken as in the case of a first appointment.

(2) The official receiver shall, on the requisition of any creditor, summon a meeting for the purpose of filling any such vacancy.

(3) If the creditors do not within three weeks after the occurrence of a vacancy appoint a person to fill the vacancy, the official receiver shall report the matter to the Court, and the Court may appoint a trustee, but in such case the creditors or committee of creditors shall have the same power of appointing a trustee as in the case of a first appointment.

(4) If no trustee is appointed, and during any vacancy in the office of trustee, the official receiver shall act as trustee and shall have all the powers of a trustee.

*Voting Powers of Trustee.*

**78.** The vote of the trustee, or of his partner, clerk, solicitor or solicitor's clerk, either as selector or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the trustee.

*Control over Trustee.*

**79.** (1) Subject to the provisions of this Act, the trustee shall, in the administration of the property of the bankrupt, and in the distribution thereof amongst his creditors, have regard to any directions that may be given by resolution of the creditors at any general meeting, or by the committee of inspection; and any directions so given by the creditors at any general meeting shall in case of conflict be deemed to override any directions given by the committee of inspection.

(2) The trustee may, from time to time, summon general meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution, either at the meeting appointing the trustee or otherwise, may direct or whenever requested in writing to do so by one-fourth in value of the creditors.

1 & 12 Vic.,  
21, s. 33,  
m. rules, 39-  
& 47 Vic.,  
62, s. 78.]

1 & 47 Vic.,  
62, s. 79.]

1 & 47 Vic.,  
62, s. 80.]

1 & 47 Vic.,  
62, s. 82.]

1 & 47 Vic.,  
62, s. 82.]

[46 & 47  
62, s. 83.]

[46 & 47  
62, s. 84.]

[46 & 47  
62, s. 85.]

[11 & 12  
21, s. 18,  
46 & 47  
62, s. 86.]

[16 & 47  
62, s. 87.]

[16 & 47  
62, s. 88.]

[46 & 47  
62, s. 89.]

*The Indian Bankruptcy Bill, 1885.**(Part VI.—Constitution, Procedure and Powers of Court.—Sections 80-91.)*

(3) The trustee may apply to the Court in manner prescribed for directions in relation to any particular matter arising under the bankruptcy.

(4) Subject to the provisions of this Act, the trustee shall use his own discretion in the management of the estate and its distribution among the creditors.

**80.** If the bankrupt or any of the creditors or any other person is aggrieved by any act or decision of the trustee, he may apply to the Court; and the Court may confirm, reverse or modify the act or decision complained of, and make such order in the premises as it thinks just.

**81. (1)** The Court shall take cognizance of the conduct of trustees, and in the event of any trustee not faithfully performing his duties and duly observing all the requirements imposed on him by any enactment or by rules or otherwise, with respect to the performance of his duties, or in the event of any complaint being made to the Court by any creditor in regard thereto, the Court shall enquire into the matter and take such action thereon as may be deemed expedient.

(2) The Court may at any time require any trustee to answer any inquiry made by it in relation to any bankruptcy in which the trustee is engaged, and may examine on oath the trustee or any other person concerning the bankruptcy.

(3) The Court may also direct a local investigation to be made of the books and vouchers of the trustee.

**PART VI.****CONSTITUTION, PROCEDURE AND POWERS OF COURT.***Jurisdiction.*

**82. (1)** The Courts having jurisdiction in bankruptcy under this Act shall be—

(a) the High Courts of Judicature at Fort William, Madras and Bombay;

(b) the Court of the Recorder of Bangalore, and

(c) such other Civil Courts as the Local Government, with the previous sanction of the Governor General in Council, may, from time to time, appoint in this behalf in the territories administered by it.

**83.** For the purposes of this Act the local limits of the jurisdiction of the said Courts shall be as follows, namely:—

(a) the local limits of the jurisdiction of each of the said High Courts of Judicature shall be the local limits for the time being of its ordinary original civil jurisdiction;

(b) the local limits of the jurisdiction of the Court of the Recorder of Bangalore shall comprise the towns of Bangalore, Medinipur, Akynah and Bassein;

(c) the local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

**84.** All matters in respect of which jurisdiction is given by this Act shall, in each of the said High Courts of Judicature, be ordinarily transacted and disposed of by or under the direction of one of the Judges of that Court; and the Chief Justice shall, from time to time, assign a Judge for that purpose.

**85.** Any proceedings in bankruptcy pending in any Court appointed by the Local Government of a province under section 82, may at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by the High Court of the province to itself or to any other Court appointed as aforesaid in the province.

**86.** If any question of law arises in any bankruptcy proceeding in a Court appointed by the Local Government of a province under section 82, and all the parties to the proceeding desire, or one of them and the Judge of the Court may desire, to have the question determined in the first instance in the High Court of the province, the Judge shall state the facts, in the form of a special case, for the opinion of that High Court. The special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

**87.** Subject to the provisions of this Act and to general rules, the Judge of a Court exercising jurisdiction in bankruptcy may exercise in chambers the whole or any part of his jurisdiction.

**88. (1)** Subject to general rules limiting the powers conferred by this section, the High Court of Judicature at Fort William, Madras or Bombay may, from time to time, direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, a Judge of the Presidency Small Cause Court appointed by it in this behalf shall have all or any of the powers in this section mentioned; and any order made or act done by such Judge of the Small Cause Court in the exercise of the said powers shall be deemed the order or act of the High Court.

(2) The powers referred to in sub-section (1) are the following, namely:—

(a) to hear bankruptcy petitions, and to make receiving orders and adjudications thereon;

(b) to hold the public examination of debtors;

(c) to grant orders of discharge;

(d) to approve compositions or schemes of arrangement;

(e) to make interim orders in any case of urgency;

(f) to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers;

(g) to hear and determine any unopposed or *ex parte* application;

(h) to summon and examine any person known or suspected to have in his possession effects of the debtor or to be indebted to him, or capable of giving information respecting the debtor, his dealings or property.

(3) A Judge of the Small Cause Court shall not have power to commit for contempt of Court.

**89.** A Court appointed by a Local Government under section 82 shall, for the purposes of its bankruptcy jurisdiction, in addition to its ordinary powers, have all the powers and jurisdiction possessed by any of the said High Courts of Judicature, and the orders of the Court may be enforced accordingly in manner prescribed.

**90. (1)** Subject to the provisions of this Act, every Court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, which may arise in any case of bankruptcy coming within the cognizance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

(2) A Court having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

(3) Where a receiving order has been made in any of the said High Courts of Judicature under this Act, the Judge by whom such order was made shall have power, if he sees fit, without any further consent, to order the transfer to such Judge of any suit or action by or against the bankrupt pending before any other Judge or Judges of the Court.

(4) Where default is made by a trustee, debtor or other person in obeying any order or direction given by the Court or by an official receiver or any other officer of the Court under any power conferred by this Act, the Court may, on the application of the official receiver or other duly authorised person, order such defaulting trustee, debtor or person to comply with the order or direction so given; and the Court may also, if it shall think fit, upon any such application, make an immediate order for the commitment of such defaulting trustee, debtor or other person if in British India. Provided that the power given by this sub-section shall be deemed to be in addition to and not in substitution for any other right or remedy in respect of such default.

*Appeals.*

**91. (1)** Every Court having jurisdiction in bankruptcy under this Act may review, rescind or vary any order made by it, under its bankruptcy jurisdiction.

(2) Orders in bankruptcy matters shall, at the instance of any person aggrieved, be subject to appeal as follows:—

(a) an appeal shall lie from the order of a single Judge of one of the said High Courts of Judicature to the High Court;



*The Indian Bankruptcy Bill, 1885.**(Part VII.—Small Bankruptcies.—Part VIII.—Fraudulent Debtors and Creditors.—Sections 92-105.)*

- (b) an appeal shall lie from the order of the Court of the Recorder of Rangoon to the Special Court;
- (c) an appeal shall lie from the order of a Court appointed by a Local Government under section 82 to the High Court of the province;
- (d) no appeal shall be entertained except in conformity with such general rules as may for the time being be in force in relation to the appeal.

*Procedure.*

92. (1) Subject to the provisions of this Act and to general rules, the costs of and incidental to any proceeding in Court under this Act shall be in the discretion of the Court.

(2) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it may think fit to impose.

(3) The Court may at any time amend any written process or proceeding under this Act upon such terms, if any, as it may think fit to impose.

(4) Where by this Act or by general rules the time for doing any act or thing is limited, the Court may extend the time either before or after the expiration thereof, upon such terms, if any, as the Court may think fit to impose.

(5) Subject to general rules, the Court may in any matter take the whole or any part of the evidence either *ex parte* or by interrogatories, or upon affidavit, or by commission beyond the limits of British India.

(6) For the purpose of approving a composition or scheme by joint debtors, the Court may, if it thinks fit, and on the report of the official receiver that it is expedient so to do, dispense with the public examination of one of such joint debtors if he is unavoidably prevented from attending the examination by illness or absence abroad.

93. Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the Court may consolidate the proceedings, or any of them, on such terms as the Court thinks fit.

94. Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of the petitioning creditor.

95. If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive.

96. The Court may at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court may think just.

97. Any creditor whose debtor is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others.

98. Where there are more respondents than one to a petition, the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

99. Where a receiving order has been made on a bankruptcy petition against or by one member of a partnership, any other bankruptcy petition against or by a member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution; and if a trustee has been appointed in respect of the property of the first-mentioned member of the partnership, the same trustee shall, unless the Court otherwise directs, be appointed in respect of the property of the last-mentioned member, and the Court may give such directions for consolidating the proceedings under the petitions as it thinks just.

100. Where a member of a partnership is adjudged bankrupt, the Court may authorise the trustee to commence and prosecute any suit or action in the names of the trustee and of the bankrupt's partner; and any release by such partner of the debt or demand to which the action relates shall be void; but notice of the application for authority to commence the suit or action shall be given to him, and he may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of

the proceeds of the action, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the Court directs.

101. Where a bankrupt is a contractor in respect of any contract jointly with any person or persons, such person or persons may sue or be sued in respect of the contract without the joinder of the bankrupt.

102. Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings against under this Act in the name of the firm; but in such case the Court may, on application by any person interested, or for the names of the persons who are partners in such firm or the name of such person to be disclosed in such manner, and verified on oath, or otherwise as the Court may direct.

## PART VII.

## SMALL BANKRUPTCIES.

103. When a petition is presented by or against a debtor, or if the Court is satisfied by affidavit or otherwise, or the official receiver reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications:—

(a) if the debtor is a legal bankrupt, the official receiver shall be the trustee in the bankruptcy;

(b) there shall be no committee of inspection, but the official receiver may do with the permission of the Court all things which may be done by the trustee with the permission of the committee of inspection;

(c) such other modifications may be made in the provisions of this Act as may be prescribed by general rules with the view of saving expense and simplifying procedure; but nothing in this section shall prevent the modification of the provisions of this Act relating to the examination or discharge of the debtor.

Provided that the creditors may at any time, with the previous permission of the Court, by special resolution, resolve that some person other than the official receiver be appointed trustee in the bankruptcy, and thereupon the bankruptcy shall proceed as if an order for summary administration had not been made.

## PART VIII.

## FRAUDULENT DEBTORS AND CREDITORS.

104. (1) This part shall extend only to British India.

(2) "The Court" in this Part means the Court before which an accused person is tried.

(3) Nothing in this Part shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Part, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Part.

Provided that a person shall not be punished twice for the same offence.

105. Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with imprisonment which may extend to two years, or with fine, or with both; that is to say:—

(a) If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee administering his estate for the benefit of his creditors all his property, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expense of his family, unless the Court is satisfied that he had no intent to defraud;

(b) If he does not deliver up to such trustee, or as he directs, all such part of his property as is in his custody or under his control, and when he is required by law to deliver up, unless the Court is satisfied that he had no intent to defraud;

(c) If he does not deliver up to such trustee, or as he directs, all books, documents, papers and writings in his custody or under his control relating to his property or affairs, unless the Court is satisfied that he had no intent to defraud.

*The Indian Bankruptcy Bill, 1885.*  
(Part VIII.—Supplemental Provisions.—Sections 106-114.)

- (d) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he conceals any part of his property to the value of one hundred rupees or upwards, or conceals any debt due to or from him, unless the Court is satisfied that he had no intent to defraud:
- (e) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he fraudulently removes any part of his property of the value of one hundred rupees or upwards:
- (f) If he makes any material omission in any statement relating to his affairs, unless the Court is satisfied that he had no intent to defraud:
- (g) If knowing or believing that a false debt has been proved by any person under the bankruptcy, he fails for the period of a month to inform such trustee as aforesaid thereof:
- (h) If after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:
- (i) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he conceals, destroys, mutilates or falsifies, or is privy to the concealment, destruction, mutilation or falsification of, any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:
- (j) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:
- (k) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he fraudulently parts with, alters or makes any omission, or is privy to the fraudulently parting with, altering or making any omission, in any document affecting or relating to his property or affairs:
- (l) If after the presentation of a bankruptcy petition by or against him or at any meeting of his creditors within four months next before such presentation, he attempts to account for any part of his property by fictitious losses or expenses:
- (m) If while undischarged he obtains credit to the extent of two hundred rupees or upwards from any person without informing such person that he is an undischarged bankrupt:
- (n) If within four months next before the presentation of a bankruptcy petition by or against him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same:
- (o) If within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, obtains under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the Court is satisfied that he had no intent to defraud:
- (p) If within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, pawns, pledges or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless the Court is satisfied that he had no intent to defraud:
- (q) If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy:
106. If any person against whom a receiving order has been made under this Act after the presentation of a bankruptcy petition by or against him, or within four months before such presentation, quits British India and takes with him, or attempts or makes preparation for quitting British India and for taking with him, any part of his property to the amount of two hundred rupees or upwards, which ought by law to be divided amongst his creditors, he shall (unless the Court is satisfied that he had no intent to defraud) be punished with imprisonment which may extend to two years, or with fine, or with both.
107. Any person shall in each of the cases following be punished with imprisonment which may extend to one year, or with fine, or with both; that is to say,—
- (1) if in incurring any debt or liability he has obtained credit under false pretences, or by means of any other fraud;
- (2) if he has with intent to defraud his creditors, or any of them, made, or caused to be made, any gift, delivery or transfer of or any charge on his property;
- (3) if he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied decree or order for payment of money obtained against him.
108. If any creditor, in any bankruptcy composition or arrangement with his creditors, wilfully makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be punished with imprisonment which may extend to one year, or with fine, or with both.
109. Where a debtor makes any composition or arrangement with his creditors, he shall remain liable for the unpaid balance of debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting dividends.
110. Where the official receiver or a trustee in any bankruptcy reports to any Court exercising jurisdiction in bankruptcy that in his opinion a debtor against whom a receiving order has been made under this Act has been guilty of any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code, or where any such Court is satisfied upon the representation of any creditor or member of the committee of inspection that there is ground to believe that the debtor has been guilty of any offence as aforesaid, that Court shall, if it appears to it that there is a reasonable probability that the debtor may be convicted, order the official receiver or trustee to prosecute him for such offence.
111. Where a debtor has been guilty of any offence he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

## PART IX

### SUPPLEMENTAL PROVISIONS.

#### *Application of Act.*



*The Indian Bankruptcy Bill, 1885.*  
(Part IX.—Supplemental Provisions.—Sections 115-124.)

grant of probate or letters of administration, unless with the concurrence of the legal representative of the deceased debtor, or unless the petitioner proves to the satisfaction of the Court that the debtor committed an act of bankruptcy within three months prior to his decease.

(4) A petition for administration under this section shall not be presented to the Court after proceedings have been commenced in any Court of justice for the administration of the deceased debtor's estate; but the Court may, in such case, on the application of any creditor, and on proof that the estate is insolvent to pay its debts, transfer the proceedings to the Court exercising jurisdiction in bankruptcy, and thereupon such last-mentioned Court may, in the prescribed manner, make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(5) Upon an order being made for the administration of a deceased debtor's estate, the property of the debtor shall vest in the official receiver of the Court, as trustee thereof, and he shall forthwith proceed to realize and distribute the same in accordance with the provisions of this Act.

(6) With the modifications hereinafter mentioned, all the provisions of Part III of this Act, relating to the administration of the property of a bankrupt, shall, so far as the same are applicable, apply to the case of an administration order under this section in like manner as to an order of adjudication under this Act.

(7) In the administration of the property of the deceased debtor under an order of administration, the official receiver shall have regard to any claim by the legal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and about the debtor's estate, and such claims shall be deemed a preferential debt under the order, and be payable in full, out of the debtor's estate, in priority to all other debts.

(8) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the official receiver, after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of bankruptcy, such surplus shall be paid over to the legal representative of the deceased debtor's estate, or dealt with in such other manner as may be prescribed.

(9) Notice to the legal representative of a deceased debtor of the presentation by a creditor of a petition under this section shall, in the event of an order for administration being made thereon, be deemed to be equivalent to notice of an act of bankruptcy, and after such notice no payment or transfer of property made by the legal representative shall operate as a discharge to him as between himself and the official receiver; save as aforesaid nothing in this section shall invalidate any payment made or any act or thing done in good faith by the legal representative before the date of the order for administration.

(10) Unless the context otherwise requires, "Court," in this section, means the Court exercising jurisdiction in bankruptcy within the local limits of the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his decease; "creditor" means one or more creditors qualified to present a bankruptcy petition as in this Act provided.

(11) General rules, for carrying into effect the provisions of this section, may be made in the same manner and to the like effect and extent as in bankruptcy.

*General Rules.*

115. (1) The High Court of a province may, from time to time, with the concurrence of the Governor General in Council, make, revoke and alter general rules for carrying into effect the objects of this Act.

(2) All general rules made under the foregoing provisions of this section shall be judicially noticed, and shall have effect as if enacted by this Act.

(3) Such general rules as may be required for purposes of this Act may be made at any time after the passing of this Act.

(4) Provided that the said general rules so made, revoked or altered shall not extend the jurisdiction of the Court.

(5) After the commencement of this Act no general rule under the provisions of this section shall come into operation until the expiration of one month after the same has been made and issued.

*Fees and Remuneration.*

116. (1) The High Court of a province may, with the previous sanction of the Governor General in Council, from time to time prescribe a scale of fees and percentages to be charged for or in respect of proceedings under this Act, and direct by

whom and in what manner the same are to be collected, accounted for, and to what account they shall be paid.

(2) The High Court may, with the like sanction, from time to time fix the remuneration to be paid to the official receivers.

(3) This section shall come into operation on the passing of this Act.

*Evidence.*

117. (1) A copy of the *Gazette of India* or of a Local Gazette to be by Government, containing any notice inserted therein in pursuance of this Act or the rules made under this Act, shall be evidence of the facts stated in the notice. [46 & 47 Vic., c. 62, s. 132.]

(2) The production of a copy of the Gazette containing any notice of a receiving order, or of an order adjudging a debtor bankrupt, shall be conclusive evidence in all legal proceedings of the order having been duly made, and of its date.

118. (1) A minute of proceedings at a meeting of creditors under this Act, signed at the same time as the meeting, or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof. [46 & 47 Vic., c. 62, s. 133.]

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

119. Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate made by any Court having jurisdiction in bankruptcy, any instrument or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings, or other proceedings had under this Act, shall, if it appears to be sealed with the seal of any Court having jurisdiction in bankruptcy, or purports to be signed by any Judge thereof, or is certified as a true copy by any Registrar thereof, be receivable in evidence in all legal proceedings whatever. [46 & 47 Vic., c. 62, s. 134.]

120. Subject to general rules any affidavit may be used in a Bankruptcy Court if it is sworn— [11 & 12 Vic., c. 21, s. 68. 46 & 47 Vic., c. 62, s. 135.]

(1) in British India, before—

(a) any Court or Magistrate,

(b) any officer whom the High Court of a province may appoint in this behalf, or

(c) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf; [Act XIV of 1882, s. 197.]

(2) in England, before any person authorised to administer oaths in Her Majesty's High Court of Justice, or in the Court of Chancery of the County Palatine of Lancaster, or before any Registrar of a Bankruptcy Court, or before any officer of a Bankruptcy Court authorised in writing on that behalf by the Judge of the Court;

(3) in Scotland or in Ireland, before a Judge Ordinary, Magistrate or Justice of the Peace; and

(4) in any other place, before a Magistrate or Justice of the Peace or other person qualified to administer oaths in that place (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid by a British Minister or British Consul or Political Agent or by a notary public).

121. In case of the death of the debtor or his wife, or of a witness whose evidence has been received by any Court in any proceeding under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to. [46 & 47 Vic., c. 62, s. 136.]

122. Every Court having jurisdiction in bankruptcy under this Act shall have a seal describing the Court in such manner as may be directed by order of the High Court of the Province, and judicial notice shall be taken in all legal proceedings of the seal, and of the signature of the Judge or Registrar of any such Court having such jurisdiction. [11 & 12 Vic., c. 21, s. 69. 46 & 47 Vic., c. 62, s. 137.]

123. A certificate of the Court, that a person has been appointed trustee under this Act, shall be conclusive evidence of his appointment. [46 & 47 Vic., c. 62, s. 138.]

*Time.*

124. (1) Whereby this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that

*The Indian Bankruptcy Bill, 1885.*  
(Part IX.—Supplemental Provisions.—Sections 125-134.)

limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day, and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a day on which the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

(2) Where by this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a day on which the Court does not sit, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

*Notices.*

[46 & 47 Vic., c. 52, s. 142.] **125.** All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

*Formal Defects.*

[46 & 47 Vic., c. 52, s. 143.] **126.** (1) No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity, unless the Court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of that Court.

(2) No defect or irregularity in the appointment or election of a receiver, trustee or member of a committee of inspection shall vitiate any act done by him in good faith.

*Bankrupt Trustee.*

[46 & 47 Vic., c. 52, s. 147.] **127.** Where a bankrupt is a trustee within the Indian Trustee Act, 1850, section 35 of that Act shall have effect so as to authorize the appointment of a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

*Corporations, &c.*

[46 & 47 Vic., c. 52, s. 148.] **128.** For all or any of the purposes of this Act, a corporation may act by any of its officers, managers, partners, &c., authorised in that behalf under the seal of the corporation, a firm may act by any of its members; and a lunatic may act by his committee, curator bonis or manager, or, when the matter is one in respect of which he has been placed under the care of a Court of Wards, by that Court or such person as it may appoint in this behalf.

*Construction of former Acts, &c.*

[46 & 47 Vic., c. 52, s. 149 (2).] **129.** Where by any enactment or instrument reference is made to the 11 & 12 Vic., cap. 21 (an Act to consolidate and amend the Laws relating to Insolvent Debtors in India), the enactment or instrument shall be construed and have effect as if reference were made therein to the corresponding provisions of this Act.

[46 & 47 Vic., c. 52, s. 150.] **130.** The provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge shall bind the Crown.

[11 & 12 Vic., c. 21, s. 3. 46 & 47 Vic., c. 52, s. 151.] **131.** Nothing in this Act, or in any transfer of jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had at the commencement of this Act, and all solicitors or other persons who had the right of audience before the Courts for the Relief of Insolvent Debtors shall have the like right of audience in bankruptcy matters in the High Courts of Judicature aforesaid.

*Unclaimed Funds or Dividends.*

[4 & 47 Vic., c. 52, s. 162.] **132.** (1) Where the trustee, under any bankruptcy, composition or scheme pursuant to this Act, shall have under his control any unclaimed dividend which has remained unclaimed for more than six months, or where, after making a final dividend, such trustee shall have in his hands or under his control any unclaimed or undistributed moneys arising from the property of the debtor, he shall forthwith pay the same to the bankruptcy estates account of the Court. The treasury or bank at which the account is kept shall furnish him with a certificate of receipt of the money so paid, which shall be an effectual discharge to him in respect thereof.

(2) The Court, with the concurrence of the Governor General in Council, may, from time to time, appoint a person to collect and get in all such unclaimed or undistributed funds or dividends, and for the purposes of this section the Court shall have, and at the instance of the person so appointed or of its own motion may exercise, all the powers conferred by this Act with respect to the discovery and realization of the property of a debtor, and the provisions of Part I of this Act with respect thereto shall, with any necessary modifications, apply to proceedings under this section.

(3) The provisions of this section shall not, except as expressly declared herein, deprive any person of any larger or other right or remedy to which he may be entitled against such trustee.

(4) Any person claiming to be entitled to any moneys paid in to the bankruptcy estates account pursuant to this section may apply to the Court for an order for payment to him of the same; and the Court, if satisfied that the person claiming is entitled, shall make an order for the payment to such person of the sum due.

(5) The Court may, with the previous sanction of the Governor General in Council, at any time after the passing of this Act open the account referred to in this Act as the bankruptcy estates account.

*Interpretation.*

**133.** (1) In this Act, unless the context otherwise requires,—

"Province" means the territories under the administration of a Local Government

"High Court of the province" means the highest Civil Court of appeal for the province;

"the Court" means the Court having jurisdiction in bankruptcy under this Act;

"affidavit" includes declarations under any legislative enactment, affirmations and attestations on honour;

"available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made;

"debt provable in bankruptcy" or "provable debt" includes any debt or liability by this Act made provable in bankruptcy;

"general rules" include forms;

"oath" includes affirmation, declaration under any legislative enactment and attestation on honour;

"ordinary resolution" means a resolution decided by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution;

"prescribed" means prescribed by general rules within the meaning of this Act;

"property" includes money, goods, things in action, land and every description of property, whether moveable or immovable, also obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined;

"resolution" means ordinary resolution;

"secured creditor" means a person holding a mortgage, charge or lien on the property of the debtor, or any part thereof, as a security for a debt due to him from the debtor;

"schedule" means schedule to this Act;

"sheriff" includes any officer charged with the execution of a writ or other process;

"special resolution" means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution;

"trustee" means the trustee in bankruptcy of a debtor's estate, and includes the official receiver where no other person is appointed trustee of the estate.

(2) The schedules to this Act shall be construed and have effect as part of this Act.

*Repeal.*

**134.** (1) The enactments described in the third schedule are hereby repealed as from the commencement of this Act to the extent mentioned in that schedule. [46 & 47 Vic., c. 52, s. 160.]

(2) The repeal effected by this Act shall not affect—

(a) anything done or suffered before the commencement of this Act under any enactment repealed by this Act; nor

(b) any right or privilege acquired, or duty imposed, or liability or disqualification incurred, under any enactment so repealed; nor

(c) any fine, forfeiture or other punishment incurred or to be incurred in respect of any offence committed or to be committed against any enactment so repealed; nor

*The Indian Bankruptcy Bill, 1885.**(The First Schedule.—Meetings of Creditors.—The Second Schedule.—Proof of debts.)*

(d) the institution or continuance of any proceeding or other remedy, whether under any enactment so repealed or otherwise, for ascertaining any such liability or disqualification or enforcing or recovering any such fine, forfeiture or punishment as aforesaid.

(5) Notwithstanding the repeal effected by this Act, all proceedings in any Court or before a Judge of any Court under any of the enactments repealed pending at the commencement of this Act shall, except so far as any provision of this Act is expressly applied to pending proceedings, continue, and those enactments shall, except as aforesaid, apply thereto, as if this Act had not passed.

(4) The person for the time being holding the office of official receiver for any of the High Courts of Judicature aforesaid or for the Court of the Recorder of Rangoon shall, for the purposes of any such proceedings before that Court or any Judge thereof, be deemed to have been appointed official assignee under the said Act.

## THE FIRST SCHEDULE.

(See section 14.)

## MEETINGS OF CREDITORS.

1. The first meeting of creditors shall be summoned for a day not later than fourteen days after the date of the receiving order, unless the Court for any special reason deems it expedient that the meeting be summoned for a later day.

2. The official receiver shall summon the meeting by giving not less than seven days' notice of the time and place thereof in the prescribed manner.

3. The official receiver shall also, as soon as practicable, send to each creditor mentioned in the debtor's statement of affairs a notice of the time and place of the first meeting of creditors, accompanied by a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official receiver may think fit to make; but the proceedings at the first meeting shall not be invalidated by reason of any such notice or summary not having been sent or received before the meeting.

4. The meeting shall be held at such place as is in the opinion of the official receiver most convenient for the majority of the creditors.

5. The official receiver or the trustee may at any time summon a meeting of creditors, and shall do so whenever so directed by the Court, or so requested in writing by one-fourth in value of the creditors.

6. Meetings subsequent to the first meeting shall be summoned by sending notice of the time and place thereof to each creditor at the address given in his proof, or if he has not proved at the address given in the debtor's statement of affairs, or at such other address as may be known to the person summoning the meeting.

7. The official receiver, or some person nominated by him, shall be the chairman at every meeting: Provided that, if the Court so directs, the chairman at any meetings subsequent to the first shall be such person as the meeting by resolution appoint.

8. A person shall not be entitled to vote as a creditor at the first or any other meeting of creditors unless he has duly proved a debt provable in bankruptcy to be due to him from the debtor, and the proof has been duly lodged before the time appointed for the meeting.

9. A creditor shall not vote at any such meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

10. For the purpose of voting a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. If he votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

11. A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, as a security in his hands, and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof.

12. It shall be competent to the trustee or to the official receiver, within twenty-eight days after a proof estimating the value of a security as aforesaid has been made use of in voting at any meeting, to require the creditor to give up

the security for the benefit of the creditors generally on payment of the value so estimated, with an addition thereto of twenty per centum: Provided that, where a creditor has put a value on such security, he may at any time before he has been required to give up such security as aforesaid correct such valuation by a new proof, and deduct such new value from his debt, but in that case such addition of twenty per centum shall not be made if the trustee requires the security to be given up.

13. If a receiving order is made against one partner of a firm, any creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat.

14. The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether the proof of a creditor should be admitted or rejected, he shall mark the proof as objected to and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

15. A creditor may vote either in person or by proxy.

16. Every instrument of proxy shall be in the prescribed form, and shall be issued by the official receiver, or, after the appointment of a trustee, by the trustee, and every insertion therein shall be in the handwriting of the person giving the proxy.

17. A creditor may give a general proxy to his manager or clerk, or any other person in his regular employment. In such case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor.

18. A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof, for or against any specific resolution, or for or against any specified person as trustee, or member of a committee of inspection.

19. A proxy shall not be used unless it is deposited with the official receiver or trustee before the meeting at which it is to be used.

20. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a trustee or receiver in obtaining proxies, or in procuring the trusteeship or receivership, except by the direction of a meeting of creditors, the Court shall have power, if it think fit, to order that no remuneration shall be allowed to the person by whom or on whose behalf such solicitation may have been exercised, notwithstanding any resolution of the committee of inspection or of the creditors to the contrary.

21. A creditor may appoint the official receiver of the debtor's estate to act in manner prescribed as his general or special proxy.

22. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

23. A meeting shall not be competent to act for any purpose, except the election of a chairman, the proving of debts and the adjournment of the meeting, unless there are present, or represented thereat, at least three creditors, or all the creditors if the number does not exceed three.

24. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

25. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up, and fairly entered in a book kept for that purpose, and the minutes shall be signed by him or by the chairman of the next ensuing meeting.

26. No person acting either under a general or special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor rateably with the other creditors of the debtor: Provided that, where any person holds special proxies to vote for the appointment of himself as trustee, he may use the said proxies and vote accordingly.

## THE SECOND SCHEDULE.

(See section 33.)

## PROOF OF DEBTS.

*Proof in ordinary cases.*

1. Every creditor shall prove his debt as soon as may be after the making of a receiving order.

2. A debt may be proved by delivering or sending through the post in a prepaid letter to the official receiver,

*The Indian Bankruptcy Bill, 1880.  
(The Third Schedule.—Enactments repealed.)*

or, if a trustee has been appointed, to the trustee, an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The official receiver or trustee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt, unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors before the first meeting, and at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount, not exceeding five per centum on the net amount of his claim, which he may have agreed to allow for payment in cash.

*Proof by secured Creditors.*

9. If a secured creditor realizes his security, he may prove for the balance due to him, after deducting the net amount realized.

10. If a secured creditor surrenders his security to the official receiver or trustee for the general benefit of the creditors, he may prove for his whole debt.

11. If a secured creditor does not either realize or surrender his security, he shall, before ranking for dividend, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. (a) Where a security is so valued the trustee may at any time redeem it on payment to the creditor of the assessed value.

(b) If the trustee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the trustee, or as, in default of such agreement, the Court may direct. If the sale be by public auction, the creditor, or the trustee on behalf of the estate, may bid or purchase.

(c) Provided that the creditor may at any time, by notice in writing, require the trustee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the trustee does not, within six months after receiving the notice, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it; and the equity of redemption, or any other interest in the property comprised in the security which is vested in the trustee, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

13. Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the trustee, or the Court, that the valuation and proof were made *bona fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor and upon such terms as the Court shall order, unless the trustee shall allow the amendment without an application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rule, the creditor shall forthwith repay any surplus dividend which he may have received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he may have failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realizes it, or if it is realized under the provisions of Rule 12, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

16. If a secured creditor does not comply with the foregoing rules, he shall be excluded from all share in any dividend.

17. Subject to the provisions of Rule 12, a creditor shall in no case receive more than sixteen annas in the rupee and interest as provided by this Act.

*Proof in respect of Distinct Contracts.*

18. If a debtor was at the date of the receiving order able in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor, and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of the contracts against the parties respectively liable on the contracts.

*Periodical Payments.*

19. When any rent or other payment falls due at stated periods, and the receiving order is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of the order as if the rent or payment grew due from day to day.

*Interest.*

20. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for and which is over due at the date of the receiving order and provable in bankruptcy, the creditor may prove for interest at a rate not exceeding four per centum per annum to the date of the order from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and, if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

*Debt payable at a future time.*

21. A creditor may prove for a debt not payable when the debtor committed an act of bankruptcy as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted.

*Admission or Rejection of Proofs.*

22. The trustee shall examine every proof and he grounds of the debt, and in writing admit or reject it in whole or in part, or require further evidence in support of it. If he rejects a proof, he shall state in writing to the creditor the grounds of the rejection.

23. If the trustee thinks that a proof has been improperly admitted, the Court may, on the application of the trustee, after notice to the creditor who made the proof, exchange the proof or reduce its amount.

24. If a creditor is dissatisfied with the decision of the trustee in respect of a proof, the Court may, on the application of the creditor, reverse or vary the decision.

25. The Court may also exchange or reduce a proof upon the application of a creditor if the trustee declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

26. For the purpose of any of his duties in relation to proofs, the trustee may administer oaths and take affidavits.

27. The official receiver, before the appointment of a trustee, shall have all the powers of a trustee with respect to the examination, admission and rejection of proofs, and any act or decision of his in relation thereto shall be subject to the like appeal.

**THE THIRD SCHEDULE.**

(See section 134.)

**ENACTMENTS REPEALED**

*A—Statute repealed.*

Year and Chapter	Title.	Extent of repeal.
11 & 12 Vic., c. 21.	An Act to consolidate and amend the Laws relating to Insolvent Debtors in India.	So much as has not been repealed.

*B—Acts repealed.*

Number and year.	Subject or title.	Extent of repeal.
XXVII of 1841.	An Act for appropriating the unclaimed Dividends on Insolvent Estates.	So much as has not been repealed.
XVII of 1875.	The Burma Courts Act, 1875.	Section 66.

Drafts referred to in paragraph 5 of despatch to Her Majesty's Secretary of State, No. 32, dated 12th June, 1885.

### DRAFT ACT OF PARLIAMENT NO. 1.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Indian Bankruptcy (Extension of Powers) Act, 1885.

2. This Act shall have the same extent as the Bankruptcy Act, 1883.

Extent.

3. If the Governor General of India in Council by any law passed at a meeting for the purpose of making laws and regulations in accordance with the provisions of the Indian Councils Act, 1861, as amended by subsequent Acts, applies or adapts any of the provisions of the Bankruptcy Act, 1883, or of any Act amending, supplementing or substituted for the same, to any of the following cases, namely:—

(a) the case of any debtor who at the time when proceedings in bankruptcy are commenced by or against him is in prison in British India under a decree of a Civil Court for non-payment of money, or within a year before that time has ordinarily resided or had a dwelling-house or place of business in British India; or

(b) the case of any deceased debtor who resided or carried on business in British India for the greater part of the six months immediately before his decease,

the provisions so applied or adapted shall, except so far as their local operation is expressly limited by that law, have effect beyond the limits of British India as if they had been enacted by this Act, and shall be taken notice of by all Courts of Justice in the same manner as if they were the provisions of a public Act of Parliament.

4. Where under any such law a receiving order or a liquidation of bankruptcy is made against a debtor, or an order is made for the administration in bankruptcy of the estate of a deceased person who dies insolvent, the provisions of the Bankruptcy Act, 1883, specified in the schedule to this Act shall apply to such parts of the debtor's property or deceased debtor's estate as may be situate in England as if the order or adjudication had been made in England.

5. The certificate of appointment of a trustee issued under any such law shall, for the purposes of any law in force in any part of the British dominions beyond the limits of British India requiring registration, enrolment or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly.

### THE SCHEDULE.

PROVISIONS OF THE BANKRUPTCY ACT, 1883, REFERRED TO IN SECTION 4.

Section 45

Section 46.

Section 50, sub-sections (2) and (4).

Section 42.

Section 55

Section 56, sub-section (f)

Section 70, sub-section (2) except in so far as it refers to the Board of Trade.

### DRAFT ACT OF PARLIAMENT NO. II

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Indian Bankruptcy (Extension of Powers) Act, 1885.

Short title

2. (1) The Governor General of India in Council shall have power, subject to the provisions contained in the Indian Councils Act, 1861, as amended by subsequent Acts, at meetings for the purpose of making laws and regulations, to make laws applying or adapting any of the provisions of the Bankruptcy Act, 1883, or any other Act amending, supplementing or passed in substitution for the same.—

(a) to the case of any debtor who at the time when proceedings in bankruptcy are commenced by

or against him is in prison in British India under an order of a Civil Court for non-payment of money, or within a year before that time has ordinarily resided or had a dwelling-house or place of business in British India; or

(b) to the case of any deceased debtor who resided or carried on business in British India for the greater part of the six months immediately prior to his decease.

(2) Every such law shall have effect beyond the limits of British India to the extent and in the manner by this Act provided, it shall be taken notice of by all Courts of Justice in the same manner as if it were a public Act of Parliament, and its operation shall not be affected by the repeal or amendment of the Bankruptcy Act, 1883, or of any other Act as aforesaid.

Certain orders and proceedings under such laws and provisions thereof to have effect throughout British dominions.

3. (1) The following orders and proceedings under any such law shall have, as nearly as may be, the same effect throughout the British dominions as in British India, that is to say:—

(a) a receiving order and the rescission of the same.

(b) the appointment of an official receiver as interim receiver, and the appointment of a special manager of the debtor's estate or business;

(c) the acceptance and approval of a composition or scheme, and the annulment of a composition or scheme;

(d) an adjudication of bankruptcy, the annulment of such an adjudication and any order passed thereon vesting the property of the bankrupt in him or in any other person;

(e) the appointment, removal and release of a trustee in a bankruptcy or under or in pursuance of a composition or scheme, and the revocation of any such release;

(f) an order of discharge and the revocation of any such order;

(g) the decision of a Court on any question of law or fact; and

(h) an order for the administration in bankruptcy of a deceased person's estate.

(2) The provisions of any such law defining the status, powers, rights and duties of an official receiver, an interim receiver, a special manager or a trustee in bankruptcy, or under or in pursuance of a composition or scheme, or prescribing any rule of evidence, shall have, as nearly as may be, the same force throughout the British dominions as in British India.

(3) Provided that when under any such law a receiving order has been made against a person or he has been adjudged bankrupt, or an order has been made for the administration of the estate of a deceased person who dies insolvent, sections 15, 46, sub-sections (2) and (4) of section 50, section 52, section 55, sub-section (5) of section 56, and (except in so far as it refers to the Board of Trade), sub-section (2) of section 70 of the Bankruptcy Act, 1883, shall, so far as they are applicable, apply in respect of such portion of his property or estate as is situate in England in the same manner as if the order or adjudication had been made under that Act.

4. The certificate of appointment of a trustee issued under any such law shall, for the purposes of any law in force in any part of the British dominions beyond the limits of British India requiring registration, enrolment or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly.

5. No action for a dividend shall be against a trustee under any such law in any Court in the British dominions.

6. Any Court in the British dominions beyond the limits of British India in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor under any such law, either stay the proceedings or allow them to continue on such terms as it may think just.

\* The provisions of the Bankruptcy Act, 1883, mentioned in this proviso either will not be reproduced in the Indian Act or will be reproduced in such a form that they would be unsuitable for application to property in England.



From the Right Hon'ble Her Majesty's Secretary of State for India, to His Excellency the Right Hon'ble the Governor General of India in Council,—(No. 41, dated 19th November, 1885).

I HAVE considered in Council the letter of Your Excellency in Council No. 32, dated 12th of June last, forwarding, with connected papers, a copy of the proposed Indian Bankruptcy Bill and of two alternative drafts prepared with a view to obtaining the Act of Parliament necessary for carrying out your proposals with respect to that Bill.

2. I have thought it right to consult the Board of Trade on the subject, and I now forward, for the information of your Lordship in Council, a copy of the correspondence noted in the margin which has taken place with that office.

India Office, to Board of Trade, 6th August, 1885.  
Board of Trade, to India Office, 19th October, 1885.

3. As regards the necessary Parliamentary legislation, I think there may possibly be some difficulty in obtaining, in the first instance, an Act of Parliament such as the Draft No. 1 conferring upon the Governor General's Council the large powers required. That difficulty, however, would probably be much diminished if the scope of the Act of Parliament were extended so as to include the Colonial Governments in the manner suggested by the Board of Trade. The precise shape, however, which legislation in this country should assume cannot be finally determined pending the decision on the proposal of the Board of Trade, respecting which it will be seen that the Board is in communication with the Colonial Office.

4. Your Lordship in Council is desirous of proceeding with the Bill during the coming sittings in Calcutta and passing it through the stages at which discussion is likely to arise before the return of the Government to Simla next year, the final stages of the Bill being deferred until the requisite Parliamentary legislation is completed. To this course I see no objection. The Bill seems well calculated to effect the reforms which experience has shown to be necessary, and I have no doubt that in passing it through the Council you will derive much assistance from the criticisms which you have invited upon it from the judicial authorities and commercial bodies who are especially familiar with the subject.

From J. A. GODLEY, Esq., Permanent Under-Secretary of State for India, to Secretary, Board of Trade,—(No. 1234—85, dated 6th August, 1885).

I AM directed by the Secretary of State for India in Council to transmit, for the information of the Board of Trade, a copy of a despatch received from the Government of India, dated the 12th of June last, with enclosures, namely, (1) a copy of a Bill which it is proposed to introduce in the Legislative Council of the Governor General of India for the purpose of adapting the English Bankruptcy Act of 1883 to Indian circumstances; (2) a copy of the Statement of Objects and Reasons appended to that Bill; and (3) copies of two Draft Bills, one of which (preferably the Draft marked No. 1), it is suggested, should be passed as an Act of Parliament, entitled the "Indian Bankruptcy (Extension of Powers) Act, 1885."

The present law relating to insolvents in India, as it is to be found in the Statute 11 & 12 Vic., cap. 21, is very defective, and frequent proposals for its amendment have been made from time to time. The subject has recently been again very carefully considered, with the result that the Governor General in Council now proposes that an Act of the Indian Legislature should be passed adapting the English Bankruptcy Act of 1883 to India with the necessary modifications, and that in order to give full effect to the provisions of that measure an Act of Parliament should, in the first instance, be obtained (on the terms of Draft No. 1) conferring upon the Council of the Governor General the extended powers which are necessary to give effect beyond the limits of British India to such of the provisions of the proposed Indian Bankruptcy Act as ought to have operation beyond those limits.

I am to say that in requesting the attention of the Board of Trade to these proposed measures, and to paragraphs 4 to 9 of the despatch from the Governor General in Council Lord Randolph Churchill does not suggest that the Board should undertake the labour of considering the details of the Bill to be introduced in the Council in India, except so far as may be necessary with reference to the question of the provisions of that Bill having effect beyond the limits of British India, his Lordship's object being to obtain the opinion of the Board as to the proposal (which, as at present advised, he is inclined to approve) that an Act of Parliament based upon Draft No. 1 should be applied for.

From R. GIFFEN, Esq., Secretary, Board of Trade, to Under-Secretary of State for India,—(No. J. & P. 1933—85, dated 19th October, 1885).

I AM directed by the Board of Trade to acknowledge the receipt of your letter of 6th August last, transmitting, by direction of the Secretary of State for India in Council, copy of a despatch, with its enclosures, from the Government of India, with reference to a proposal to introduce a Bill in the Legislative Council of the Governor General for the purpose of adapting the English Bankruptcy Act of 1883 to Indian circumstances.

The Board observe that Lord Randolph Churchill desires to be informed of their opinion as to the suggestion that an Act of Parliament should be obtained conferring upon the Governor General in Council the extended powers which appear to be necessary in order to give effect in other portions of Her Majesty's dominions to such of the provisions of the proposed Indian Bankruptcy Act as ought to have operation beyond the limits of British India. With reference to this point I am to request that you will be good enough to inform His Lordship that the Board of Trade see no objection to the proposed draft Bill No. 1 which accompanied your letter and which has been framed with this object.

The consideration of this matter has, however, given rise to a further question as to the desirability of obtaining a general enactment which should enable the Courts of the United Kingdom or any of the colonies or possessions to give effect to the provisions of the bankruptcy laws of any other part of the British Empire, as is now the case under the provisions of sections 117-119 of the English Act with regard to the different portions of the United Kingdom. Another point which appears also to call for attention in putting forward any suggestion for a general enactment such as that referred to is the advisability of obtaining power to extend, if necessary, the provisions of section 14 of the Bankruptcy Act of 1883 with a view to enabling the Courts having bankruptcy jurisdiction in this country to suspend proceedings in cases occurring where, in the opinion of such Courts, India or any other portion of the British Empire would more properly be the place for such proceedings, and also to confer upon Indian and Colonial Courts the exercise of similar power where it is obvious that the proceedings should be held in any other portion of Her Majesty's dominions.

These, however, are points upon which the Board of Trade are unable to express any decided opinion without a reference to, and consultation with, the Colonial Office, more especially as a manifest difficulty arises in connection with the self-governing colonies. The Board have, therefore, caused a copy of your letter and its enclosures, and also a copy of this communication, to be forwarded to the Secretary of State for the Colonies, in order to ascertain whether it would be considered expedient by the Colonial Office that a Bill should be brought before Parliament with a view to obtaining uniformity of procedure in all the Crown colonies in the matter of

proceedings similar in nature to those which the draft Bill No. I which accompanied your letter is designed to cover as regards Indian cases, or to concur in a more general Bill with that object which would include India as well as the colonies. The Board have also suggested to the Secretary of State the desirability of recommending the subject to the authorities of the self-governing colonies in the event of the course proposed being found practicable.

As soon as a reply is received from the Colonial Office the Board will cause a further communication to be addressed to you upon the matter.

It may of course prove undesirable to delay the Bill relating to India in order to include the colonies, but it appears desirable in the first instance to obtain the opinion of the Colonial Office on the question and to ascertain whether the proposal to include them will involve delay.

Extract from a Demi-official letter from S. DIGNAM, Esq., to the Hon'ble MR. C. P. ILBERT,  
—(dated Calcutta, the 23rd July, 1885.)

*Bankruptcy Bill.*

I HAVE been acting as attorney for the Official Assignee of the Court for Relief of Insolvent debtors at Calcutta for a period of nearly twenty years, and have necessarily had considerable experience on the working of the existing Act. I have lately seen in the *Times of India* a copy of the draft Objects and Reasons accompanying the draft Bill now under consideration, and observe that it runs closely on the lines of the Bankruptcy Act, 1883, with which I am to great extent familiar, and some of the provisions of which, namely, as to proof of debts, I consider, already apply to India, under section 40 of the existing Insolvency Act, 11 & 12 Vic., c. 21—

*Gray v. Chick*, Coryton 136.  
*Re Shib Chundra Mullick*, 8 B. L. R. 30.  
*Re Parke Pittar*, 8 .. 118.  
*Re Howard Brothers*, 13 .. (App.) 9.  
*Re T. Agabeg*, 12 Cal. Rep. 165.

And it appears to me that an Act framed on the Bankruptcy Act, 1883, will be a great improvement on the existing Act, and will relieve the Court of a great deal of detail business which can as well be done (if not better) by the Official Receiver.

Some of the provisions of the Act of 1883 are, however, in my opinion, not suited to this country, such as the meeting of creditors under section 15, and the appointment of a private trustee under section 21, of the Act of 1883.

I should much like to peruse the draft Bill, and, if you see no objection thereto, to be furnished with a copy thereof and of the draft Objects and Reasons.

It has always been a matter of surprise to me that no Act analogous to the Bills of Sale Acts, 1854 and 1866 (re-enacted with alterations by the Bills of Sale Act, 1878—41 & 42 Vic., cap. 31), has been passed in India. It is a matter of every day experience to find the whole of the stock-in-trade of an insolvent assigned to some bank, or other individual creditor, who, if he gets wind of the insolvency-proceedings, takes possession before a vesting order can be made by the Court, and so sweeps off the whole of the assets.

Registration is at present voluntary only, but even if the parties to the bill of sale agreed to register, the public would be none the wiser, as Book 1 of the register, which is confined to transfers of immoveable property, is the only register which the public are entitled to search.

I drew the attention of my friend Mr. Pitt-Kennedy, when he was in the Legislative Council, and also of Mr. Whitley Stokes, to this, but nothing has ever been done to remove this evil.

I venture to bring this matter to your notice now, as such a Bill as is required would be a valuable adjunct to the proposed new Bankruptcy Law.

From Chief Secretary to Government, Madras, to Secretary to Government of India,  
Legislative Department,—(No. 2551, dated 22nd September, 1885).

With reference to your letter of the 17th June last, No. 1039, I am directed to forward copy of the opinions of the Hon'ble Mr. Justice Handley, the Advocate General, the Chamber of Commerce and of certain selected officers on the draft Bill to amend the law of Bankruptcy and Insolvency in British India, and to state that His Excellency the Governor in Council approves generally of the provisions of the Bill.

2. With reference to the remarks contained in the minute of Mr. Justice Handley the views of the other Hon'ble Judges will be requested upon the point raised by him, and any remarks which they may offer will be communicated in due course.

From the Government Solicitor, Madras, to Chief Secretary to Government, Madras,—(No. 261, dated 27th July, 1885).

ABSTRACT.—Forwarding the following opinion of the Advocate General, dated 27th July 1885.—

*Opinion.*

With reference to the order of Government, Judicial department, dated the 30th June, 1885, No. 1722, have the honour to make the following observations upon the Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

2. From sections 5 and 7 read in conjunction with section 82, it appears that the provisions of the Bill are not applicable to up-country traders not having a place of business in one of the towns named in section 82. Now, as there must be many instances of traders, European and Native, so circumstanced for whom in the event of their failure the machinery of this Bill would be more fitted than that of the Procedure Code, I would suggest that an exceptional jurisdiction should be given to the High Court in such cases. The jurisdiction might be limited by reference to the amount of the debts and to the proportion of the creditors not residing within the jurisdiction of the Court to which the debtor would ordinarily be subject.

3. With a view to the common case of the wealthy member of a firm keeping in the back-ground and allowing a comparative pauper, in whose name the business has been carried on, to file his petition and schedule, I would suggest that the debtor be expressly required to disclose the name of his partners, and that concealment of the existence of partners should be made penal. This disclosure is required in the case which section 102 is designed to serve. Where proceedings are taken in the name of a firm under that section, I apprehend that only the persons named as members of the firm could obtain their discharge. All who desire to obtain their discharge as members of a firm would thus, in their own interest, take care that their names were disclosed. It is not clear, therefore, why, for the case to which section 102 applies, provision for the disclosure of partners, names should be made, and why it should not be extended to all cases indifferently.



4. Unless I have misunderstood the Bill, it seems that the secured creditor may, notwithstanding that the property was vested in a trustee under the Act, still proceed to realize his security. If this is so, I would ask why he is not protected against the operation of section 40.

5. I would suggest, too, that the phrase "secured creditor," which is used in section 8 (2), in section 33 and in the rules should also be used in section 39.

(Signed) H. H. SHEPHARD,  
Acting Advocate-General.

From R. S. BENSON, Esq., Acting Registrar, High Court, Madras, to Chief Secretary to Government, Madras,—(No. 2136, dated 31st July, 1885).

WITH reference to G. O., dated the 30th June, 1885, No. 1722, Judicial, forwarding, for the opinion of the Hon'ble the Judges, copies of the draft Bill to amend the Law of Bankruptcy and Insolvency in British India with draft statement of Objects and Reasons, I am directed to state that Messrs. Hutchins and Parker, J.J., have no observations to offer on the Bill.

2. Any minutes that may be recorded by the Hon'ble the Officiating Chief Justice and the other Judges will be forwarded hereafter.

From the HON'BLE T. RAMA ROW, to Chief Secretary to Government, Madras,—(dated 1st August, 1885).

WITH reference to the order of Government, dated 30th June 1885, No. 1722, Judicial, I have the honour to submit the following memorandum containing my opinion on the provisions of the Bill to amend the Law of Indian Bankruptcy and Insolvency.

2. It is an admitted fact that the present insolvency law of the Presidency towns, namely, 11 & 12 Vic., cap. 21, is very cumbersome and defective, and I am glad to find that the bill in question has been very properly prepared in conformity with the latest English Statute, 46 & 47 Vic., cap. 52, inasmuch as the various decisions of the English Courts on that Statute can serve as a safe guide to the construction of doubtful and difficult parts of the Bill.

3. In section 88 of the Bill provision is made for the delegation to a Judge of the Presidency Small Cause Court by the High Court of its insolvency jurisdiction within certain limits. Thus, I think, was very much needed, and will enable the High Court to transfer to the Court of Small Causes all petty business in the matters of insolvency. Further, the Small Cause Court at Madras did formerly possess this insolvency jurisdiction, and the present Bill simply restores this power, of which it has been recently deprived by legislation.

4. Having made these general observations, I now proceed to make a few remarks on certain sections of the Bill having in view the peculiar circumstances and status of the people in India.

5. *Section 5 (1) a.*—A creditor under this clause cannot present a bankruptcy petition against a debtor, unless the debt due to him amounts to Rs. 500. It is true that the English Statute, 46 & 47 Vic., cap. 52, section 6, contains similar provision, and fixes the amount to £ 50, but considering the nature and extent of dealings among Hindus and the provisions in the Bill restoring the insolvency jurisdiction to the Presidency Small Cause Courts, I think the amount may be reduced to Rs. 250.

*Section 15, sub-section (1).*—All the penal clauses in the Bill appear in Part VIII. I therefore suggest that the penal clauses in the latter part of the sub-section may conveniently be inserted in Part VIII.

*Section 27, sub-section (3), clause (a)*—I believe that the present Bill is intended to include within its scope the cases of insolvents who are not traders. If so, I think it is very desirable that some distinction should be made between these two classes of people in the matter of production of books of account, &c.

As a general rule, very few people who are not traders keep any account of their income and expenditure, and it will be a very great hardship to refuse an order of discharge to such people, simply because they failed to keep proper books of account showing their financial position within three years preceding their bankruptcy.

*Section 34, sub-section (1), clauses (b) & (c)*—The phraseology in these clauses is almost the same as in the corresponding section of the English statute, only altering £ 50 to Rs. 500. Considering the comparative cheapness of labour and wages of servants in India, I think that in the distribution of the property of a bankrupt, priority and a third part should be limited to Rs. 200 and not more.

*Section 38, sub-section (1)*—No doubt the tools (if any) of a bankrupt's trade and the necessary wearing-apparel and bedding of himself, his wife and children should be exempted from the division of his property amongst his creditors; but the only question here is to what extent the exemption should be limited. I think the sum of Rs. 200 is too much, and it may be reduced to Rs. 50.

*Section 65, sub-section (4)*—I do not think that a trustee should be allowed to retain any sum exceeding Rs. 250, without special authority from the Court. This sub-section, as it now stands, fixes one for all the rate of interest payable by the trustee as penalty on the excess amount retained by him. I think it would be better to leave to the discretion of the Court to settle the rate of interest in each case, but fixing the maximum rate only in the Bill.

*Section 112*—This section reads "a married woman subject to this Act in respect of her separate property." I do not find any definition of "separate property" in the Bill. The words "separate property," when applied to an English woman, are well understood, but serious difficulties will arise the moment we begin to apply the same to Hindu women. No doubt, section 2 of Act III of 1874 contains a definition of the words "separate property," but that enactment has no application whatever to the cases of married women professing Hindu or Muhammadan faith, &c. Further, the said definition does not include all kinds of *siddhanam* property of a Hindu married woman. There are several kinds of *siddhanam* property under Hindu law, and a Hindu woman does not possess the same powers of disposal, alienation and enjoyment over all of them. Again, the Hindu law, as administered in Bengal and Bombay on this subject, most materially differs on some very essential points from the law of this Presidency. I therefore think this section must be altered to meet all these difficulties.

*Section 131*—This section does not allow vakils to appear for bankrupts before the High Courts in the exercise of their insolvency jurisdiction. In Madras, vakils have been allowed to appear and act on behalf of all suitors in the High Court in the exercise of its ordinary original civil jurisdiction, and this concession appears to have been made owing to the comparatively indigent state of circumstances of suitors, and their inability to employ the double agency of a solicitor and barrister. It, therefore, appears to me nothing but just and charitable to permit bankrupts to employ vakils on their behalf, instead of compelling them to resort to the very expensive process of employing a double agency to defend their cause. I therefore propose that this section may be altered as follows:—"Nothing in this Act, or in any transfer of this jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had at the commencement of this Act, and all solicitors or other persons, who have the right of audience before the High Courts of Judicature in the exercise of their ordinary original civil jurisdiction, shall have the like right of audience in bankruptcy matters in the High Courts of Judicature aforesaid."

In Part VIII no provision is made for the punishment of a debtor who does not disclose the names of all his partners under section 102. I think that the concealment by a debtor of the existence of partners must be considered penal, inasmuch as it is a very common case for an affluent member of a firm to remain in the background and allow a pauper, in whose name the trade is carried on, to apply for the benefit of the Act.

From F. ROWLANDSON, Esq., Attorney-at-Law, Madras, to Chief Secretary to Government,  
—(dated 3rd August, 1885).

I HAVE the honour to forward, herewith, a memorandum on the draft Bill to amend, &c., the Law of Bankruptcy and Insolvency in British India.

#### Memorandum.

*Preliminary remarks.*—As only opinions on the provisions of the Bill submitted are asked for, it is probably not intended at this stage to open for discussion the necessity or expediency of passing an Insolvent Law in India which shall apply alike to the English speculator and the Hindu Chetti. Commercial tradition in Southern India asserts that the large and wealthy body of traders known as Nattacotti Chetties had not known the sin of insolvency but for the Insolvent Act.

The past history of the relations between commercial creditors and debtors amongst them differs *totally* from the cruel story of the causes which led English legislators to force upon English commerce an Act for the relief of insolvent debtors. Nor does the Native merchant recognise that necessity for the "whitewashing" of Basinghall Street which arises out of the Englishman's practical idolatry of the fetish "CREDIT."

No native, unless denaturalised by a business connection with Europeans, gives chance the place in his transaction which every European firm accords to it.

Where he gives credit against goods he sees them, when to an individual he goes into his circumstances in a way which is impossible to Englishmen.

The result is that no great crash amongst natives takes place. The wealthy man of one day has "bad luck," and his wealth goes to other, but no irrevocable ruin to either him or his creditors is worked. There is simply a change in relations. If a large trader fails in a Presidency-town, it will be found that the suffering creditors are Europeans, and this more especially where the bankrupt is himself a European. It is therefore no certain benefit that we give the native commerce of India in offering it a Bankruptcy Law of general application, and it would perhaps be better to let the similarity of procedure which Mr. Herbert alludes to in paragraph 9 of his "Statement of Objects and Reasons" be confined to a law which shall affect only those who trade in both the places he refers to on the same lines. It is, however, to be assumed that it is settled that a Bankruptcy Act is to be passed.

As far as I can form an opinion, the Bill now submitted will work well, but I offer the following remarks upon it.

*Section 4.*—Is it intended that this "receiving order" should have the same force as the "vesting order" under the old Insolvent Act? It would seem so, for it stays action on the part of creditors (section 8), and renders the debtor's alienation of property invalid (section 43 (1)). It is possible under section 19 for a receiving order to be made, a debtor to be adjudged bankrupt, and his property to be vested in the (receiver or other) trustee, all in one day, but such prompt action cannot be often expected.

It is possible for a receiver to be appointed, and whilst no property of the debtor is vested in such receiver, because no adjudication order has been made, the debtor is practically powerless to deal with his assets. In some cases, as, for example, where the debtor is a hotel-keeper doing a business which should be carried on for the benefit of the creditors, this position of affairs might seriously prejudice the value of the bankrupt's assets.

The old "vesting order" which (section 7 of Indian Insolvent Act) "*by virtue of this Act*" related back to and took effect from the filing of the petition by a debtor or creditor, prevented any possible hiatus in the title to the assets, such as it would seem may arise under the provisions of the Bill.

I note contents of section 37, section 47 and of section 9 (1), but until orders *by the Court* are made the provisions of these sections have no effect; whereas the old "vesting order" related back by virtue of the Act.

*Section 5 (1) (d) and section 7 (1).*—The use of the words "local limits" in these sections will be confusing, if not actually obstructive, where the High Court is concerned. A creditor who gets his debtor imprisoned in some small place will prevent his obtaining relief in bankruptcy by means of a debtor's petition, and a debtor who gets himself incarcerated in such a place by a colluding creditor will prevent his being adjudicated a bankrupt. For example, in the recent case of the insolvency of Stephenson, Nixon & Co., a firm trading at Cocanada and Gopalspur, but the bulk of whose unsecured creditors were in the Presidency-town of Madras, the case of no partner complied with the conditions as to "local limits" of the High Court of Madras. The words may have a special meaning attached to them in the Bill, but they already have an accepted meaning in connection with the High Courts. The confusion has been successfully avoided in the Probate and Administration Act of 1881, whereas in this Bill a possible clashing of jurisdictions had to be guarded against. The Bankruptcy Act, 1883, section 6 (1) (d), has "*England*," where this Bill has "*local limits*."

*Section 27 (2).*—Under this provision the Court will make allocations from income similar to those made under the Insolvent Act. The following difficulties have been experienced by the Official Assignee in working such orders. In one case an insolvent drawing between Rs. 300 and 400 a month was ordered to pay Rs. 84. He did so for a few months, and then wrote to say that the moiety of his salary had been attached by creditors subsequent to his insolvency, and that he could not make any more payments. In the majority of cases the Assignee every few months has had to enforce the order by the cumbrous process of obtaining first a rule nisi and then a rule absolute against the defaulter—a process which cost the estate Rs. 12 each time. To meet the contingencies I would suggest (1) that in the case of Government and quasi-Government employees the allocator do have the force of an attachment for a specified amount, probably one-third of the scheduled debts would be a proper sum to name; (2) that where the employers are private firms or individuals the creditors be compelled to name one of themselves as the trustee for the receipt and disbursement of the allocated amount and the enforcement of the order on default.

*Section 39.*—This provision is likely to give the trustee much trouble as it stands. The receiving or vesting order ought to override every other order of any Court which has not been given full effect to. For example, if assets have been sold under an execution order in pursuance of a decree, but the sale-proceeds have not passed out of the control of the Court ordering the execution, such sale-proceeds, subject to payment of expense, should pass to the trustee. The throwing on the trustee the onus of proving "notice" is objectionable, and a knowledge of the bankruptcy proceedings may safely be assumed.

*Section 42 (1).*—This section will be found to work mischievously in practice I fear, and I would omit the words from "if the person making" down to "or suffering the same" altogether. If the intention is to give an unfair preference, such intention should be absolutely defeated without reference to any question of time. I would illustrate my meaning by the following imaginary case—

X, Y & Co. carry on business in London, and have the reputation of wealth, X being on the board of W, an Exchange Bank having a branch in Madras. Y & Co. are a smaller firm carrying on business in the Madras Presidency and enjoying considerable credit because of their known connection with X, Y and Co., and

because they are known to have large credit with the W bank. X, Y & Co. stop payment in London, but for fifteen weeks Y & Co. in India struggle on and apparently have the W bank as much at their backs as ever. The 16th week after X, Y & Co. stopped, Y & Co. do the same, and then it proves that the W bank is more than sufficiently secured to the prejudice of the general body of creditors.

*Section 88.*—In Madras it will certainly prove a great benefit to delegate to a Small Cause Court Judge the disposal of a large percentage of bankruptcies.

It appears from the administration report of the High Court (now in the press) that out of 100 applications in the year 1884-85 only 28 were from traders and over seventy returned assets *nil*.

*Section 116.*—If the services of an efficient officer are to be secured for the post of Official Receiver it will be necessary—at all events in Madras—to make large estates that go into liquidation contribute. Liquidation should not be allowed except with permission of the Court, for the presence of bankruptcy proceedings to hold *in terrorem* over a debtor is an advantage to his creditors for which they are to pay, even if they wish to come to some private arrangement.

A clique of influential creditors will often secure the manipulation of a bankrupt estate for themselves, to the prejudice of the bankrupt himself and of the creditors outside the clique.

From R. S. BENSON, Esq., Acting Registrar, High Court, of Madras, to Chief Secretary to Government, Madras,—(No. 2266, dated 12th August, 1885).

In continuation of my letter, dated 31st ultimo, No. 2136, I have the honour to forward a transcript of the minute recorded by Mr. Justice Hanley on the draft Bill to amend the Law of Bankruptcy and Insolvency.

#### *Minute.*

I HAVE not had time to consider the details of the Bill, but there is one point on which I should wish to express an opinion, and that is on the powers proposed to be given under section 88 to the Judges of the Presidency Small Cause Court. I consider that the power of dealing with small insolvencies would be much better delegated to the Registrar or some other official of the High Court who will be constantly in the way of seeing the working of the Act by the High Court.

2. The Small Cause Court has not the machinery for discharging the duties of a Bankruptcy or Insolvency Court, and such duties would seriously interfere with the ordinary work of the Court, whereas the Registrar or other officer of the High Court would be always conversant with the practice of the High Court under the Act, and would have no difficulty in dealing with such cases himself.

3. My experience as a Judge of the Small Cause Court of the Insolvent Jurisdiction under the Act with which that Court was for a time entrusted is against again giving it a jurisdiction in bankruptcy or insolvency.

From J. A. BOYSON, Esq., Chairman, Chamber of Commerce, Madras, to Chief Secretary to Government, Madras,—(dated 9th September, 1885).

I HAVE now the honour to acknowledge receipt of the Proceedings of Government, Judicial Department, 30th June, No. 1722, and the accompanying copies of the draft Bill of the Government of India to amend the Law of Bankruptcy and Insolvency in British India.

2. The Chamber observes that this Bill is not designed to be of general application throughout British India, but it will for the present affect only the Presidency-towns and a few commercial centres in India and Burma, the number of which the Government reserves the right to increase.

3. It has been ascertained by the Chamber that the present Insolvency Law in India (11 & 12 Vic., cap. 21) came into operation on the 1st August 1848. Since that time there have been no alterations in the law in India, whilst in England the following five Acts have been passed:—

- (1) "The Bankrupt Law Consolidation Act, 1849" (12 & 13 Vic., cap. 106)
- (2) "The Bankruptcy Act, 1854" (17 & 18 Vic., cap. 119);
- (3) The Bankruptcy Act, 1861 (24 & 25 Vic., cap. 134);
- (4) The Bankruptcy Act, 1869 (32 & 33 Vic., cap. 71); and
- (5) The Bankruptcy Act, 1883 (46 & 47 Vic., cap. 52).

4. The present Indian Bankruptcy Bill has been prepared on the lines of the English Bankruptcy Act of 1883, which, as mentioned in the Statement of Objects and Reasons, embodies the accumulated experience of the thirty five years which have elapsed since the passing of the Indian Insolvency Act. As the Chamber cannot claim to have any practical experience of the working of the English Act, it would be presumptuous on its part to criticise the details of the present Bill. It may suffice, therefore, to point out one or two matters which might be provided for in an Indian Insolvency Act, but of which no notice is taken in the Bill.

5. There should, the Chamber considers, be only one insolvency law administered in the three Presidency-towns and in Rangoon, Moultain, Akyab, Bassein and such towns as the Act may be eventually extended to, and it is suggested that Chapter XX of the Civil Procedure Code should not apply to any Courts in those towns which have jurisdiction to administer the proposed new law.

6. It seems to the Chamber desirable that the High Court should have jurisdiction in insolvency matters over European British subjects within the jurisdiction of such High Court. Hitherto the Madras High Court has held that European British subjects residing in the Madras Presidency were entitled to petition the Court for the benefit of the Act. It is contemplated by the proposed Act to give jurisdiction only in cases where the debtor is in prison within the local limits of the High Court, or has, within a year before the date of the presentation of the petition, ordinarily resided or had a place of business within those limits. A European merchant up-country would, therefore, have to be arrested, and put into the civil goal before he could obtain the benefit of the Act.

7. The omission of section 116 (2) of the English Act, 1883, from the present Bill, is deprecated by the Chamber. The section is as follows:—"No Registrar, or Official Receiver, or other officer attached to any Court having jurisdiction in bankruptcy, shall, during his continuance in office, either directly or indirectly, by himself, his clerk, or partner, act as solicitor in any proceedings in bankruptcy, or in any prosecution of a debtor by order of the Court, and if he does so act he shall be liable to be dismissed from office." The Chamber is assured that experience has proved in England that this is a desirable clause.

8. I am further to suggest for consideration that some provision should be made to prevent proceedings in bankruptcy against a debtor continuing in two Courts at the same time. For instance, last year, in the High Court at Madras, a debtor was adjudicated an insolvent on the petition of a creditor; on the following day the debtor filed his petition in the High Court at Bombay, and insolvency proceedings have been going on ever since in both Courts. This must be an additional expense to all parties, and prove most inconvenient, for both Courts

have concurrent jurisdiction, and claim the right to wind up the affairs of the insolvent. Section 85 of the proposed Act does not meet a case of this sort, for it only deals with the transfer of proceedings from the High Court of a province to itself, or to any other Court appointed in the province under section 82.

9. It has been objected to the Bill that it is unsuitable to Madras, because the cases of a large majority of insolvents in this city are of a petty nature, involving no intricate points of law, or any points that the existing law, with a few amendments, would not amply meet. But as the Chamber could not reasonably ask for special legislation for this Presidency, and as it approves of the great advance that it is proposed to take in the direction of a clearly defined bankruptcy law for the trading centres of the whole country, it trusts that the Bill may become law, since it seems to the Chamber to be a very complete measure.

From W. MORGAN, Esq., Deputy Registrar, High Court of Judicature, Madras, to Acting Chief Secretary to Government, Madras,—(No. 2827, dated 24th October, 1885).

IN continuation of this Court's letters, dated the 31st July and 12th August, 1885, Nos. 2136 and 2236, respectively, I am directed to forward a transcript of the minute recorded by the Officiating Chief Justice on the draft Bill to amend the law of bankruptcy and insolvency in British India, with draft Statement of Objects and Reasons.

2. I am to state that Mr. Justice Muthusami Aiyar has no remarks to make.

#### Minute by Officiating Chief Justice, Madras.

The proposed Bill, being drafted on the lines of the last English Bankruptcy Bill, is a satisfactory and convenient guide and rule of law and practice, no doubt.

The following list will show the class of cases and of persons that are brought before the Insolvent Court in Madras.—

Year.	Merchants and amount of debts.	Petty merchants.	Government servants.	Private employees.	Pensioners.	Unemployed
1880	6 Rs. 21,221 15 8 78,316 15 10 9,081 12 8 1,25,280 0 0 2,03,016 9 10 73,101 0 0	19	17	73	11	30
1881	7 Rs. 1,19,513 1 8 16,123 8 6 8,097 0 0 8,115 5 9 32,952 5 0 24,973 5 3 21,721 2 1		21	63	6	21
1882	3 Rs. 2,858 9 9 35,174 3 1 85,821 7 9	12	48	80	12	33
1883	16 Rs. 24,504 8 10 1,919 9 4 4,194 6 9 5,312 10 9 7,55,677 13 4 9,721 0 5 5,151 14 10 3,060 3 1 9,876 13 0 53,600 0 0 10,504 4 8 2,80,316 10 3	4	30	90	11	60
1884	No schedules filed in four numbers. 6 Rs. 32,281 10 2 82,739 11 6 5,87,974 1 7 1,10,146 2 8 35,712 2 9 No schedule filed in one case.	5	38	99	12	55

1st.—It will be seen that the number of cases of traders owing large debts is small—about between 15 and 20 per cent. of the whole. In many of these trading cases there are no assets available. Some 70 or 80 per cent. of the rest of the cases are Government and other clerks, who have no means except their salaries.

2nd.—During the last 14 or 15 years I have been the Judge who principally presided on the Insolvent Court, and I have found that the present Insolvent Act was capable of being worked satisfactorily in the class of cases brought before the Court.

3rd.—Section 103 of the proposed Act will apply to most cases in Madras, as much of the procedure suitable for cases where the debts are large and assets considerable will be unsuitable.

4th.—In the proposed Bill power is given to a creditor to put the Court in motion and to force an act of bankruptcy (but only after decree).

5th.—However, to enable the creditor to prevent concealment by the debtor of property, I think the procedure formerly in use in England and Ireland of "trader debtor summons" would be very useful. The proposed Bill, however, does not contemplate such procedure, and that procedure has been designedly abandoned in the

**English Act.** A debtor, in many cases, indeed in most cases, when sued, defends, and in the meantime, or perhaps before suit, puts out of the reach of creditor his property. It is very difficult, however, to prove the fact so as to establish as an act of bankruptcy, and when a decree is obtained there is no property to seize.

674.—There are occasionally failures in the Mufassal of European and Native traders who possess considerable property, and it may be worth while considering whether, at the instance of creditors or in particular circumstances at the instance of the debtor, the parties might not be allowed to avail themselves of the new Act in the Court at Madras.

774.—It has happened several times that the Official Assignee has received large assets, and that the debtor then effects a settlement out of Court and annuls the insolvency by consent. I think it advisable to make provision that such cases should bear a portion of commission of the Official Assignee.

874.—I have read the proposed draft of the Act repealing the present Statute, and think it requires no observations.

From W. WILSON, Esq., Acting Chief Secretary to Government, Madras, to Secretary to Government of India, Legislative Department, —(No. 5093, dated 16th November, 1885).

I AM directed, in continuation of my letter of the 2nd September, 1885, No. 2554, to forward copy of a letter from the Registrar, High Court, containing the remarks of the other Judges on the opinion expressed by Mr. Justice Handley with reference to section 88 of the Bankruptcy and Insolvency Bill.

From H. T. ROSS, Esq., Acting Registrar, High Court of Judicature, Madras, to Acting Chief Secretary to Government, Madras,—(No. 2900, dated 4th November, 1885).

ADVERTISING to G. O. dated 22nd September 1885, No. 2553, Judicial, I am directed to state that the Officiating Chief Justice and the other Hon'ble Judges of the High Court find themselves unable to agree with Mr. Justice Handley in his suggestion that the powers proposed to be given under section 88 of the Bankruptcy and Insolvency Bill would be better delegated to the Registrar or some other official of the High Court than to a Judge of the Presidency Small Cause Court.

2. It is certainly necessary that the Judge who presides in Bankruptcy and Insolvency should be familiar with the principles and practice of this branch of the law, but it does not appear to the Hon'ble Judges that the acquisition of this peculiar knowledge by one or other of the Small Cause Court Judges is likely to be a matter of difficulty.

3. It is possible that the measures now under consideration, for transferring a portion of the original work of the High Court to the Court of Small Causes, and for creating an additional Judgeship in the latter Court, may result in the appointment to the Small Cause Court of a Judge with precisely that experience which Mr. Justice Handley thinks wanting.

From H. BATTY, Esq., Under Secretary to Government, Bombay, to Secretary to Government of India, Legislative Department,—(No. 8625, dated 17th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1950 of the 17th June last, forwarding a draft of a Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, and requesting to be favoured with an expression of the opinion of this Government, and also of the Hon'ble the Judges of the High Court and of such selected officers, commercial bodies and other persons as His Excellency the Governor in Council may think fit to consult on the subject.

2. In reply, I am directed to enclose copies of the opinions already received by Government in this matter,

1. Letter, &c., from the Chief Judge, Court of Small Causes, Bombay, No. 41 of 7th August, 1885.

2. Letter from the Hon'ble the Advocate General, Bombay, No. 50 of 14th September, 1885.

3. Letter from the Secretary, Chamber of Commerce, Bombay, of 25th November, 1885.

and to state that no reply has been received from the Hon'ble the Judges of the High Court, though it has been twice expedited.

3. His Excellency the Governor in Council, I am to observe, approves generally of the provisions of the draft Bill, and considers that the clause which it is proposed to

insert in the enabling Act of Parliament, legalising retrospectively the rules made by the High Court of Bombay on the 31st July, 1878, is sufficient for the purpose.

4. His Excellency in Council is disposed to agree with the Hon'ble the Advocate General, Bombay, that the large powers given to creditors (sections 17, 20, 21 and 22) to control the administration of a bankrupt's estate are likely to be dangerous in this country and to reproduce the abuses which were prevalent under Bombay Act XXVIII of 1865. It will be seen that the Chamber of Commerce express the same apprehension.

5. His Excellency the Governor in Council is not, as at present advised, in favour of the delegation of an insolvency-jurisdiction to the Court of Small Causes in Bombay. In England such powers may be delegated to the Registrar, but this officer has the staff of the Bankruptcy Court at his command, while neither the Judges of the Small Cause Court nor its establishment have any knowledge of such business. Moreover, the Judges are already overworked, and the new duties would involve the expense of adding to their number. On the other hand, the Clerk and Sales of the Insolvent Debtors Court in Bombay is a barrister of standing, with large emoluments and very little to do. It would, in the opinion of His Excellency in Council, be better to relieve the High Court by delegating to this officer jurisdiction in small bankruptcies (Part VII).

6. If the power of delegating jurisdiction to Judges of the Small Cause Courts be retained, there does not seem, in the opinion of His Excellency in Council, to be sufficient reason for withholding from them the power of committing for contempt of Court (section 88, clause (3), of the draft Bill).

7. In conclusion, I am to state that, in the opinion of His Excellency the Governor in Council, it is worthy of consideration whether in this country it is necessary to arm the creditor with all the weapons which are placed at his disposal by the English Bankruptcy Act, seeing that he already has the power of imprisoning his debtor, which the English creditor has not. On this point the observations of the Chief Judge of the Court of Small Causes at Bombay appear to deserve attention.

From W. E. HART, Esq., Chief Judge, Bombay Court of Small Causes, to Chief Secretary to Government, Bombay,—(No. 41, dated 7th August, 1885).

IN compliance with paragraph 2 of Government Resolution in the Judicial Department, No. 4604, dated 1st ultimo, I have the honour to forward the accompanying memorandum embodying my opinion on the draft Indian Bankruptcy Bill.

I may add that my colleagues, to whom my memorandum has been circulated, concur in the opinion. I have expressed that the jurisdiction proposed to be given to this Court should be conferred on an officer of the existing Insolvent Court.

Memorandum by W. E. HART, Esq., Chief Judge, Bombay Court of Small Causes,—(dated 16th July, 1885).

I HAVE not sufficient leisure to be able within any reasonable time to offer anything like an exhaustive opinion on all the provisions of an enactment of the scope and length of this Bill. This is, however, the less to be regretted, as Government will doubtless have the advantage of the opinions of the Commissioner in Insolvency and the Official Assignee, whose knowledge and experience of the working of the present law will enable them to offer remarks more likely to be valuable in matters of detail than any I can make; for mine would, for the most part, be based on hearsay and conjecture, since no portion of the present insolvency law has ever been administered in the Small Cause Court of this Presidency as it has in that of Madras. I shall, therefore, enlarge only on those particular provisions which seem most likely to affect the Small Cause Court.

2. Part VI is that which deals with the constitution, procedure and powers of the Bankruptcy Courts; section 88 provides for the delegation by the High Court of certain of its powers in bankruptcy to a Judge of the Presidency Small Cause Court.

3. In commenting on a proposal in 1879 to give the Presidency Small Cause Courts an insolvency-jurisdiction I expressed a strong opinion against the advisability of such a course. To that opinion, and for the reasons there given, in which I pointed out various objections and difficulties, I still adhere, and, for the sake of brevity, beg to refer Government to the annexed extract for an expression of my opinion on the general question of conferring an insolvency-jurisdiction on a Court constituted in the manner and for the purposes of the Small Cause Court.

4. As regards the particular provision of the present Bill, I would point out that with our present staff it is quite impossible for us to undertake any more work than we have at present. Of course this objection could be elevated by additions to the Court and office-establishment; but this would entail an additional expense which I think would not be compensated by the value of the work done in insolvency. On the other hand, it seems to me that all the work which the Bill proposes should be done by a Judge of the Small Cause Court could be equally well done by the Clerk and Sealer of the Insolvent Court. This is an appointment which, so far as I know, has always been held by a barrister-at-law; but to ensure the selection of a person of position, capacity and character for the post, some provision might be inserted in the Act. I once held the acting appointment myself for a short time, and am therefore speaking from experience when I say that the duties are extremely light while the emoluments are considerable. If to the present duties of the Clerk and Sealer, which (except on Wednesdays, when he is engaged in Court before the Commissioner for the whole day) occupy about half an hour a day or less, were added those which section 88 proposes to confer on a Judge of the Small Cause Court, the object which that section has in view (namely, the relieving of the High Court of a portion of its less responsible work) would be attained without incurring any additional expense, and the Clerk and Sealer would be usefully employed to an extent more commensurate than at present with the income he enjoys.

5. If the jurisdiction in bankruptcy is conferred on a Judge of the Small Cause Court, I do not think the power to commit for contempt should be taken from him, as in section 88 (3), at least for a contempt committed in his presence. It is advisable that every Court should have this power for its own protection; and in the discharge of its ordinary functions the Small Cause Court enjoys it under the provisions of the Small Cause Courts Act. I do not therefore see why it should be taken away simply by reason of the Small Cause Court acting as a Bankruptcy Court, and only while it is so doing.

6. It also seems to me open to objection that while the appointment with limited powers contemplated by section 88 is one in the hands of the High Court, it should be possible for the Local Government to appoint the same person not only without such limitation but even with a jurisdiction more extensive than the High Court itself. This lets in a possibility of conflict, or at least of confusion, which ought in all matters of jurisdiction to be most scrupulously avoided. Section 82 (c) confers bankruptcy-jurisdiction on any Civil Court in the Presidency appointed by the Local Government, with the sanction of the Supreme Government. Section 83 (a) limits the bankruptcy jurisdiction of the High Court to the local limits of its original civil jurisdiction. But section 83 (c) leaves it to the Local Government, with the sanction of the Supreme Government, to fix the limits of the jurisdiction of a Court appointed under section 82 (c). There is nothing apparently to prevent the Local Government appointing the Presidency Small Cause Court under section 82 (c), in which case its powers would be equal to those of the High Court. But if its jurisdiction under section 83 (c) were defined to include, say, the township of Coorla, the Small Cause Court would enjoy a jurisdiction more extensive than the High Court. Such provisions seem liable somewhat to conflict with the authority to delegate limited powers reserved to the High Court by section 88. If it is considered necessary that such authority should be exercised rather by the High Court than by the Local Government, I should advise the insertion of words in section 82 (c) restricting the power of the Local Government to the appointment of Courts situate without the local limits of the jurisdiction of the High Court.

7. In section 91 (a) I should prefer the insertion of words making it clear that an appeal from the order of a Small Cause Court Judge appointed under section 88 (if that section be enacted) lies to the High Court.

8. These are all the sections that seem to me specially to affect the Small Cause Court. I will now offer a few remarks, as shortly as possible, suggested by a cursory perusal of the general provisions of the Bill as they now stand.

9. Section 3 (1) (b).—It would be advisable to define carefully what conveyance is fraudulent in a country like this, where *bedoni* transactions are rather the rule than the exception, and in an Act which, to judge from section 82 (c), is intended to be capable of application by Native Judges in the Mufasssal, who for the most part have not the opportunity of acquainting themselves with the English decisions.

10. Section 3 (1) (d), (e) & (g).—These provisions put into the hands of creditors a very powerful weapon, capable of being used for purposes of intimidation, oppression and extortion. In England, a rich commercial country, such provisions may have been found necessary for the protection of creditors after the power of imprisoning their debtors in execution of their decrees had been taken from them. But in this country, where the system of imprisonment for debt still exists, and where the majority of the population are non-traders, but little removed above the degree of paupers, and of whom the greater number are insolvent in fact, if not in name, I think such provisions are not only unnecessary but unwise, as they are sure to be used by the foreign money-lenders, who constitute the bulk of the creditors, for purposes of extortion, with the result of further pauperising their already sufficiently impoverished victims, on whom they already have a sufficient hold in the facilities afforded by the law administered by our Civil Courts for attachment of person and goods both before and after judgment, attachment of wages, debts due, property in hands of third parties, &c. &c.

11. Section 7 (1).—Is it intended that a judgment-debtor under a decree, say, of the Calcutta Small Cause Court, who, after partial satisfaction of the decree by attachment of his goods at Calcutta, absconds to Bombay, and is there arrested under the Calcutta decree sent for execution to the Bombay Small Cause Court, shall be able to invoke the assistance of the Bankruptcy Court at Bombay, where he has no creditors? This would cause great inconvenience to the creditors at Calcutta, where the original act of bankruptcy was committed (section 3 (1) (c)), and where all the proofs are, and would give a good deal of unnecessary trouble to the Bombay Bankruptcy Court. I think, too, the limit of the period for which, as well as of the period *within* which, a debtor has "ordinarily resided" should be defined, so as to prevent a person changing his residence merely for the purpose of getting his discharge from a Court in the jurisdiction of which he has no creditors.

12. Much of the procedure laid down in Part I of the Act seems to me to be unsuitable for universal application in this country. In this Presidency, at least, the majority of insolvencies are for comparatively



small amounts, and a large proportion of them are of persons not engaged in trade. In such cases I am inclined to think a procedure copied from Statute 46 & 47 Vic. cap. 52, which was framed for general application in a great commercial country, will here in many cases be found unnecessarily cumbersome and expensive. If the assimilation of the bankruptcy law in two countries so differently circumstanced as England and India be really considered necessary or advisable, I should recommend the assimilation, at least at first, to be confined to persons occupying somewhat similar positions; and to this end I would preserve the distinction between traders and non-traders which this Act abolishes, applying only to the former those provisions which are specially adapted to and useful in the case of a commercial bankruptcy, but which in the case of a non-trader will impede rather than expedite the distribution of his assets among his creditors.

13. *Section 31 (2)*—I think this provision will be found to work very harshly against the debtor, and not to benefit the general body of creditors. In this country the very great majority of the population are entirely dependent, even for the necessities of life, on the money-lenders. These men at present often obtain a decree on a promissory note merely to save the statutory bar of limitation, and then proceed, perhaps, to partial execution against the goods, but still continue the debtor's credit in making him further petty loans. This, of course, they will not do if they are to be debarred from proving these, in case of the debtor's ultimate bankruptcy no matter how long a period after, by reason of the act of bankruptcy committed by execution of the first decree. I would recommend the bar to be, not notice of the first act of bankruptcy, but notice of the presentation of a bankruptcy-petition either by a creditor or the debtor.

14. *Section 39 (1)*.—For the same reason I would omit "or of the commission of any available act of bankruptcy by the debtor."

15. *Section 40 (2)*.—This exemption apparently only protects the purchaser at a Court's sale from the consequence of the act of bankruptcy committed in that sale. But it often happens that several sales take place at different times in partial execution of the same decree. Apparently the purchaser at a subsequent sale would be protected from the consequences of the act of bankruptcy committed in that sale, but not from those of one committed in a prior sale in respect of the same decree.

16. *Section 43 (2)*.—So, again, it would appear that if a debtor, against whom his creditor had obtained a decree which was partially satisfied by execution, afterwards paid to the creditor a portion of the balance due on his decree, such payment might be avoided in case of the debtor's subsequent bankruptcy, because at that date there was "available" the "act of bankruptcy" in the partial execution which, of course, was known to the execution creditor at the time of the further part-payment.

17. I think the objection already noticed in respect of the general application of Part I also applies in a great measure to that of Parts V and VI.

18. *Sections 105 to 110*. I think these provisions, so far as they relate to debtors, are open to much the same objection as that pointed out in regard to section 3 (1) (d), (e), (f). They are taken from an English Act framed when imprisonment for debt had been a decided evil, which it has not yet been in India, where the creditors consequently do not require so much protection as in England, and where they are more likely to use such provisions for purposes of intimidation, oppression and extortion. *Section 105 (a)* I consider especially objectionable both on these grounds and on those pointed out in regard to section 31 (2).

19. *Section 115 (3) and (4) and section 116*.—I think it would be advisable to make some provision for the validity of rules and levy of fees *ad interim*.

20. In regard to the general scope of the proposed Act, as disclosed by the Statement of Objects and Reasons the draft man would appear to have framed the enactment mainly on the lines of the present bankruptcy law of England as last amended by the Statute 46 & 47 Vic. cap. 52, because, as he says (paragraph 9 and 10), "it is eminently desirable that the circumstances under which a debtor may be declared insolvent and under which he may obtain his discharge, should be as far as possible the same in London and Calcutta," and while the new Act should be "adapted in details to Indian circumstances," it "should follow the English Act as closely as possible, except where there is some substantial reason for taking a different course."

21. I for one do not see this "eminent desirability" in the case of two countries so differently circumstanced as India and England. No doubt it may be a convenience to English merchants in Calcutta and England that they should all be subject to the same law, but in legislating for India generally we have to consult something more than the convenience or wishes or wants of a handful of foreigners. From the mere fact that a certain enactment is found to work well in England (assuming that the English Act does work well there), as to which there would appear to be some difference of opinion among experts, it is not a safe nor even probable inference that it would in any way be suitable to a country so differently circumstanced as India. England is a rich commercial and manufacturing country; India is a poor agricultural one. The ordinary Englishman is substantial and independent; the ordinary Indian is an insolvent pauper, hopelessly indebted to his Marwari money-lender. The money-lender's profits in England are, as a rule, spent in the country; in India they are, as a rule, sent abroad, thus acting an incessant drain on the resources of the most impoverished classes. A large proportion of the English bankrupts are traders; in India a large proportion are non-traders. England has been for centuries in the van of European progress, profiting by the slow growth of a civilization born of poverty. Western ideas, self-acquired and assimilated into her very being. India has barely emerged from oriental servitudes, and such civilization as she has is, for the most part, of foreign origin, which had already attained maturity abroad before its importation, and has as yet only very partially adopted here. The lowest ranks of workers in English society form, compared with India, a small proportion of the population, and are reckoned among the poorer classes an insignificant item; in India the lowest ranks of workers form a very large minority (about 2/3) of the entire community, while the non-workers form a considerable proportion of the poorer classes. In England the judgment-debtor has for years been relieved from the depressing and disabling effects of the system of imprisonment for debt, which in India is still a powerful engine of extortion in the hands of the money-lender, and freely used for the further depauperisation of the most impoverished class.

22. The poorest classes in England, as compared with those in India, are infinitely superior in material wealth, in resources of employment, in education and intellectual activity, and they are in a far smaller numerical proportion to the general community. When we find the two countries circumstanced so differently in regard to the bulk of their population, it seems to me that any law regulating the relations between debtor and creditor must of necessity differ, not in "details" only, but in "general principles." At least I submit, the onus of producing a "substantial reason" is rather on those who advocate assimilation, than on those who argue, from the difference of circumstances, the necessity for a difference in the law to be applied to them.

Extract, paragraphs 13 to 19, from letter from Chief Judge, Bombay Court of Small Causes, to Secretary to Government, Bombay,—(No. 9, dated 7th April, 1879).

"13. Against the advantages so to be gained by the proposed change (namely, the saving of a few hours for the trial of long causes on the original side and the saving of a few rupees in professional costs) must be set off what appear to me to be far more than compensating inconveniences which will result to the general public, to the insolvents and their creditors and to the officials of the Insolvent Court.

"14. In the first place, only those unimportant or unopposed cases which at present take up about three hours in a fortnight of the Commissioner's time were transferred to the Small Cause Court; to this—



extent at least the Judges of the Small Cause Court must divert to insolvency-matters the time which would otherwise be spent in the interests of the general body of litigants. During the three hours so spent from 30 to 40 of those small causes might have been heard and decided the speedy adjudication of which is the *raison d'être* of the Court.

" 15. In the next place, if the insolvency-work be divided between the High Court and the Small Cause Court, it will be necessary either to have two separate office establishments, or to be constantly transporting the Insolvent Court officials, with their books, papers, &c., from their present head-quarters in the High Court building to the Small Cause Court, a distance of about a mile, and back.

" 16. The former of these two courses would probably be both the more expensive and the more inconvenient to the public. It would involve the appointing of a new Clerk of the Court and a new Official Assignee, which appointments, having regard to the provisions of the Statute 11 Vic. cap. 21, I am inclined to think it is not within the competence of the Indian legislature to make. It would also involve the employment of several additional inferior officials, such as clerks, cashiers, and the like. It would further occasion considerable inconvenience to creditors seeking inspection of books, &c., and sometimes necessitate the payment of searching-fees in both office, especially after the lapse of some years, when it would become necessary to make inspection of old cases. Again, much difficulty and loss to the estate would be occasioned if different members of a Hindu family, or different partners in a firm, became insolvent separately, and went some to the one Official Assignee and some to the other; the difficulty would be doubled of giving titles to purchasers, and consequently of getting fair prices for the properties sold.

" 17. On the other hand, if the present establishment were required to work in two places at such a distance from each other as the High Court and Small Cause Court, there would be a great increase of expense and waste of time and almost infinite inconvenience to the officials of the Insolvent Court. About six additional clerks would have to be employed; and considerable expense would be incurred in the carriage of books, papers, and proceedings, while more than the time gained to the Court by the despatch of cases would be lost to the office *eundo morando et revertendo* between the two Courts.

" 18. I believe that in Malabar the sections of the Civil Procedure Code relating to insolvency have been applied by Resolution of the Local Government to the Small Cause Court. This has not been done here, and I do not think, if it were done, any material advantage would result, or that many applications would be made by persons seeking the benefit of these sections. The provisions of the Civil Procedure Code cannot avail until after judgment has passed and the judgment-debtor has actually been arrested. On the other hand, any person may avail himself of the provisions of the Statute 11 Vic. cap. 21, at any time, and thus avoid arrest, or obtain his discharge. Almost all debtors would, therefore, I presume, naturally prefer to take advantage of the last-mentioned enactment.

" 19. For all these reasons, and because I am unable to suggest any other method than those already discussed, which will not be open to the same objections, whereby an insolvency-jurisdiction could be conferred upon the Presidency Small Cause Courts, I am of opinion that no such jurisdiction should be conferred. I will only add that if the real object of the proposed extension be merely to relieve the High Court of a portion of its labour, by removing from its cognizance the bulk of unimportant and unopposed insolvency-cases, precisely this result could be attained without incurring any expense and without adding to the work of any other Court by the abolition of the present system of imprisonment for debt; for it is simply to avoid arrest, or to escape from imprisonment, that the great majority, if not all, of the unopposed insolvents apply for the benefit of the Act."

From the HON'BLE P. L. LATHAM, Advocate General, Bombay, to Under-Secretary to Government, Bombay,—(No. 59, dated 14th September, 1885).

WITH reference to the proposed Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, I have the honour to offer the following remarks.

The Bill is wovefly an adoption, almost a transcript, of the last English Bankruptcy Act, that of 1883. So many systems of bankruptcy have been tried and found defective in England that I cannot help thinking that it would be well to see how this latest system bears the test of experience before transplanting it to India. A short time will show whether the Act of 1883 is fitted to become the permanent law of bankruptcy and how much of its provisions require repeal or alteration; and the present insolvency law of India, which, though imperfect, does not on the whole work badly, may without any serious inconvenience be allowed to remain in operation for that short time.

2. The most striking difference between the proposed Bill and the present law is the large power given to creditors to control the administration of the bankrupt's estate. Section 17 allows the creditors before adjudication by a majority of three-fourths, and subject to the approval of the Court, to resolve on a composition or on a scheme of assignment of the debtor's affairs; section 20 (2) allows the creditors if the Court share such an assignment desirable, to appoint a person other than the Official Receiver to be trustee of the property of the bankrupt; section 21 allows the creditors to appoint a committee of inspection; section 22 allows the creditors, after the adjudication, to approve of a composition or scheme of assignment subject to the approval of the Court. I confess that I dread lest the effect of these sections should be to facilitate fraud and to lead to a manipulation of the provisions of the Act in favour of the bankrupt. Even now the schedules of insolvents are often filled with fictitious debts in favour of his relatives and friends, and when under Act XXVII of 1865 the temptation to this form of fraud was greater it was notoriously prevalent—I might say universal. I observe that the approval of the Court is made a condition to the exercise of these powers by the creditors. But such an approval is apt to become a mere formality when the responsibility of the initiative is not with the Court itself. I shall prefer to have the Official Receiver trustee in every case, and to resist that any composition or scheme of assignment should be directed by the Court, either on the motion and after hearing the Official Receiver.

3. I think that section 2 will not in its present form have the effect desired by the framers of the Bill. Comparing it with section 2 of the English Act, I think it would be construed to refer to the extent of the Bill as regards its effect as a form of procedure against a debtor and would nullify the whole Bill *vide* Williams' *Bankruptcy Law and Practice* (3rd edition), page 1.

4. Section 8, which gives the debtor immediate protection from process against his person as soon as a receiving order is made, is a most important change in the present law. At present the great struggle in insolvency-proceedings is as to the granting or refusing an *interim* order of protection; there is comparatively by speaking, no contest as to the grant of final orders. It seems to me that the section in its present form is adapted to a state of the law in which imprisonment for debt has almost ceased to exist, whereas in India it is still one of the main remedies by which the execution of decrees is enforced.

5. Section 16 is, in my opinion, a most wholesome provision, though, unless the Court has power to dispense with it in small unopposed bankruptcies, an increase of the number of Judges will be required. I would make it plain that the Official Receiver and also any creditor may examine the debtor by counsel or solicitor. The requisition of signature by the debtor in (8) should be struck out, as it will tend to nullify the effects of the section. The official record of the evidence is sufficient security for accuracy.

6. In section 59 I do not think that the Chief Justice should have power to remove the Official Receiver at his discretion without good cause.

7. Sections 65 and 67 do not make it clear what is to be done with the interest accruing on the estates of bankrupts. It ought in justice to belong to the estate.

8. I doubt section 88, allowing the delegation of certain powers to the Judges of the Presidency Small Cause Courts, being of any practical use. It is adapted from the provisions of the English Act allowing the delegation of powers from the Judge to the Registrar. But the Registrar has the command of the staff of the Bankruptcy Court, which would not be the case with the Small Cause Court Judge. If anything be done in this direction, I think it should rather be to transfer bankruptcies of small estates to the Small Cause Courts. But I doubt any saving of judicial time or expense being so effected.

9. Part VII, as to small bankruptcies, is a wholesome provision as the Act now stands. But I am inclined to think that in India all bankruptcies should be dealt with in the manner prescribed by that Part.

FROM J. MARSHALL, ESQ., Secretary, Bombay Chamber of Commerce, to Acting Under-Secretary to Government, Bombay,—(dated 25th November, 1885).

I AM directed to acknowledge the receipt of your letter No. 4696, dated 1st July last, forwarding copy of a draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, and requesting that Government may be favoured with the opinion of the Chamber of Commerce thereon.

The Bill was referred to a special Committee, consisting of the Hon'ble F. Forbes Adam, of Messrs W. & A. Graham & Co., Chairman of the Chamber, Mr. A. F. Beaufort, of Messrs. Lyon & Co., Deputy Chairman, Mr. W. A. Baker, Manager, National Bank of India, Limited, Mr. E. Miller, of Messrs. C. Macdonald & Co., Mr. J. H. Shight, Deputy Secretary and Treasurer, Bank of Bombay, and Mr. Vithuendras Atmaram, of Messrs. Narandas Lajaram & Co.; and their report having been approved the Chamber has now the honour to submit its opinion on the provisions of the Bill.

Some little delay has taken place in forwarding the report to Government, as the Chamber was anxious to obtain the views of business people at home on the actual working of the English Bankruptcy Act of 1883. These, however, not having come to hand, the Chamber will take the liberty of embodying in a supplementary report any additional information which may hereafter be received in response to the inquiries instituted.

The Bill has been read through and discussed clause by clause, and subjoined will be found in detail the additions and emendations which the Chamber considers desirable. Before proceeding to the discussion of the provisions of the Bill, however, the Chamber had to consider two broad questions—first, whether in the existing state of things a new Insolvency Act was called for; and, second, whether in that event the general principles of the proposed Bill were thoroughly adapted to the requirements of the trading community and to the conditions attending insolvency in India.

To the first question the answer was unanimously in the affirmative. The necessity of a radical reform in the bankruptcy law for India has long been keenly felt by the mercantile public, and has on numerous occasions been the subject of anxious consideration. In the address with which the Chamber had the honour to welcome the arrival in India of His Excellency the Viceroy the matter was prominently mentioned as one of pressing importance, and had it not become known that the Bill now under report was in preparation it was the intention of the Chamber to memorialise Government begging that action might be taken at the earliest possible opportunity.

The second question did not admit of so early an answer. The conditions under which trade here and at home is conducted are so widely divergent, and the nature and cause of the majority of insolvencies so entirely different, that at first sight the mere fact that the Bill is drawn on the same lines as the English Act carries with it a presumption of possible infirmity. A closer examination of its provisions, however, shows that in its leading principle of official control over bankrupt estates it is in a great measure a return to what has long been recognised as one of the best features of the present Indian insolvency law. The signal failure in operation and the gross malpractices perpetrated under the Bombay Act for speedy liquidation,—XXVIII of 1865,—which was a distinct departure from this principle, is still well within the memory of several members of the Chamber; and there can be no question that efficient control by responsible, qualified officials must be a fundamental principle of insolvency legislation in India. The absence of the separate supervision exercised in England by the Board of Trade need not, in the opinion of the Chamber, interfere with the official working of the Act so long as a careful provision is made in the rules that only thoroughly competent officials are appointed to responsible posts, and that they are placed under the guidance and direction of the Court.

A very marked difference between the law of insolvency here and in England exists in imprisonment for debt being still maintained in India. In the opinion of the Chamber it would be inadvisable as yet to deprive creditors in this country of that power. There are no doubt weighty arguments in favour of following English legislation. Amongst the poorer classes their personal liberty in reality constitutes the security on which they are able to obtain advances, and were the power of utilizing that security once removed the ability of contracting debts beyond their means of repayment would be done away with also, and much unnecessary extravagance in the shape of expenditure on marriage and other festivities—which accounts for a considerable proportion of the insolvencies amongst the lower classes—would thus be avoided. In other words, by removing the power of getting into debt, people would be compelled to live within their means. While admitting this as regards the poorer classes, the general opinion amongst merchants and bankers is decidedly adverse to the abolition of liability to imprisonment for debt from a mercantile point of view. The change would be too radical and, by altering the basis on which business has been conducted in this country from time immemorial, might seriously interfere with the ordinary course of trade. As to whether or not the Bill in its present form fully contemplates the existence of imprisonment for debt is more a question for skilled lawyers than a body of laymen, and the Chamber therefore would content itself as regards this point by merely expressing the opinion that it cannot be too carefully considered.

So far as Bombay is concerned—and the same probably holds good in the other Presidency-towns—one of the greatest disadvantages which creditors have to contend with is the facilities which fraudulent debtors have for escaping from the jurisdiction of the Court by absconding into Native territory. Amongst a certain class of Native traders—and that by no means the lowest—this is a very common means of evading punishment, and owing to the ease with which it can be accomplished it tends greatly to encourage fraudulent bankruptcy. The Chamber quite appreciates the serious difficulties there are in the way of bringing about a remedy, but it would earnestly solicit the attention of Government to this point. Once made it possible for the writ of the Bankruptcy Court to take effect in Native States, and reckless trading amongst Native dealers will have received a deathblow which no other form of legislative enactment could administer.

The Chamber observes that the draft Bill omits the disqualification of a bankrupt to hold certain offices, as provided under Part II of the English Bankruptcy Act of 1883. The advisability of this omission the Chamber is very much inclined to question, as there is no doubt that, especially amongst Natives, the holding of certain appointments carries considerable dignity, and the deprivation of these as the direct result of bankruptcy might

have a wholesome deterrent effect. In the opinion of the Chamber the Bill should provide for the disqualification of a bankrupt for holding the following positions where not already settled by existing Acts, namely—

- Member of the Legislative Council.
- Justice of the Peace.
- Member of the Town Council or Municipal Corporation.
- Member of a Port Trust or Harbour Board.
- Director of a Joint Stock Company.

The eligibility of bankrupts for these offices after obtaining their discharge might be made dependent on the nature of the bankruptcy as certified by the Court.

Taking each section in order the Chamber begs to submit the subjoined remarks:—

*Section 5 (1) (d).*—In addition to this clause the Chamber considers it important for the due protection of creditors that in the case of a firm which has carried on business at a place where a Bankruptcy Court exists, and has partners where there is no such Court, the estate should be wound up at the place where the Bankruptcy Court is, and the partners elsewhere should be liable to have their assets at once taken possession of by the Official Receiver. Further that, if a firm so constituted becomes insolvent, the act of insolvency of any one partner should render all other partners, wherever situated, insolvent also, and liable to have their property attached by the Court.

*Section 8.*—The Chamber is of opinion that this section should provide that in the case of a debtor with no available assets the Court should not be able to give a complete discharge, but should have power to compel him to proceed with his insolvency. An *interim* order might be granted in the first instance, but revoked unless the debtor proceeded with the insolvency when called upon to do so.

*Section 12.*—The advertisement giving notice of the receiving order should, the Chamber thinks, be published in at least one of the leading local newspapers in addition to the Government Gazette, and this suggestion should be made applicable in every instance where notice by advertisement is provided for, notably in section 19, (5), section 27 (5), section 30 (3).

*Section 15.* As the time fixed for submitting a statement of a debtor's affairs seems very limited, it is suggested that under sub-section (2) (i), where an order is made on the petition of the debtor, ten instead of three days should be allowed, and where the order is made on the petition of a creditor (ii) the time be increased from seven to twenty days.

*Section 16.*—The Chamber is of opinion that there is no necessity for making the public examination of a debtor compulsory where a compromise has been agreed upon, and it would therefore ask that the following be added to sub-section (1):—

"Except that in cases where the majority of creditors in number and three-fourths in value are prepared to accept a compromise, the public examination of the debtor may be dispensed with."

*Section 17.*—In all cases of compromise or composition the Chamber deems it most important that the creditors should have the fullest possible information before them as to the true state of the debtor's affairs, and it seems desirable, therefore, that the following words should be appended to sub-section (3):—

"with a full statement of the debtor's affairs."

*Section 21.* the Chamber recommends, should be entirely omitted from the Bill. It may be that in England, where the books of an insolvent are in English and information as to an estate can be obtained without much difficulty, a committee of creditors may prove of considerable assistance in securing a favourable liquidation; but the experience of those who have been concerned with bankrupt estates here is of a contrary character. In all probability it might lead to the appointment on committees of creditors favourable to the debtors, as was found to be the case in working Bombay Act XXVIII of 1865, which was admittedly a complete failure as a means of advantageous liquidation.

The omission of this section and the abolition of committees of inspection would necessitate some alterations in the wording of subsequent provisions of the Bill. For instance, the Chamber suggests that section 50 should read:—

"The trustee may, with the permission of the Court, and after such notice to creditors as the Court may prescribe, do all or any of the following things":

and in sub-sections (2) and (4) of the same section, (2) of section 51, (1) of section 57, and (1) of section 63, the word "Court" should be substituted for "committee" or "committee of inspection."

*Section 24.*—The desirability of arranging to secure the arrest of an insolvent who has taken refuge in a Native State has already been alluded to, and, if that be practicable, provision would have to be made for it under this section as also under (2) of section 23.

*Section 25.*—The same provision as for the redirection and delivery of letters should be made for telegrams.

*Section 27 (5)* allows 14 days' notice only to creditors of the day fixed by the Court for hearing a debtor's application for discharge. This would be insufficient for creditors out of India, and the Chamber would recommend one month's notice being allowed.

*Section 27 (6).*—The Chamber suggests that a decree passed by the Court against a debtor when making an order of discharge should be in favour of the Official Receiver only, his office being contiguous, while a trustee might have to leave the country at times under very short notice.

*Section 34 (5).*—Considering that the current rate of interest in India is 9 per cent as compared with a per cent. in England, the rate of interest payable out of surplus funds, as provided for in this clause, might fairly be increased from 4 per cent. as proposed to 6 per cent. per annum.

*Section 36 (1).*—The Chamber is of opinion that the preference extended to a landlord's claim for rent under this section is unduly large. It thinks that no power of distraint should be granted after bankruptcy, and that he should not be entitled to a preferential claim for more than four months' rent, subject, moreover, to assets of that amount belonging to the insolvent's estate being on the premises.

*Section 52 (2).*—After the words "application of" the Chamber suggests the insertion of the words "the trustee or."

*Section 64 (3).*—It would be well to have the "prescribed officer" mentioned in this clause defined, as it is important to know in whose hands the very responsible power of regulating the charges may be placed. It is also suggested that "leave of the Court" be substituted for "proof of such taxation having been made," before payment.

*Section 67.*—Having regard to the constant fluctuations in the value of Government securities, it seems to the Chamber that if it could be so arranged it would be preferable instead of investing surplus funds in Government paper, to hand them over to the Accountant-General, who on behalf of Government should pay 4 per cent. interest on the amount. Such interest, moreover, should go to the separate estates, or, in other words, be for the benefit of the creditors, who are frequently kept out of their dividends for long periods pending the decision of suits and disputes. The system adopted under the English Act, and sought to be introduced into this Bill, of utilizing the interest obtained on funds held during liquidation towards minimising the fees payable in bankruptcy, has rather a tendency to favour debtors to the disadvantage of creditors.

*Section 70.*—In addition to rendering it incumbent on a trustee to grant a creditor inspection of the books kept in connection with the liquidation of an estate, it should also be provided that creditors should have free

access to the books of the insolvent. It should be further arranged that an experienced and trustworthy staff of Native *mektas* or accountants should be maintained on the staff of the Court (either attached to the Official Receiver or Trustee), through whom reliable translations and extracts from books kept in any of the Native languages could be obtained. Great difficulty is experienced in obtaining information of this character under the existing law, and a creditor employing an outside *mekta* for the purpose of searching a debtor's accounts always runs the risk of the man being bought over by the other side.

*Section 88 (3).*—It appears to the Chamber somewhat anomalous that a Judge of the Small Cause Court should not have the same power to commit for contempt as is granted to the Court under section 23, clause (4). The omission of clause (3) is accordingly suggested.

*Section 103.*—The Chamber would be in favour of raising the limit for small bankruptcies from Rs. 3,000 to Rs. 5,000. In estates within the latter sum it is very unlikely that cases of fraudulent books, &c., will occur requiring the more complicated machinery of the previous portions of the Act; nor does it seem necessary that the examination of the debtor be insisted upon, as provided under clause (c).

From H. BATTY, Esq., Under-Secretary to Government, Bombay, to Secretary to Government of India, Legislative Department,—(No. 784, dated 5th February, 1886).

WITH reference to your letter No. 113, dated the 18th ultimo, I am directed to forward, for submission to the Government of India, copy of a letter from the Acting Prothonotary and Registrar of Her Majesty's High Court, Bombay, No. 21, dated the 28th idem, and its accompaniments, regarding the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

From G. H. FARRAN, Esq., Acting Prothonotary and Registrar, High Court, Bombay, to Chief Secretary to Government, Bombay,—(No. 21, dated 28th January, 1886).

WITH reference to your letter No. 1605, dated the 1st July, 1885, I am directed by the Hon'ble the Chief Justice to forward the accompanying report on the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, prepared in accordance with his Lordship's directions, and to state that the Hon'ble Mr. Justice Bayley, who has been for some years presiding over the Insolvent Court, approves generally of the same.

From G. H. FARRAN, Esq., Acting Prothonotary and Registrar, High Court, Bombay, and C. A. TURNER, Esq., Official Assignee, Bombay, to the Hon'ble the Chief Justice, Bombay.

IN accordance with your Lordship's directions we beg to submit the accompanying remarks on the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

#### *Remarks.*

*Protection from arrest.*—The proposed Act, which is principally taken from the Bankruptcy Act of 1883 now in force in England, where imprisonment for debt has been abolished, provides that the receiving order shall have the effect of protecting the debtor from arrest in respect of any debt provable in bankruptcy. It does not contemplate any opposition on the part of creditors at this stage, but deals only with the granting or withholding of a final discharge. In Bombay, where imprisonment for debt is still permitted and no protection is afforded by the vesting order under the present Act, the chief object of the majority of insolvents is to obtain immunity from arrest at first by means of *interim* protection-orders, and afterwards by obtaining their personal discharge under section 47, after which they but rarely trouble themselves about applying for their final discharge; while the principal object of the opposing creditor is to prevent an insolvent from obtaining such immunity, in order that he may be able to secure better terms by making use of his power of arrest. A practical result would be that the large proportion of petitioning debtors, who come to the Court for the purpose solely of obtaining protection from arrest, would have no object in proceeding with their petitions, and would probably neglect to take any further steps after the receiving order was made. To remedy this it is suggested that the Court should have power both (1), to dismiss petitions for want of prosecution, and (2) to cancel so much of the receiving order under section 8 (1) as gives protection from arrest. It would also seem necessary that the Court should have power to direct the discharge from jail of a debtor imprisoned before the making of the receiving order: there does not appear to be any provision to this effect in the proposed Act.

*Adjudication of bankruptcy.*—The change made by the proposed Act with respect to the adjudication of bankruptcy is highly advantageous. Under the provisions of the Act in respect to that subject it will be possible to have debtors adjudged insolvent before they have had time to dispose of all their property, and creditors will in all probability make use of those provisions more and more if the Act is found to work well. It is very important that adjudicated insolvents should (1) make the statement required by section 15 and (2) come up for the public examination directed by section 16. Debtors who have been adjudged insolvent almost invariably abscond from Bombay into Native States, and there is no power under the present Act to compel their return. Such a power extending throughout British India is given by section 24 of the proposed Act; but as absconding debtors almost invariably abscond to Native States, it would largely increase the efficacy of the Act if it were found possible to extend that power to Native States also.

*Composition with creditors.*—The change made by the proposed Act with respect to composition with creditors is also beneficial. The present Act is silent on the subject, and the result is that documents purporting to be assignments in favour of creditors hastily executed just before the date of the vesting order are often set up with the effect of either entailing troublesome and expensive litigation, or of keeping from the Court all power of investigating the insolvent's affairs, even though a majority of creditors may desire such investigation. Considering, however, that the public examination of debtors will in many cases involve the disclosure of affairs of creditors which they may naturally object to be made public, power might be given to the Court in cases of composition with creditors to dispense with the public examination of debtors when a sufficient majority of creditors desire or consent to it.

*Property of bankrupt.*—The words of section 38 (1), which deals with the property of the bankrupt, are not so wide as those of section 7 of the present Act, and it is important, especially when dealing with property in the Muzassul or outside British India, where the law is imperfectly understood, that the words of the Act should clearly and distinctly cover the property of the bankrupt, whether within British India or without.

*Discharge of bankrupt.*—Under the present Act there are two sorts of discharge that can be granted to an insolvent by the Court—(1) freedom from personal imprisonment for debt, and (2) freedom from liability of after-acquired property. It is one of the greatest faults of the present Act that a separate application has to be made for each, and the Court at the hearing of the matters of an insolvent's petition under section 35, where all the facts regarding his conduct are before it, makes no order as to the latter but only as to the former sort of discharge. In Bombay the principal object of the debtor in coming to the Court is to obtain his personal discharge, and the object of an opposing creditor is either to force the insolvent to buy off his opposition or to induce the Court to dismiss his petition. The reason is that a creditor in Bombay in opposing an insolvent is

invariably working in his own interest and not in that of the general body; and he considers that if the petition is dismissed he will succeed in obtaining a greater portion of the insolvent's property than if it were distributed by the Official Assignee. The power of dismissing petitions given by section 47, and used as a penalty for misconduct, encourages this system. The proposed Act will effect a great improvement in this respect, as under it the Court will consider the whole question of the insolvent's course of dealing and conduct, and will either grant him his discharge (conditional or otherwise), or punish him under the Act itself.

**Penalties.**—The provisions of sections 27, 105 and 107, which deal with penalties and punishments, are much more severe than in the present Act. It may be noted that a bankrupt cannot under them obtain an unconditional discharge more than once, and, if undischarged, he is liable to be punished by imprisonment if he obtains credit to the extent of Rs. 200 without informing his creditor. There is a class of penalties under the English Act which has been omitted from the proposed Act, namely, disqualification of a bankrupt to hold certain offices. It, however, seems desirable that no penalty should be omitted which may have the effect of causing the mercantile community to regard bankruptcy as a disgrace, which in Bombay, since the share mania, they have to a great extent ceased to do. And for this reason it would appear advisable to make the disability to hold certain positions which may be regarded as honourable the direct result of bankruptcy.

**Decrees against bankrupt.**—Passing a decree in favour of the trustees against the bankrupt is a punishment often enforced in England in cases where no assets are forthcoming in the bankruptcy. The practice in Bombay has been to pass such a decree in every case, and, considering the great facilities bankrupts have in this country for concealing their property from the Court, that practice seems a good one, as affording a ready way of recovering from the bankrupt after his discharge property that he may be shown to be possessed of without having to prove that it was concealed at the time of the discharge. It would probably be found more convenient if such decrees were passed in all cases in favour of the Official Receiver, as a trustee might not be forthcoming some years after the bankruptcy when required to act. Such decrees should also, if possible, be exempted from the operation of the law of limitation as provided in the present Act, as it would be manifestly impossible, as well as useless, for the Official Receiver to take the necessary steps for keeping all such decrees alive, and equally impossible to foresee in what cases it would be desirable to do so.

**Procedure.**—The procedure under the proposed Act will largely increase the work of the Court—an essential feature of the Act in the public examination of the bankrupt in every case. During the last three years there have been on an average over forty petitions presented each month, which under the proposed Act would entail an equal number of public examinations, for the taking of which the time at present allotted for sittings in insolvency would be wholly inadequate. The provisions of section 99 of the English Act, or such modification of them as may be considered proper, might with advantage be inserted in this Act, and work of a formal nature, such as taking such examinations in unopposed cases, granting receiving orders and other work of a similar nature, relegated to an officer of the Court. In any case, whether the public examination be taken by the Court or by an officer, the provision in section 16, by which the notes of examination are to be signed by the debtor, might, with advantage, be omitted, as it would involve not only the loss of time occasioned by reading over and interpreting his deposition to a Native witness, but, especially in the case of a debtor subjected to a searching examination, may result in a refusal to sign the notes as taken down or an endeavour to retract previous admissions or statements.

**Unclaimed dividends.**—The proposed Act provides (section 132) for the payment of any unclaimed dividends under it to the bankruptcy estates account, but omits the provision contained in the corresponding section of the English Act as to the disposal of the unclaimed dividends under the present Act. These unclaimed dividends in Bombay amount to upwards of eight lakhs, of which between two and three lakhs are in respect of proved claims in estates in which redistribution has been already made under Act XXVII of 1841, and which cannot be further distributed under any Act now in force. The remainder is to a large extent made up of dividends in respect of debts admitted by insolvents in their schedules as due, but which have not been proved, and are for the most part unpayable, and it is doubtful whether these dividends can be distributed under the Act of 1841. Section 7 of Bill No. 3 of 1881, which was intended to remedy this state of circumstances, has never become law, and it therefore seems necessary that some means of dealing with these funds should be provided by the proposed Act. The interest upon the first class of these funds at least might be applied towards the general purposes of the Act; otherwise there may be a difficulty at first in working the proposed Act, unless a very high scale of fees is adopted.

**Appointment of Official Receiver.**—Under the present Insolvent Act the Official Assignee can only be removed from office in the cases specified in section 18. By the proposed Act the removal of the Official Receiver will depend solely on the pleasure of the Chief Justice. There does not appear to be any reason why the position of the Official Receiver should be less independent than that of the Official Assignee, or his tenure of office less secure.

A few remarks dealing with some of the sections more in detail are annexed.

#### Appendix.

**Section 2. Regarding application of section 18 to England.**—Section 18 could hardly be made applicable to England, but nevertheless cases may arise in which onerous property in England may become vested in the trustee in India. Is not some provision necessary to provide for disclaimer by the trustee in such cases?

**Section 21 (2).**—The committee of inspection might very well be dispensed with, or at all events confined to cases in which an order is made under section 20, sub-section (2).

In cases in which the Official Receiver is acting, reference to the Court for necessary powers and authority will be more satisfactory and cause for less delay than to committees of creditors.

See 11 & 12 Vic., c. 21, s. 28.

In that event some such words as the following might be added to section 21 (9):—

“by and with such notice to such creditors as the Court may think fit to direct.”

**Section 24.**—As has been already pointed out, the value of this section would be very greatly increased if it enabled debtors absconding to Native States to be also arrested.

In any case, however, the section would seem to be incomplete, as it does not distinctly provide for the case of a debtor who may have actually absconded from the local jurisdiction of the Court to some other part of British India, but only deals with the case of a debtor who is “about to abscond with a view,” &c.

**Section 34 (1). Municipal rates.**—Port-trust dues, &c., are at present only entitled to dividends.

**Sub-section (5). Interest after payment of principal in full.**—As decrees in India carry interest at 6 per cent, in the same way interest after the receiving order should be allowed in India at 6 per cent. also.

**Section 36.**—Section 36 of the proposed Act gives a landlord the power to exercise, with certain restrictions, his right of distraint upon the property of the bankrupt for rent due. This right was taken away by the present Act, and the change will considerably hamper the Official Receiver when an estate first comes to his hands. Landlords, on the insolvency of their tenants, often put padlocks on the godowns or premises let to them, and claim a lien for rent; and as rent in Bombay is heavy, and the value of the goods so locked up uncertain, such claims, even under the present law, are not easily disposed of. The proposed change is, we think, to be deprecated; but if it is considered that the landlords should have any preferential claim, it would be more convenient to allow a preferential claim for two months' rent (not exceeding the value of the goods on the premises let by them) under section 34, and leave the law otherwise unchanged.



*Section 38, clause (2).*—The words "wearing-apparel and bedding" are hardly sufficiently wide. In India cooking-pots, &c., are more necessary even than bedding. The words of the Act 11 & 12 Vic., cap 21, section 7, are "wearing-apparel, bedding, and other such necessities."

*Section 51 (2).*—The distribution of a dividend depends almost entirely on the creditors and not on the trustee.

The words "shall be declared and be payable" might be substituted for the words "shall be declared and distributed."

As to the period of four months prescribed by this section for the declaration of the first dividend, see note for section 99.

*Section 57 (2). Allowance to bankrupt.*—We think the allowance to a bankrupt should be limited both as to amount and as to duration. The limit we would propose is Rs. 100 per month extending over not more than ten months.

It must be remembered that in all bankruptcies the bankrupt himself has always influence in the liquidation of his estate.

A considerable body of the creditors, either through friendship or relationship, or because they have received, or expect to receive, special preference, are always ready to support the bankrupt.

In large estates there will always be danger of candidates for trusteeship making a bid for the bankrupt's influence by promise of a good allowance if they are appointed.

Some limit of time is necessary, as an insolvent in receipt of a good allowance will be tempted to protract the liquidation of his estate.

*Section 61. Official Receiver's report.*—Before the discharge of any bankrupt under section 27 of the new proposed Act, the Official Receiver has in every case to prepare a report, which has to be taken into consideration by the Court at the hearing of the bankrupt's application under that section. In order to make such reports of any value, the Official Receiver must (in cases of insolvency of traders) have the assistance of experienced Native accountants capable of themselves reading and understanding Native account-books.

Account-books in Bombay are kept not only in different languages and character, but even on different principles, varying according to the particular trade or business carried on by the bankrupt or to the skill or ignorance of the *mehetas* employed by him.

The accountants would have to be high class men, well paid, and in the regular employ of the office (not engaged for any particular estate), to ensure trustworthy performance of their work.

The examinations of account-books so made would be of the greatest value both to creditors who might wish to oppose and also to the Court itself at the hearing.

This would, however, seem to be a matter to be dealt with by rules under the Act, and not in the Act itself.

*Section 65 (5).*—We do not consider that this provision can be of any value in India.

*Section 67. Investment of moneys.*—Under this section investment is made out of the "bankruptcy estates account" generally, and not out of the moneys belonging to any particular estates, and the whole interest so realized is appropriated for the general purposes of the Act (see on 67 (3)).

Were it possible to distribute the moneys to creditors as quickly as is contemplated in the Act, there would be no great hardship in the present provision. In Bombay, however, considerable sums have always to be reserved to meet the possible costs of the litigation that invariably ensues on any large insolvency proving unsuccessful, and (as has already been pointed out) claims of creditors cannot be quickly adjusted.

It would be hard on creditors that money so locked up should not be invested for their benefit.

Perhaps the simplest way would be to leave the provisions of the Act as they are, and out of the interest accruing under the provisions of this section (67) to allow interest at 4 per cent. on all sums paid into the "bankruptcy estates account" until dividend is declared.

*Section 58.*—It appears from paragraph 29 of the draft "Objects and Reasons" that this section has been put in at the request of the Government of Madras. We do not think that the section can be of any value in Bombay while the High Court and the Small Cause Court are so far apart. It would be necessary to have a special Official Receiver and Registrar, with proper office establishments, to carry on the insolvency business of two separate Courts.

We believe that in 1880 both the High Court and the Small Cause Court of Bombay were opposed to the introduction of this provision.

*Sections 92 (4); 121. Times.*—All "times" allowed for the act are far too short, and though full power of extension is given by section 92 (1), yet the times mentioned in the different sections for each Act should, as far as possible, approximate the average time within which such act ought to be done.

There are several reasons why longer times will be required in Bombay than in England—

- (1) the Courts sit weekly only;
- (2) books of account are always in arrears, especially during the busy season, and take a long time to make up, and only a very limited number of *mehetas* can be employed on them at once;
- (3) traders of any importance always have goods on their way to England or elsewhere, the account-sales of which are not received for a considerable time;
- (4) no estate of any size can be realized without litigation owing to the invariable attempts made by bankrupts to conceal property or favour particular creditors; and litigation in Bombay is both tedious and expensive.

*Section 99. Petitions of partners in different Courts.*—Under this section we suppose petitions by partners of firms carrying on business in the different Presidency towns would be transferred to the Court in which the first petition was filed, otherwise some provision is required on this point. See also section 13.

*Section 103 (3).*—Small bankruptcies under Part VII, section 103, might, with advantage, be extended to Rs. 5,000.

Where the gross assets of an estate are not more than Rs. 5,000, it would rarely be worth the creditor's while to attend meetings and take any direct interest in the winding up of the estate, nor will the estate itself stand the expenses of proceedings prescribed by the Act and by the first schedule.

Creditors may of course in such cases wish to have the bankrupt's affairs more expensively investigated and the bankrupt himself punished; but provision is made for this by clause (c) of this section (103).

*Section 116 (2).*—If the suggestions contained above regarding business to be done before the Registrar be adopted, it might be convenient to provide for the remuneration of that officer also under this section.

*Section 120, clause (4).*—We doubt if this provision is sufficient in the case of Native States. Would it not be simpler to allow affidavits to be also made before the British Resident or Consul or Political Agent?

*Lien on bankrupt's books of account by solicitors and others.*—There have been several cases lately in Bombay of solicitors claiming a lien on insolvent's books of account, and so making it extremely difficult for creditors to get full and free inspection of them. Such claims might, moreover, be set up in collusion with an insolvent.

Section 121 of the English Act of 1861 abolished claims for lien of an insolvent's books of account, and the same provision was made by a rule under the Act of 1669, there being power under that Act to make the rule. —See *Yule Lec on Bankruptcy*, page 676.

A similar rule has been made under the present English Act of 1883, but it is of doubtful validity under section 127 (4) of that Act.

It would therefore seem advisable to put the provision into the Act itself.

**From F. B. PEACOCK, Esq., Chief Secretary to Government, Bengal, to Secretary to Government of India, Legislative Department,—(No. 799J., dated 15th February, 1886).**

I AM directed to acknowledge the receipt of your letter No. 1041, dated the 17th Jan. 1885, forwarding copies of the Bill to amend the Law of Bankruptcy and Insolvency in British India, with Statement of Objects and Reasons, and asking for an expression of the Lieutenant-Governor's opinion and of the opinions of such persons as His Honour might think fit to consult on the provisions of the Bill.

2 In reply, I am desirous to submit, for the information of the Government of India, the accompanying

The Solicitor to the Government of India, No. 1096, dated the 3rd September, 1885, and enclosure.

The Chief Judge, Court of Small Causes, Calcutta, No. 68, dated the 2nd October, 1885.

The Superintendent and Remembrancer of Legal Affairs, No. 901, dated the 9th November, 1885.

Atchanga Sir Jotendro Mohun Tagore, K.C.S.I., dated the 1st August, 1885.

Bhubo Deoga Churn Law, dated the 7th September, 1885.

replies received from the officers and gentlemen named in the margin and the Secretary to the Calcutta Trades Association, who were consulted by this Government, and to say that, with the exception of section 88 (1), the Lieutenant-Governor approves generally the provisions of the Bill. This section provides that the High Court may, from time to time, direct that a Judge of the Presidency Small Cause Court shall have all or any of the powers therein mentioned. In this

connection I am to ask the attention of the Government of India to the letter from the Chief Judge of the Calcutta Court of Small Causes, and to say that, even with the assistance that this Government is about to ask should be given it, the Court of Small Causes, Calcutta, has more work on its hands than it can satisfactorily get through, and the Lieutenant-Governor is therefore averse to throwing additional burdens on the Judges of that Court.

**From R. L. UPTON, Esq., Solicitor to Government of India, to Officiating Under Secretary to Government, Bengal, — (No. 1096, dated 3rd September, 1885).**

REFERRING to your No. 1336 J.D. of the 8th ultimo, I have the honour to forward you herewith a copy of the Honble the Advocate General's opinion on the subject therein referred to.

#### OPINION.

THERE can be no doubt that the present Insolvent Act is antiquated and requires to be replaced by fresh legislation.

The Statement of Objects and Reasons very clearly and fully explains the grounds on which the proposed change in the present Insolvent Laws are rested, and deals in an exhaustive manner with the principles which are to be followed in framing a new Bankruptcy Act. I agree in the main with the Objects and Reasons, and I think it advisable that legislation here should be supported by an Act of Parliament.

The provisions of the Draft Bill are principally taken from the English Bankruptcy Act, 1883, with certain necessary modifications.

The English Bankruptcy Act is the outcome of an extended experience of years, and has, I think, been properly adopted as a model for the proposed legislation. I have doubts whether the provisions in the English Statute in relation to composition or scheme arrangement, which have been embodied in the present draft Act, will be found useful or of any practical benefit in this country.

With regard to jurisdiction, I think that up-country traders, who have had large commercial transactions, and whose estate would be more satisfactorily administered in a Bankruptcy Court, should be allowed to petition the Bankruptcy Court of the Presidency in which they have carried on business, and such Court should be vested with powers to adjudicate such persons bankrupt on their own petition if it thinks fit, the powers to adjudicate being discretionary, to be exercised according to the circumstances of the case. The objection to such a procedure would naturally be that it would be a hardship upon creditors living at a distance to follow the proceedings in a Bankruptcy Court, but such a hardship must often occur where a debtor carrying on business in Calcutta is adjudicated by the High Court of Calcutta, and has creditors up-country as well as in the different Presidencies.

*The 20th August 1885.*

(Signed) G. C. PAUL,  
Advocate General

**From G. C. SCOTCH, Esq., Officiating Chief Judge, Court of Small Causes, Calcutta, to Chief Secretary to Government, Bengal,—(No. 68, dated 2nd October, 1885).**

WITH reference to letter No. 2946, dated 9th September, 1885, from the Under-Secretary to the Government of Bengal, calling my attention to No. 1312 J.D., dated 8th July, 1885, I have the honour, after consultation with my colleagues, to say that we believe that the provisions of the draft Bill to amend and consolidate the law of Bankruptcy and Insolvency in British India are calculated to be of great benefit to the country.

We also approve of section 88, which empowers the High Court, from time to time, to direct that a Judge of the Presidency Small Cause Court shall deal with the matters therein mentioned, but we do not consider it would be beneficial to deprive a Judge of the Small Cause Court of the power to exercise in matters relating to bankruptcy and insolvency such authority as he has in the exercise of his ordinary jurisdiction under section 83 of the Presidency Small Cause Courts, Act, 1882, to punish for contempt.

His Honour the Lieutenant-Governor is already aware that the Judges of this Court are unable, in the existing state of the files, to cope with the mass of business that comes before them. Any addition to the ordinary business will necessarily occasion further arrears.

**From T. T. ALLEN, Esq., Superintendent and Remembrancer of Legal Affairs, Bengal, to Chief Secretary to Government, Bengal,—(No. 901, dated 9th November, 1885).**

IN reply to your office No. 1337 J.D., dated 31st July last, I have the honour to say that the draft Indian Bankruptcy Bill is applicable to the presidency-towns, where at present a similar law is administered by the High Court in its original jurisdiction. As I have no knowledge or experience of the working of the existing law, I am unable to form an opinion as to the necessity for, or improvements effected by, this Bill.

2. As to the mufassal, I consider the present Bill utterly and entirely unsuitable, but as there appears to be no intention to make it current there, this is no detraction from its merits.



From MAHARAJÁ the HON'BLE SIR JOTENDRO MOHUN TAGORE, K.C.S.I., to Officiating Under-Secretary to Government, Bengal,—(dated 31st August, 1885).

I HAVE the honour to acknowledge the receipt of your No. 1310 J.D., dated the 8th ultimo, forwarding, for the expression of my opinion on it, copy of a draft Bill to amend the Law of Bankruptcy and Insolvency in British India, and in reply to submit the following remarks for the consideration of His Honour the Lieutenant-Governor of Bengal.

2. The primary object of the project is consolidation. The law of bankruptcy and insolvency, as now current in India, is scattered in different Acts, which are in some respects defective, and in others discordant or not convenient; and this Bill under notice proposes to reconcile differences, to supply omissions, to remove defects, and generally so to amend and alter the present law as to make it fully suited for the requirements of the day. In so far the project is worthy of commendation. The opportunity has also been taken to make it accord with the latest English law on the subject, and provision has been made so to transfer cases from Indian to English Courts as to cause no inconvenience.

3. It is not necessary for me, however, to notice all the alterations, particularly as the hon'ble and learned gentleman who has drafted the Bill has fully and clearly treated the subject in great detail in his Statement of Objects and Reasons. I desire, therefore, to confine myself here to only those points which appear to me to require further consideration.

4. In the Civil Procedure Code Act (XIV of 1882, sections 336 and 344), relief for bankruptcy is made dependent on a preliminary arrest or imprisonment; no debtor can obtain the benefit of the law until he is taken up under an execution warrant. This mode of making relief accessible only through the gates of a prison to honest but unfortunate debtors is highly objectionable, and clause (1) of section 7 of the Bill does well in doing away with it in the case of persons residing or carrying on business within the jurisdiction of the Presidency Courts for at least a year. The limit of time fixed, however, appears to me to be too long. There are many causes which may, and not unfrequently do, bring an insolvency within a much shorter time, and that without any dishonest or fraudulent motive on the part of a debtor; and in such cases it is not at all desirable to insist upon a preliminary punishment. The law provides ample safeguards against fraud, and the punishment should come when the fraud is actually detected. This applies likewise to the first part of the section, which insists upon lodgment in prison as a *sine qua non* in the case of an ordinary debtor. It makes a provision which can always be circumvented, except in the improbable contingency of a debtor being so unfortunate as not to be able to get a creditor to petition against him. Under these circumstances, I am respectfully of opinion that the clause in question should be divested of the conditions attached.

5. Clause (1) of section 26 gives power to the Court to compound with the debtors to an insolvent estate; and this is as it should be, inasmuch as, however, such dispositions must, as a matter of course, be effected by the Receiver or the Trustee of the estate, and more frequently by his subordinates. It would be an advantage if provision were made to give an opportunity to the creditors, or the Committee appointed by them, to appear in Court and show cause why particular compositions should not be made in the way proposed. Instances are well known of such compositions in connection with large insolvent estates having been made in a manner injurious to the interests of creditors.

6. Clause (5) of section 26 appears imperfect as it stands. There should be some provision made with reference to any counter-claim that the person concerned may have against the debtor.

7. Among the facts which would disqualify a bankrupt from getting immediate discharge, mention is made of absence of books of account for three years immediately preceding his bankruptcy (clause (a) of section 27(b)). This would suggest the idea that the discharge would be withheld or delayed if the books of account are not forthcoming, or should extend only to one or two years. Such cannot, however, be the intention of the law in cases in which insolvency supervenes after one or two years' trading. In regard to merchants and traders, the law should be so worded as to imply a period of not less than three years in the case of persons carrying on business from a long time, and for the whole period in the case of persons who have earned on business for less than three years. As regards persons other than merchants and traders, it may be a grave hardship to demand regular books of accounts. Such people do not ordinarily keep any account of their income and expenditure; they live upon what they get, and are satisfied. They may, however, be overtaken by a sudden misfortune, so as to render of a Civil Court calling upon a person of this class to pay heavy damages, for which he might be forced to seek the benefit of the Insolvent Court, and in such a case it would be cruel to expect him to produce regular books of accounts, and on default subjecting him to punishment. The Court should be left perfectly free to exercise its discretion as to whether the omission is due to unavoidable or accidental circumstances, or to improper motive. The word "shall" in line six of the clause, page 16, leaves no room for such discretion.

8. I find upon clause (2) of the same section as calculated to operate harshly. There are many merchants and traders even in Calcutta who have been under the necessity through their misfortune, without any fraudulent or dishonest intention of taking the benefit of the Insolvent Act two, three, or more times, and there is no valid reason why men of that class should not readily obtain their discharge under the proposed Bankruptcy Act. The broad line of distinction between honest misfortune and fraud should never be lost sight of.

9. Clause (1) of section 16 appears to contravene to a certain extent the provisions of the current law of the country on the subject of pensions. Section 14 of Act XXIII of 1871 says: "No money due or becoming due on account of any special political considerations, or post services pension or allowance shall be liable to seizure, attachment, or sequestration by process of any Court in British India at the instance of a creditor for any demand against the pensioner, or in satisfaction of a decree or order of any such Court." This provision is repeated in several subsequent Acts, and in particular in section 266 of Act XIV of 1882, and no circumstances have since transpired to suggest a departure from it. Pensions are in theory benevolences, and to render them liable to seizure by a decree of a Court is to convert charity into civil right. They are granted by Government to provide for the support of persons who have rendered good service for extended periods, and are liable to stoppage at any time at the will of the donors, and should not on any account be treated as a fixed asset.

10. When the Bill regarding the amendment of the Courts of Small Causes in Presidency towns was under consideration a few years ago, the public feeling was strongly expressed against a section in the Bill which proposed to vest three Courts with insolvency jurisdiction to a limit of Rs. 1,000, and in compliance with the wishes then expressed the section was withdrawn. Section 88 of the Bill now under notice renews the project in a modified form, that is, by delegation of power by the High Court, but removes the money limit. There are cases in which such delegation would prove useful, but I would respectfully urge that the limit of value should be fixed by law and not exceed Rs. 1,000.

From BABU DOORGA CHURN LAW, to Officiating Under-Secretary to Government, Bengal,  
—(dated 7th September, 1885).

I HAVE the honour to acknowledge the receipt of your No. 1344J.-D., dated the 8th July last, forwarding copy of a draft Bill to amend the law of Bankruptcy and Insolvency in British India, and requesting an expression of my opinion on it.

2. In reply, I beg to submit the following remarks on the Bill for the consideration of His Honour the Lieutenant-Governor of Bengal.

3. Time was when a bankrupt or trader who secreted himself, or did certain act with intent to defeat or delay his creditors, was looked upon as a criminal or offender, but that time has long since passed away, and the aim of legislation has of late been to afford every protection to honest but unfortunate debtors. All the insolvency and bankruptcy laws now current have been framed with this object, and the present attempt is to effect a general amendment of the law alike in the interests of general trade, and the principles of humanity and justice. The opportunity has also been taken for a consolidation of the law so as to make it most conveniently workable. The occasion has moreover been utilised to make the Indian Act accord with the latest English law on the subject, and provision has been made so as to transfer cases from India to English Courts as to cause no inconvenience. The necessity for these amendments and improvements, it is stated in the "Draft Statement of Objects and Reasons," has been frequently of late years pressed upon the attention of Government, and in my humble opinion Government does well in taking up the measure.

4. The bulk of the Bill is made up of the law now in force, with such alterations and improvements as the experience of the last four and thirty years during which the Statute 11 & 12 of Victoria, 21, has been in operation in the Presidency Courts has suggested, and as the honourable and learned gentleman who has drafted the Bill has fully and clearly explained the nature and drift of the alterations in his Statement of Objects and Reasons, there is no need for my noticing them. I shall therefore confine myself here to only those points which appear to me to be susceptible of further improvement.

5. For expeditious and satisfactory liquidation of an insolvent estate, it is necessary that power would be given to the Court to compound with the debtors to it, and this is done in clause (1), section 26. Inasmuch, however, as such compositions must, as a matter of course, be effected by the Receiver or the Trustee of the estate, and more frequently by his subordinates, it would be an advantage if provision were made to give an opportunity to the creditors, or the committee appointed by them, to appear in Court and show cause why a particular composition should not be made in the way proposed. Instances are well known of such compositions in connection with large insolvent estates having been made in a manner injurious to the interests of creditors.

6. The provision made in clause (3) of section 26 is necessary and proper, but as it stands it appears imperfect. There should be some provision made with reference to any counter-claim that the person concerned may have against the debtor. In all such cases the counter-claim should be fully satisfied before any demand is made. In other words, the demand should be limited to the difference between the claim and the counter-claim.

7. I am respectfully of opinion that clause (a) of section 27 (3) is likely to act with hardship. In it mention is made of absence of books of account for three years immediately preceding a bankruptcy as a ground for withholding immediate discharge. This would suggest the idea that the discharge would be withheld or delayed if the books of account forthcoming should extend to one or two years only. Such cannot, however, be the intention of the law in cases in which insolvency supervenes after one or two years' trading. In regard to merchants and traders, the law should insist on a period of not less than three years in the cases of persons carrying on business from a long time, and for the shorter period in the case of those who have carried on business for less than three years. This should, however, not apply to debtors other than merchants or traders. Such people do not keep any account of their income and expenditure. They live upon what they get, and are satisfied. They may, however, be overtaken by a sudden misfortune. A decree of a Civil Court may call upon a person of this class to pay heavy damages for which he may be forced to seek the benefit of the Insolvent Court, and in such a case it would be cruel to call upon him to produce regular books of account, and, on default, subjecting him to punishment. The Court should be left perfectly free to exercise its discretion as to whether the omission is due to unavoidable or accidental circumstances, or to dishonest intention. The word "shall" in line 6 of the clause, p. 10, leaves no room for such discretion.

8. The provision made in clause (a) of the same section also appears to me as calculated to operate harshly. There are, I believe, many cases of merchants and traders in the Presidency towns in which men have been under the necessity, through sheer misfortune, without any vicious or dishonest action, of seeking the benefit of the Insolvent Act more than once, and there is no valid reason why men of that class should not readily obtain their discharge under the proposed Bankruptcy Act. The broad line of distinction between honest misfortune and fraud should be very rigidly fixed in all such cases.

9. Clause (1) of section 16 provides for the stoppage for the benefit of creditors of the pay and allowances of persons in the service of Government who may happen to become bankrupts, but the next clause appears to contradict the intention of the provision of the current law of the country on the subject of pensions. Section 11 of Act XXIII of 1871, says: "No money due or becoming due to any person of any such (tribunal) consideration of past service or pension shall be liable to seizure, attachment, or sequestration by process of any Court in British India at the instance of a creditor for any debt owing by the pensioner, or in satisfaction of a decree or order of any such Court." This provision has been upheld in several subsequent Acts, and appears last in section 233 of Act XIV of 1882, and no circumstances have emerged to suggest a departure from it. Pensioners are in theory hereditarily, and to render them liable to seizure by a decree of a Court is to convert charity into a revocable gift. Pensions granted by Government to provide for the support of persons who have become unfit for further work after rendering good service for extended periods—provisions for old age—and are liable to stoppage at any time at the will of the donors and should not, on any account, be treated as a fixed asset.

10. Section 88 of the Bill gives to the High Courts with the power of delegating their powers for certain purposes to Presidency Small Cause Courts. This is indirectly a revival of the clause in the Bill for the Presidency Court of Small Causes which proposed to invest those Courts with insolvency jurisdiction. The public feeling against the project was then strong, and it was therefore withdrawn. The modified form in which it is now proposed appears to me to be not only unobjectionable, but likely to prove very useful. I would respectfully urge, however, that the money limit of the jurisdiction should be ascertained by law, and not left to the discretion of the High Courts. In matters of jurisdiction the law can never be too precise.

From E. HICKIE, Esq., Secretary, Calcutta Trades Association, to Secretary to Government, Bengal,—(dated 14th December, 1885).

I HAVE now the honour to place before you, for submission to His Honour the Lieutenant-Governor, the views of the Committee of the Trades Association on the Bill to amend the law of Bankruptcy and Insolvency in British India.

2. It would be impossible, the Committee feel, to overrate the importance of the proposed Act to the trading community throughout India; they have consequently given to its provisions the most careful consideration, and are unanimously of opinion that the measure, as a whole, will afford assistance and protection to both debtor and creditor.

3. In order, however, that the protection to be given by the Act may be adequate and complete, the Committee would beg to suggest that the Government of India might be moved to amend the Bill in so far as it deals with the following important points, which appear to be deserving of further consideration.

4. In regard to this section, the Committee are of opinion that the jurisdiction clause should be extended

Conditions on which creditor may petition.

(d) the debtor is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling-house or place of business within those limits.

5. The Committee are of opinion that the

34. (1) In the distribution of the property of a bankrupt priority of debts, there shall be paid in priority to all other debts—

(b) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees,

Committee that due regard should be given to this fact on a further consideration of this portion of the Bill. They would strongly recommend that not less than three months' salary should be granted

6. The Committee would beg to suggest that in this section "three months" should be substituted for

36. (1) The landlord or other person to whom any rent is due from the bankrupt may at any time, either before or after the commencement of the bankruptcy, exercise his right of distress (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress for rent is levied after the commencement of the bankruptcy it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

38. The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars—

But it shall comprise the following particulars—

(m) All moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof. Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

40. (1) Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian Marine Appropriation of Service, or an officer or clerk or other person of pay, or were employed or engaged in the Civil Service of the Crown, the trustee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as the Court, on the application of the trustee, with the consent of the chief officer of the department under which the pay or salary is payable, may in or before making any order under this sub-section, the Court shall communicate with the chief officer of the department as to the amount, time and manner of the payment to the trustee, and shall obtain the written consent of the chief officer to the terms of such payment.

9. Finally, the Bill makes no provision for the registration of mortgages of moveable property, or bills of sale as they are termed in England; such a provision would, it is believed, be a very material protection to creditors and I have accordingly to express the hope of the Committee that it will be conceded by the proposed Act.

The Committee trust that the suggestions contained in this letter will meet with the approval and support of His Honour the Lieutenant-Governor.

From J. O. MILLER, Esq., Under-Secretary to Government, North-Western Provinces and Oudh, to Secretary to Government of India, Legislative Department,—(No. 998—VII-78-7, dated 14th November, 1885).

With reference to your letter No. 1040, dated the 17th June, 1885, asking for opinions on the provisions of

Note by Legal Remembrancer to Government, North-Western Provinces and Oudh, dated 9th October, 1885.

Letter No. 2701, dated 3rd November, 1885, from the Registrar, High Court of Judicature, North-Western Provinces.

2. As the Act is not to be extended to these Provinces at present, the Lieutenant-Governor and Chief Commissioner thinks it unnecessary to add any remarks on the provisions of the Bill.

Note by Legal Remembrancer to Government, North-Western Provinces and Oudh,—(dated 8th October, 1885).

I HAVE gone through the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, together with the draft Statement of Objects and Reasons for the same.

I note that in the draft Statement it is proposed to apply the Bill, if it becomes law, in the first instance only to the Presidency-towns and to certain commercial centres in Burma.

to all cases in which the High Court has jurisdiction. For example, a person ordinarily resident in the Mufassal is liable to be used in the High Court in respect of contracts made by him in Calcutta, but a Calcutta firm holding a decree of the High Court against such a person could not, under the Bill as drawn, avail itself of the provisions of the Bankruptcy Act. This seems to the Committee to be a serious anomaly, and one which will materially lessen the usefulness of the Act.

amount to be paid to clerks under this section should be equivalent to three months' salary. To limit the amount to five hundred rupees would to inflict an undeserved hardship on a large number of employees. Not a few firms employ assistants whose salaries range from Rs. 200 to Rs. 500 a month, and who belong to a class of employees who contribute in no small degree to the proper carrying on and success of a business, and it appears to the Committee that due regard should be given to this fact on a further consideration of this portion of the Bill. They would strongly recommend that not less than three months' salary should be granted

in this section "three months" should be substituted for "one year." The powers of a landlord are sufficiently great, and the existing law provides him with ample facilities for recovering his dues, and for these reasons the Committee submit that, if he should be permitted under the proposed Act to levy distress "for one year's rent due prior to the date of the order of adjudication," he will be receiving an undue preference over all other creditors. The Committee would, therefore, urge that the period for which he may recover under this section should not exceed three months.

7. In reference to this section, the Committee would observe that the Bill as drawn leaves the order and disposition clause still open to be defeated by the ruling in *ex parte Gabbay re Morgan*, which decided that the absence from the country of a partner in an insolvent firm prevented the clause in the Insolvency Act applying, on the highly technical ground that property left by the true owner in the possession of such a firm was not in the sole possession of the partner or partners who happened to be resident in this country.

8. In this section the words "with the consent of the chief officer of the department," and "the written consent of the chief officer," deprive it, in the opinion of the Committee, of all its value. The present laws under which Courts are empowered to issue attachment against a debtor's salary are absolute, and do not require the consent of any third party to the appropriation of a moiety of a debtor's pay. The Committee, therefore, think it would be inadvisable that the Indian Bankruptcy Act should differ in this important particular from other Acts.

As regards the North-Western Provinces and Oudh we shall have ample opportunity of seeing how the law works before we extend it to any commercial centre. My experience as a Judge leads me to think that it will be some time before we shall require any extension, and that when it is extended we shall need stronger Courts and Courts with more leisure than they at present enjoy.

Many of the large commercial firms in these Provinces have houses in the Presidency-towns, and, as I understand section 4, creditors would be entitled to present bankruptcy petitions against such firms—so that some considerable portion of the class for whom the Act is intended will be covered by the provisions of the Act.

It is worth noticing that increased use is being made by debtors of Chapter XX of the Civil Procedure Code. The number of applications for insolvency in that way more or less in concert with the increase in the number of applications for execution of decrees. Comparing these, the percentage of applications for insolvency has steadily increased from 15 per cent. in 1881 to 25 in 1882, to 37 in 1883 and 39 in 1884. I feel convinced that, among the provisions of Chapter XX, none of them are so intricate and expensive for the poor insolvent; but for this we should have a still greater number of applications.

With a few alterations the provisions of Chapter XX would meet the present wants of these Provinces, but the present paper is no place to discuss those alterations.

I see little use in discussing *severally* the provisions of a Bill which tend to be applied to these Provinces, and I doubt whether I could do so to much purpose. It would need more acquaintance with the custom and wants of Presidency-towns to do so effectively.

From Registrar, High Court, North-Western Provinces, to Secretary to Government, North-Western Provinces and Oudh,—(No. 2701, dated 3rd November, 1885).

I AM directed to acknowledge the receipt of your letter No. 674—VII-782, dated 26th June, 1885, in the Judicial (Civil) Department, forwarding a Bill to amend the Law relating to Bankruptcy and Insolvency in British India, and requesting the favour of the Court's opinion thereon, and in reply to state as follows:

2. The Hon'ble the Chief Justice has forwarded a minute on the subject direct to the Hon'ble Mr. Elbert, Legislative Member of Council.

3. The Hon'ble Mr. Justice Straight regrets he has had no leisure to consider the provisions of the Bill or offer any remarks thereon.

4. The Hon'ble Mr. Justice Brett has observed it is not intended that any Court in these Provinces shall, for the present at least, have jurisdiction under the proposed Act, and he therefore refrains from offering any remarks on the proposed legislation.

5. The Hon'ble Mr. Justice Fyfe has no remarks to offer on the Bill.

From C. L. TURPIN, Esq., Officiating Secretary to Government, Punjab, to Secretary to Government of India, Legislative Department,—(No. 974, dated 26th November, 1885).

- (1) Draft Bill to amend the Law relating to Bankruptcy and Insolvency in British India, No. 674—VII-782, dated 26th June, 1885.
- (2) Draft Bill to amend the Law relating to Bankruptcy and Insolvency in British India, No. 370-D.A., dated 21st September, 1885.
- (3) Bill to amend the Law relating to Bankruptcy and Insolvency in British India, No. 370-D.A., dated 21st September, 1885.
- (4) Bill to amend the Law relating to Bankruptcy and Insolvency in British India, No. 370-D.A., dated 21st September, 1885.
- (5) Bill to amend the Law relating to Bankruptcy and Insolvency in British India, No. 370-D.A., dated 21st September, 1885.
- (6) Bill to amend the Law relating to Bankruptcy and Insolvency in British India, No. 370-D.A., dated 21st September, 1885.
- (7) Bill to amend the Law relating to Bankruptcy and Insolvency in British India, No. 370-D.A., dated 21st September, 1885.
- (8) Bill to amend the Law relating to Bankruptcy and Insolvency in British India, No. 370-D.A., dated 21st September, 1885.
- (9) Bill to amend the Law relating to Bankruptcy and Insolvency in British India, No. 370-D.A., dated 21st September, 1885.

With reference to your letter No. 1012, dated the 17th of June, 1885, I am directed by the Lieutenant-Governor to send, for the information of the Government of India, the opinions of the officers named on the margin, who have been consulted upon the draft Bill to amend the law of Bankruptcy and Insolvency in British India.

From T. G. WALKER, Esq., Registrar, Chief Court, Punjab, to Officiating Secretary to Government, Punjab,—(No. 2582, dated 13th August, 1885).

In reply to your letter No. 664-S., dated 13th July, 1885, forwarding for the opinion of the Judges, a copy of a Draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, I am desired to say that as it is proposed to limit the application of the Bill to the Presidency-towns and certain other commercial centres, the Judges have no remarks to offer on the Bill.

From E. P. HENDERSON, Esq., Government Advocate, Punjab, to Officiating Secretary to Government, Punjab,—(No. 370-D.A., dated 21st September, 1885).

I HAVE the honour to acknowledge your letter No. 665-S. of 13th July last, forwarding for opinion draft Bill to amend the law of Bankruptcy and Insolvency in British India.

2. I observe that the Act which is now in operation for the purpose of settling the claims of the High Courts of Judicature at Calcutta, Madras, Bombay, and the Agency Courts in the Punjab. I also observe that while power is taken to amend the Law of Bankruptcy and Insolvency in British India, the Governor-General in Council, to amend the Law of Bankruptcy and Insolvency in British India, the insolvency sections of the Punjab Laws Act of 1872 have not been repealed.

As moreover I am new, and have been in the Punjab only a few months, I am, I trust, that I may be permitted to refrain from discussing any measures which are now under consideration in this Province, and which appears to me to be far too advanced and technical for the state of law prevailing here.

From BUNSEE LAI RAM RAFFAN, R. B. Bahadur, to Under-Secretary to Government, Punjab,—(No. 982, dated 2nd September, 1885).

As directed in your letter No. 844-S. of 30th July 1885, which you have very kindly sent for any remarks that I may wish to offer, I have the pleasure to state for your information that the Draft Bill to amend the Law of Bankruptcy and Insolvency in India is worth of maintenance, and that the draft Statement of Object and Reasons is worth of consideration.

I beg to suggest to attend the following remarks after full examination of the documents you have so kindly sent.

1st.—The cost of Court for advertising notices, &c. should be defrayed from the estate concerned, but the Court expenses should not exceed some fixed allowances at the rate of percentage when after full consideration the Legislative ought to fix.

2nd.—In India there are lot of persons who, in anticipation of being insolvent give up their estate, cash and property to their sons or brother, and they themselves remain to be insolvent. In this case the Legislative should pronounce some kind of punishment to be awarded to such insolvent.

3rd.—To avoid recurrence of insolvent the Legislative should consider and order some kind of distinguished mark to be worn by the bankrupt, in order, if the bankrupt go to another country or city, he may soon be recognized as such a man, as in India there are many men who are dealing in this way, i.e., open a shop in a city, and, while their trade became popular, they abstract lot of money by sending it to their homes or making it away otherwise, and afterwards declare themselves as insolvent. If some distinguished mark be ordered to be worn by the insolvent, there will be a kind of check over them.

4th.—In section 21 I beg that the committee should consist of 8 members, i.e., 4 from among the creditors and 4 who do not any way mix in the case, but know the custom of the city, and the Judge should take their opinion before passing any order on the file.

5th.—In my opinion in section 38 the hereditary rights, such as villages or other landed property, should be included in the estate which must be sold too and assessed in the administration leaving a necessary portion for the insolvent only.

I beg to return the papers to you with your letter under reply.

From RAJ MEH RAW, to Secretary to Government, Punjab,—(dated 27th August, 1885).

I HAVE gone through the draft Bill received with your letter No 8418 of the 30th July, and am very glad to acknowledge that steps have been taken to make up the deficiencies which have been observed during the last 35 years. Having, over the matter, the confidence of creditors who are interested in such proceedings is a great improvement to bring this law to the point of completion, and I hope it will satisfy those who were sulking at the introduction of such defective measures part of the Insolvency and Bankruptcy. As far as my experience is concerned, I would beg to state that Part VII of the Bill regarding the small bankruptcies, would not work efficiently in the Punjab until the educated party takes lead in the way of improving the commerce and industry of the country. Of course it will be received with great satisfaction in Presidency and other towns where the people have more of the extensive education are sufficiently enabled to understand the objects and reasons of the measure in question. I would, however, beg to suggest that for such cases the qualifications of the trustees must be provided so that they have to manage the estate without the control and supervision of those who seek to take advantage of it.

2. In conclusion, I request that the Privy Council Court must be very strict in awarding punishment to the guilty debtor, as the number of rejected applications clearly shows the bad motive with which they have often been filed to evade the law in many cases.

From RAMKISHAN DAS, Honorary Magistrate, Delhi, to Under Secretary to Government, Punjab,—(dated 24th September, 1885).

IN reply to your No 844, letter of 14th July last enclosing a draft Bill on the law of Bankruptcy for opinion I have the honour to submit the following remarks.

In my opinion the Bill is a law which may operate to the benefit and only due to the Punjab and North Western Provinces and the District Courts empowered to exercise authority conferred on "the Court" under it. The provisions of the Bill, though based on the English law, are not so very different as to be different in character, and may advantageously be adopted in the Mofussil. The principle of principle is already so far as the British India and India common law is concerned the existence of one and the same law for identical cases and circumstances, where they may occur in the country. The provisions as to the voluntary arrangement by creditors and the appointment of trustees and the conduct of business by the insolvent under the supervision of trustees and the contracts of insolvency are a new arrangement. They are a relief upon every day in this part of India. Indeed, it is hardly a case in which the Court is not bound to them as the most efficacious machinery for dealing with its insolvency. I would therefore very strongly urge the extension of the Bill to the Mofussil.

Sections 3 (1) and (2) may be fused into one clause. There is no reason for keeping them separate.

Section 8 (2).—There is no benefit likely to accrue to the insolvent's estate by allowing a secured creditor to realize immediately his security. It is out of place in English money law to which even there is considerable credit, no money secured creditor has power of sale except through the medium of a Court, and why he should be allowed to bring an action to sell the property and then attach mortgages, which are after all to come out of the insolvent's estate, is not a proper addition.

Sections 11 (1) and 12.—For 3 days I would allow 10 days, and for 7 days 1 month. The time mentioned in the sections is excessive, especially in the case of a creditor who has to enter on very arduous enquiries in order to get up the case.

Section 15 (1).—The word "voluntary arrangement" has been omitted. "So" would mean for this purpose, i.e., for the purpose of the arrangement. The penalty should be general and absolute, and not confined to any particular arrangement.

Sections 17 (15) and Section 18 relate to the same matter, and with some slight changes of language could easily go into one section each.

Section 20.—The law is very much improved by the law strongly condemned recently by Mr. Justice Norris. It is considerably able to improve the law, and to be no more in the situation of 3 months, which should be expunged.

Section 28 (2).—Would *deposits* be made by this or not?

Section 31.—To this section add *Trusts, debts, obligations without consideration—Voluntary bonds* shall not be provable.

Section 36 should be omitted and its provisions added to section 34, which is their proper place.

Section 37.—Add *voluntary arrangement* which the assignee or receiver may perform.

Section 40.—"Or engaged in the Civil law." Omit the word "Civil."

Section 48 (5).—Add "Provided that if the party does not agree and feels aggrieved, he may institute suit for declaration as to quantum of damages, which he will be allowed to recover on a debt."

Section 48 (6).—"And on hearing such petition" modify into "on hearing the trustee or such other person."

Section 49.—Add "(f) *Su debitor*." This power should be conferred on the trustee irrespective of the following section.

Section 51.—The word "debtor" will have to be changed into "legal possessor" or "pledger."

From RAJ BAHADUR KALLIAN SINGH, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,—(dated 1st September, 1887).

10. Section 28, clause 1, should fix any period in which but may be replaced by 12 years as a reasonable time. After that he must declare free from the said debt, otherwise it would be once a *bankrupt* always a *bankrupt*.

Hoping you approve of the above.

*Section 17, clause (1) + 11* If the Court approves the composition or scheme, the approval may be testified by the seal of the Court being attached to the instrument containing the terms of the composition or scheme, or<sup>†</sup> by the terms being embodied in an order of the Court.

**Section 42, clause (1).—**Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors shall, if the person making, taking, paying or suffering the same is adjudged bankrupt or a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy.

\* Should be six months three months is too little time.

#### PART V.

##### TRUSTS.

###### *Remuneration of Trustee.*

**Section 63, clause (1).—**Where the creditors appoint any person to be trustee of a debtor's estate, his remuneration (if any) shall be fixed by an ordinary resolution of the creditors, or, if the creditors so resolve, by the committee of inspection, and shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realized after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend.

**Section 84, clause (1).—**The local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, *with the previous sanction of the Governor General in Council*, by that Local Government within the territories administered by it.

**Section 91, clause (1).—**An appeal shall lie from the order of a Court appointed by a Local Government under section 82 of the High Court of the province.

The remuneration of the trustees should be fixed by the Court itself in every instance. It will be very improper to give the power to the creditors. It is sure to be abused.

It will be quite unnecessary to obtain the Governor General's previous sanction on a matter like this. The words in *italics* should be omitted.

The appealable orders should be *specified*. At present the law (which is the same as this) is very unsatisfactory. Some orders are appealable and some are not. Further, why should an appeal lie to the Chief Court direct? This is a *hardship*. It will be convenient to give this power to the Divisional Courts in this Province and other corresponding Courts in other Provinces.

There should be a final appeal to the Chief Court or High Court, as sometimes intricate questions arise in such cases.

#### PART VII.

##### SMALL BANKRUPTCIES.

**Section 105.—**When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official receiver reports to the Court, that the property of the debtor is not likely to exceed in value *three thousand rupees*, the Court may make an order that the debtor's estate be administered in a summary manner.

**Section 105.—**Any person against whom a receiving order has been made under this Act shall, in default of the order being complied with, be punished with imprisonment with or without hard labour for a term not exceeding two years.

##### *Notices.*

**Section 125.—**Any notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served thereby.

**Section 133 (1).—**In this Act, unless the context otherwise requires,—

"Province" means the territories under the administration of a Local Government.

"High Court of the province" means the highest Civil Court of appeal for the province.

"The Court" means the Court having jurisdiction in bankruptcy under this Act.

"Affidavit" includes declarations under any legislative enactment, affirmations and attestations on honour.

"Available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made.

**Small Bankruptcies.**—This should not be with regard to the amount of the debtor's property. It should be the reverse, *i.e.*, with reference to the amount of *debts due*, and the amount to make a bankruptcy *small* should be Rs. 1,500 only, and not more; otherwise some dishonest people may succeed in arranging that their property may not exceed Rs. 3,000.

**Imprisonment.**—Simple or what?  
**Fine.**—What amount?

Insert *registered* between the words "prepaid" and "post."

These interpretation clauses should be placed in the beginning.



Should be *one hour*.

24. If within *half* an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

From BAGOAN LAL, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,—(dated 1st September, 1885).

WITH reference to your letter dated 30th July 1885, I have to submit my few remarks as to the Draft Bill to amend the Law of Bankruptcy and Insolvency in certain parts of British India, and they are as follows.

2. In section 3 it is necessary that the British India may be defined, that it may be more clear whether the foreign States come within the definition. Although the General Clauses Act, I of 1868, defines the British India, but still remains doubtful as to its limits supposing, for instance *Biluchistan*, &c., &c.

3. In the same section, clause (c) is somewhat harsher, that by issuing the process of sale in execution of decree cannot be said that the debtor has committed the act of bankruptcy.

4. In section 5, clause (d), paragraph 2nd, where it is said within a year before the date of presentation of the petition ordinary mode, &c., the clause in the section is not clear to fix the period gives rise to a doubt.

5. In the section 6, clause 1, it should be added that the copy of petition must be furnished to the opposite party that the opposite party may come proper and unnecessary delay may not occur.

6. In the section 6, clause 5, that the words to take security for payment of debts is to put the hindrances in the way, but to ask security for the costs of the proceedings is not so.

7. In the section 7, clause 1, where it is said unless he is in prison, &c., &c., should be added if he is left on security under section 336 of Civil Procedure Code, Act XIV of 1882, as there is generally the case with judgment-debtors in execution of decree of civil court.

8. Section 17, paragraph 10, provides that the order made on the application may be executed as if it were a decree.

It ought to be for those persons only who wish to get the dividend from the estate of bankrupt, and not for others who do not like to be benefited by the provision of the Act.

9. Section 27 is silent. Clause (c) should be added that who contracted debt *recklessly or carelessly*.

10. Section 28, clause 1, should fix any period in which debt may be liquidated say 12 years is a reasonable term. After that he must be declared free from that said debt, otherwise it would be once a bankrupt always a bankrupt.

From Officiating Secretary to Chief Commissioner, Central Provinces, to Secretary to Government of India, Legislative Department,—(No. 1131-202, dated 21st October, 1885).

I AM directed to acknowledge your No. 1013, dated 17th June last, forwarding for opinion a draft Bill to amend the Law of Bankruptcy and Insolvency in British India.

2. The Bill will affect only the Presidency towns, the four chief towns, in British Burma and the few large commercial centres to which it may hereafter be extended. There are no large commercial centres in the Central Provinces at present, and the likelihood of the extension of the Bill to any town in these provinces in the future is remote. Under these circumstances the Chief Commissioner does not think it necessary that he should make any observations on it.

3. The Bill was sent for opinion to two selected officers, Mr. J. W. Neill, Officiating Judicial Commissioner, and Mr. Venning, Commissioner of Nagpur. Neither of these officers has offered any criticisms on it.

From F. S. SYMES, Esq., Officiating Secretary to Chief Commissioner, British Burma, to Secretary to Government of India, Legislative Department,—(No. 152-26-L., dated 17th December, 1885).

I am directed to acknowledge the receipt of your letter No. 1044, dated the 17th June last, regarding a draft Bill to amend the law relating to Bankruptcy and Insolvency.

2. I am now to submit copies of the letters cited in the margin, which contain expressions of the opinion of the Recorder of Rangoon, of the Judge of Moulmein, and of the Rangoon Chamber of Commerce, on the provisions of the Bill. The opinion of the learned Judicial Commissioner is still awaited. It will be submitted in due course. The delay in replying to your reference has been occasioned by the Chief Commissioner's desire to be in possession of the views of the Chamber of Commerce and, if possible, of the Judicial Commissioner, before taking the matter into consideration.

3. The Chief Commissioner agrees that for the present, as regards this province, the new Act should apply only to the four principal seaport towns. By Act XIV of 1885 power has been conferred on the Chief Commissioner to transfer the jurisdiction in insolvency matters of the Recorder of Rangoon to the chief Civil Courts of Moulmein, Akyah, and Bassein in respect of those towns. Subject to the assent of the Governor General in Council, a similar power is conferred on the Chief Commissioner by sections 82 and 83 of the Bill. It would seem necessary to take care that the provisions of the Bill should not conflict with those of the Act above cited. But the Chief Commissioner does not support the suggestion made by the Judge of Moulmein that the power at present exercised by the Local Government of conferring insolvency jurisdiction on and withdrawing it from the Moulmein Court should be annulled by the constitution of that Court as an Insolvency Court under section 82 of the Bill.

4. The Chief Commissioner supports the proposal made by Mr. MacEwen that power should be taken in section 88 to confer on the Court of Small Causes in Rangoon the limited jurisdiction in bankruptcy matters which it is proposed to enable the High Courts to confer on the Small Cause Courts in the presidency towns.

5. Section 91 of the Bill provides for appeals from orders in bankruptcy matters. Before the Bill is introduced into the Legislative Council it is probable that the jurisdiction of the superior Courts in this province will have been satisfactorily settled. But should the question of the constitution of a Chief Court in Burma be still unsettled when the Bankruptcy Bill is finally drafted, it will be necessary to specify in clause (c) of section 91 the particular High Court to which appeals under that clause would lie. Such appeals might appropriately lie to the Court of the Recorder of Rangoon.

6. The Chief Commissioner solicits special attention to the opinion of the learned Recorder of Rangoon, particularly to the views stated in paragraphs 5, 6 and 7 of his letter, which seem to be worthy of consideration. It seems very important that the application of the less cumbersome procedure (section 103 of the Bill) should be extended so as to embrace cases where the assets are, apparently, not more than Rs. 10,000. Mr. MacEwen's figures, namely, 91 insolvencies, Rs. 28,74,000 of debts and only Rs. 43,000 (less than 2 per cent. of the debts) recovered by the Official Assignee in all, do not warrant sanguine hope that bankruptcy proceedings will greatly benefit the mass of creditors. There is, perhaps, therefore, the more reason for attempting, when the law is under revision, to free innocent debtors from some part of the pains and penalties now accruing to themselves and their families from non-fraudulent debt.

The recommendation made in paragraph 8 of Mr. MacEwen's letter regarding the abolition of dual jurisdiction in the same Court also commends itself to the Chief Commissioner.

7. Mr. MacEwen's report contains a recommendation for the abolition of imprisonment for non-fraudulent debt. The learned Judge is clearly in favour of such abolition, though he mentions that the retention of this penalty has been practically decided upon. The Chief Commissioner does not know how this may be. He ventured previously (letter No. 679—1-L., dated the 21st July, 1882, to Home Department) to show cause for the total abolition of imprisonment for non-fraudulent debt. He still holds to the same opinion. He recently referred to the Judicial Commissioner certain cases of imprisonment for civil debt in the hope that the learned Judge would advise or comment upon the matter. If anything of interest or value results from this recent reference and discussion, the papers will be laid before the Government of India.

From D. G. MACLEOD, Esq., Judge of the Town of Moulmein, to Junior Secretary to Chief Commissioner, British Burma,—(No. 129—2, dated the 24th August, 1885).

In compliance with the request made in your letter No. 100—26L. (Judicial Department, Legislative), dated the 6th ultimo, I have the honour to offer the following opinion on the Indian Bankruptcy Bill.

In dealing with the first question raised in the fifth paragraph of the Statement of Objects and Reasons, namely, as to the extent to which the proposed law should be applied locally in British India, it is necessary to bear in mind the main object of a bankruptcy law, which is to relieve honest debtors from the punishment of imprisonment for debt. The securing of the debtor's property for the benefit of his creditors is really subsidiary to the relief to the debtor, and the question, therefore, should not be entirely judged with reference to the existing machinery for working the proposed law for the benefit of creditors.

The question, however, as discussed in the Statement of Objects and Reasons of the Bill, is not, as it was in the correspondence in 1882, whether it is advisable to abolish imprisonment for debt, but whether the only legs of the proposed law should be extended to debtors in India generally, or only to a favoured few who have the good fortune to be inhabitants of the small local areas to be brought under the operation of that law.

Allowing even that there are differences between the circumstances of indebtedness arising in commercial seaports and those occurring in the Mufassal, it seems to me desirable to have only one insolvency law for the whole of India, and this, as stated in paragraph 11 of Statement of Objects and Reasons of this Bill, might be effected by inserting in the proposed measure a chapter providing the modifications and simplifications necessary to suit the requirements of Mufassal Courts. Chapter XX of the Civil Procedure Code has been, if not long enough in force to pave the way for a measure such as the present, sufficiently tried to show the necessity for its very considerable amendment, if not for its abolition, and I consider it undesirable to retain it in preference to a simplified but complete insolvency law.

If it should in the end be decided not to frame an Act applicable to the whole of British India, it should, I think, at least be left optional with persons resident beyond the local limits of the Courts with insolvency jurisdiction to avail themselves of the benefit of the insolvency law. Cases are conceivable in which it may be a less hardship to debtors and creditors to get insolvency affairs administered by a Court having jurisdiction under the proposed measure than by the ordinary local Court with limited powers under Chapter XX, Civil Procedure Code, such for instance as the case of a debtor who resides just outside the limits of an Insolvency Court or has considerable property within such limits.

Coming to that part of the Statement of Objects and Reasons which refers to the difference between the Bill and the law on which it is modelled, I would remark, in regard to the question of jurisdiction to entertain applications for a declaration of insolvency, that by reason of the difficulty in the case of natives of proving the fact of residence at all, it seems desirable to amend the provision by including *the personal carrying on of business or working for gain* as grounds of jurisdiction. This would afford creditors larger and easier means of proving the point of jurisdiction, which would probably be frequently raised by reason of the limitations imposed on it by the draft Bill.

As regards the provisions of the Bill, it is not easy to foresee how details, for the most part adapted to English modes of business, would work in practice in India. My remarks, therefore, will be directed and confined to what appear to me to be omissions in the Bill rather than to criticising the propriety or efficiency of the proposed procedure.

*Section 8 (1)*—If it is intended, as I think it must be, to give the Court power to release the debtor from jail if he should be there when the receiving order is made, provision for that should be made here by empowering the Court to order the release of the debtor whenever he may be confined. The power to release from jail, even if the jail be within the jurisdiction of the Court, is necessary in view of the different grounds which confer insolvency jurisdiction.

(2)—Under Act XXVIII of 1866 the power of sale is only conferred in respect of mortgages to which English law is applicable, and unless this provision is limited to the exercise of such power, mortgagees would be entitled to realize their securities by suit to the detriment of the interests of the unsecured creditors, which the expenses of the suit would occasion. This remark should be read in connexion with another, which I shall presently make in reference to the rights of mortgagees, *infra* 2nd Schedule (2c).

*Section 19 (1)*—Provision similar to that previously suggested should be made here also for the release of the debtor from jail if not released at the time of making the receiving order.

*Section 26 (1)*—The right to summon others than the debtor should be limited, as in the Civil Procedure Code, with reference to the means of communication between their place of residence and the court-house.

(2) I would add after the word "sum" the words "for his travelling expenses and subsistence."

*Section 45.*—It is, I think, desirable that the power of the Courts to seize the property of a bankrupt should extend to any part of Her Majesty's dominions, suitable provision being made for the procuration of the necessary authority from the Court having jurisdiction where the property is situate.

*Sections 82 and 83.*—As the Bill was drafted before the amendment of the Burma Courts Act 1875, by the Act of 1885, whereby the insolvent jurisdiction before exercised by the Recorder of Rangoon in Moulmein has been vested in the Judge of Moulmein, these sections should be altered so as to give the Court at Moulmein jurisdiction in bankruptcy by the direct operation of the proposed Act.

*Part I.*—The usefulness of this chapter would be extended by providing that the Official Receiver shall not be required to pay the court-fees prescribed for proceedings in Court for the recovery of debts, but that the amount due for such fees shall be a first charge on any debt that may be obtained by him, or that it shall be payable out of the general funds of the estate. The difficulty also of investigating small claims of insolvents must, I should think, act prohibitively against the institution of suits for the recovery of such claims. If such suits were allowed to be brought on the statements made by insolvents in their schedules, greater responsibility would attach to such statements, and the burden of the suit would be rightly thrown on the person who, but for the intervention of the Receiver, would be the party to sue. The Official Receiver of course would be bound to satisfy himself as to the legality of the claim as disclosed by the facts stated in the schedule, but every other facility should be given him to realize the property of the debtor in the way I have indicated. No 25 of the rules of the Calcutta High Court, framed under the present Insolvency Act, provides that the Official Assignee may sue without payment of *office fees* if he have no funds, but this does not include stamp-duty, to which my remarks are intended to apply.

*Second Schedule 12 (c).*—To meet the case of mortgagees whose securities exceed in value the amount of the debt, corresponding rights should, I think, be to the trustee to force a sale of mortgaged property at a reserved price equal to the amount due on the mortgage, as the trustee may not always be in a position to redeem.

The trustee should also have the right to sell the equity of redemption in mortgaged property if the mortgagee does not seek to foreclose his mortgage within some specified time.

From R. S. T. MACLEWEN, Esq., Officiating Recorder of Rangoon, to Secretary to Chief Commissioner, British Burma,—(No. 164—51, dated the 20th August, 1885).

I HAVE the honour to acknowledge receipt of your letter No. 100—26-L, dated 6th July last, forwarding copy of a draft Bill to amend the Law of Insolvency and Bankruptcy in India, and asking for an expression of opinion on the provisions of the Bill.

2. The Bill itself is a large measure and deals with a somewhat difficult and complex subject. It is drawn on the lines of the recent English Bankruptcy Statute, and would require no more time than I have at present at my disposal to examine its provisions in detail and consider their probable effect in the event of its becoming law. But I may say that a new Act dealing with insolvency and bankruptcy in India has long been felt to be a necessity, and I think the general feeling has been, both amongst lawyers and commercial men, that any measure of the kind which is undertaken should be as clear, simple, and effective as possible. Whether this Bill fully answers these requirements it is difficult to say without a much more minute examination of its provisions than I am now able to give to it.

3. Part I (sections 3—29) of the Bill deals with the procedure to be followed from an act of bankruptcy to discharge, and in cases of large bankruptcies, where the bankrupts are traders and the property for distribution is considerable, the provisions are no doubt to the advantage of creditors, but they are more cumbersome than under the present system, and will lead to greater expense in the administration of bankrupt estates. They will add considerably to the work of the Courts and of the Official Assignee (called Official Receiver in the Bill), and appear to contemplate (in large cases at least) the appointment of a trustee, other than the Official Receiver, in each bankruptcy. The appointment of such a trustee, except in large and intricate cases, seems unnecessary and undesirable. If generally adopted, the effect would be to take all bankruptcies likely to render reasonable remuneration to the trustee out of the hands of the Official Receiver and Trustee and to leave him with only such cases as would yield little or no returns; and as he is not a salaried officer, but dependent wholly upon commission for his own labour and the cost of his establishment, it would be difficult, if not impossible, to secure the services of competent persons as Official Receivers. If the commission to come to the Official Receiver is likely to be inadequate, the Government will have to pay a high salary to the Official Receiver and the cost of his establishment. For the duties imposed by the Bill on the Official Receiver are considerably and important, and must be performed by a professional lawyer. At present the Official Assignee and his establishment cost the Government nothing. No doubt section 29 leaves it in the discretion of the Court to appoint an independent trustee, but the appointment might be applied for by the creditors, the Official Receiver, or on a probably object. At all events there would be a conflict of interest, and it might be difficult to reject an application by the body or a majority of the creditors. Such objections would never be made in non-trading bankruptcies, and the practical effect might be to leave these and no other in the hands of the Official Receiver. It seems to be considered that there would be difficulty in finding non-official persons qualified and willing to act in such cases. I do not think this is so much to be apprehended, as the competition there would be for paying trusteeships. There are always a considerable number of persons ready to offer for any business that may be expected to pay, and sub-section (2) of section 61 contemplates the appointment of solicitors. It appears to me, therefore, that unless some restrictions are placed upon the appointment of non-official trustees, there is likely to be a good deal of competition for the business, and if appointments were freely made, it would be with the result just indicated. On the whole, I think the business is likely to be better performed in the hands of a responsible professional Official Receiver, and, in addition to the discretion imposed upon the Court in the matter, I think no appointment of a non-official trustee should be made except upon a resolution of three-fourths in number and value of the creditors, and that section 20, sub-section (2), should be altered to this effect.

4. The Bill (section 63) provides for the remuneration of non-official trustees, but it does not appear how the Official Receiver is to be paid. Of course if it is intended that he shall be a salaried officer and receive no commissions, then these observations will be inapplicable. But if he is to be on the footing of the present Official Assignee, they appear deserving of consideration; and if he is to be a salaried officer, it may be well to enquire from what source his salary and establishment are to be met. The only court-fee chargeable in insolvency cases is the ordinary petition fee of eight annas, and the fees for serving notices go to the messenger and not to the credit of Government.

5. The provisions of Part I are, it seems to me, unnecessarily complex for the large number of small bankruptcies which occupy so much of the time of the Courts at present. It is true Part VII provides a summary procedure for some, but not for all of these cases. It is only in cases where the property to be administered does

not exceed Rs. 3,000 that this part applies. I annex a statement showing the number of insolvencies in this Court during the past three years, with the scheduled liabilities, assets, and actual recoveries. In 1882 there were 20 insolvencies, aggregating Rs. 4,544 of liabilities, and scheduled assets amounting to Rs. 2,125 526, while the total recoveries amounted to Rs. 23,187, and of this sum Rs. 20,163 was secured, the sum which the Official Assignee recovered for distribution amongst creditors being only Rs. 3,324.

In 1883, out of 22 insolvencies with total liabilities of Rs. 14,17,824 and scheduled assets of Rs. 6,32,792, Rs. 82,823 was all that was recovered. Of this sum, Rs. 60,080 was secured, and the balance, Rs. 22,743, the Official Assignee called in.

In 1884 the total liabilities in 49 insolvencies was Rs. 10,03,035. The assets as per schedule amounted to Rs. 7,82,933, the recoveries to Rs. 56,446, of which Rs. 39,782 was secured and the Official Assignee recovered Rs. 16,664.

It is not quite clear what "property of the debtor" in section 103 is intended to cover. If it means scheduled assets, then Chapter VII would apply to about one-half of the business in this Court. Of the 91 insolvencies shown in the statement it would apply to 47. Having regard, however, to the results in the remaining 44 cases, it appears to me that the limit might very well be raised to Rs. 5,000, and I think it might with safety and advantage be raised to Rs. 10,000. In three only out of the 91 cases has property of the value of Rs. 10,000 and upwards been administered, and in seven cases has property between Rs. 5,000 and Rs. 10,000 been recovered. In the remaining 81 cases the property actually administered was less than Rs. 5,000. In 53 cases absolutely nothing was recovered. The provisions of section 14 relating to meetings of creditors would be inapplicable to the whole of these 81 cases.

In 9 out of 10 of these cases the insolvents only come into Court for the purpose of obtaining a protection order. They are either in jail in execution of a Civil Court decree or are threatened with arrest; they have little or no property—in many cases absolutely none. They are nearly all petty traders or impetuous clerks and other persons; the number of their creditors and the individual debts are small; there is seldom much, if any, opposition, and the whole business in these cases is of a simple and rudimentary character. To apply the provisions and machinery of this Bill, to any great extent, to these cases would, in my opinion, be a mistake. The cost, trouble, and delay would far exceed the benefit to be derived. The estates would not bear the cost, which would therefore fall upon the Government.

6. I have very little doubt, although I have not the means of testing my opinion by returns, that in the presidency towns the results will be found to be much the same as here. I think that if there was no imprisonment for debt there would be very little insolvency business in India; at all events it would be confined to *bona fide* trading bankruptcies. It seems to me that, no matter how stringent a bankruptcy law may be made, it will be taken advantage of so long as imprisonment for debt continues, and the Courts will be resorted to by a class of debtors who ought not to be able to get rid of their debts by means of an Act of this kind.

The true remedy is abolition of imprisonment for debt. It would curtail credit, and be immensely to the advantage of the public and the administration of justice. It would practically abolish small bankruptcies, save much legislation, the time of the Courts, and the expenditure of public money. I understand the question has lately been considered and it has been decided to retain imprisonment for debt. I think, however, it is well worthy of further consideration in connection with the subject of insolvency and this Bill.

7. Section 103 (b) provides that the committee of inspection may be dispensed with in small bankruptcies, and (c) allows for other modifications by order. But this is an inconvenient arrangement, and the power to make rules which absolutely annul the direct provisions of an Act is often questioned. I think where modifications are considered necessary they ought to be made in the Act itself in this part. I am of opinion that all the provisions relating to meetings of creditors should be dispensed with in small bankruptcies, and that this modification should precede or follow clause (b).

8. I am also of opinion that in Courts where the Bankruptcy Act is in operation, Chapter XX of the Civil Procedure Code should not apply. The double jurisdiction and procedure lead to confusion, doubts, and uncertainty; persons will not know which procedure to come under, and objections and difficulties will be raised. As it is, Chapter XX has been very little used in the Courts now exercising insolvency jurisdiction. There is not a single instance of it in this Court, and until the High Court of Calcutta lately held that it had concurrent jurisdiction under the Civil Procedure Code, the power was doubted. At all events it had not been freely exercised. I am of opinion, therefore, that one of two courses ought to be followed with regard to this part of the subject—

- (1) Additional provisions ought to be added to Chapter XX to provide more fully for small bankruptcies, and they should be omitted from this Act altogether; or
- (2) Part VII ought to deal with them entirely and be the only law in the Courts to which the Act would apply, and Chapter XX of the Code should be restricted to Courts in which the Act did not apply.

I think the second is the preferable course, and that their proper place is in this Act; but the procedure should, in any case, as possible, be that of the Code.

9. The Court has not at present the machinery necessary to carry out the provisions of the Bill, and even if a Chief Court should be constituted for British Burma, it will require some addition to its establishment to work the Act properly in all bankruptcies, where the property likely to be realized exceeds Rs. 3,000, were to be made subject to the full provision of the Act. The principal Civil Courts at Moulmein and Akyab have lately been invested with insolvency jurisdiction, and certainly they have not, and are not likely to obtain, the establishments necessary for the purpose. The jurisdiction might no doubt revert to the Recorder or be vested in a Chief Court, but I think it would be a very great hardship to persons resident in these places to compel them to come to Rangoon in all cases of small bankruptcies. The principal Civil Courts in these places are quite competent to deal with small insolvencies, and with a simple procedure they would not require extra establishments. I think, therefore, that this is a matter of considerable importance so far as the seaport towns of this province are concerned.

10. Section 88 confers certain power on the Judges of the Presidency Small Cause Courts. I see no objection to this provision. It will relieve the High Courts of a great deal of purely formal work and of a number of petty *unimportant* bankruptcies, and I propose the rules contemplated by sub-section (1) would fix a *pecuniary* limit beyond which these Courts could not receive or hear bankruptcy petitions. In the draft Bill to constitute a Chief Court for British Burma power has been taken to extend the Presidency Small Cause Courts Act to Rangoon. Similar power might be taken to extend, at any time, the provisions of section 88 to the Small Cause Court of Rangoon, although I could not at present recommend that the powers given by the Bill should be exercised by the Rangoon Small Cause Court. But if that Court is reconstituted under the Presidency Acts, and the necessary establishments are allowed, there is no reason why it should not exercise the same powers as the Presidency Court.

11. I entirely approve of the penal sections of the Bill. I think they are most necessary and will meet most of the cases which arise in practice.

*Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1882.*

Number of Insolventcies	ASSETS AS PER SCHEDULE.					ACTUAL RECOVERIES.				Remarks
	Liabilities in rupees.	Due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From Debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	..	..	..	..	..	..	..	..	..	Registry of bankruptcies in Scotland.
2	9,301	390	..	..	390	..	920	..	920	The insolvent compromised with his creditors out of Court at four annas in the rupee.
3	12,110	13,527	..	..	13,527	146	..	..	146	
4	5,579	..	..	..	..	..	..	..	..	
5	21,167	1,096	..	8,600	9,696	114	..	1,760	1,874	
6	2,540	2,900	..	..	2,900	..	..	..	..	
7	..	..	..	..	..	..	673	..	673	No schedule filed, insolvent settled with creditors out of Court and paid in Rs. 12,888, to be divided amongst creditors at four annas in the rupee.
8	11,097	..	..	..	..	..	..	8,050	8,050	No schedule filed.
9	..	..	..	..	..	..	..	..	..	
10	21,074	..	..	..	..	..	..	..	..	
11	2,375,947	..	478	1,24,560	1,24,978	..	475	..	475	Rupees 1,217 was also realized from rents of houses. This insolvent compromised with his creditors out of Court for eight annas in the rupee.
12	Cannot be ascertained as case is transferred to Akyab	..	..	..	..	40	..	..	40	
13	2,989	..	..	..	..	..	..	..	..	
14	61,144	1,507	1,500	..	6,237	65	654	5,571	6,294	
15	1,951	3,514	80	750	4,395	25	..	1,573	1,573	
16	14,090	10,500	..	..	10,500	..	..	..	..	
17	9,227	1,100	..	1,876	6,251	59	..	3,229	3,288	
18	20,000	500	..	20,500	20,500	..	110	..	110	
19	5,438	..	..	..	..	..	..	..	..	
20	3,000	1,555	..	1,800	3,355	..	25	..	25	
	454,491	39,712	2,258	1,71,526	2,12,526	450	2,800	20,163	23,487	

*Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1883.*

Number of Insolventcies	ASSETS AS PER SCHEDULE.					ACTUAL RECOVERIES.				Remarks
	Liabilities in rupees.	Due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From Debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	716	..	..	..	..	..	..	..	..	
2	1,04,078	..	..	..	..	..	..	..	..	
3	..	..	..	..	..	..	..	..	..	No schedule filed.
4	61,869	784	7,381	..	8,165	..	5,250	..	5,250	This was for final discharge.
5	..	..	..	..	..	..	..	..	..	
6	6,802	3,349	..	..	3,349	..	..	..	..	
7	5,300	..	..	3,000	3,000	..	..	..	..	
8	6,055	3,196	..	..	3,196	..	..	..	..	
9	13,000	10,500	..	..	10,500	..	..	..	..	
10	2,005	..	233	..	233	..	33	..	33	This was for final discharge.
11	..	..	..	..	..	..	..	..	..	
12	58,263	1,202	..	675	7,067	..	..	..	..	
13	4,780	..	..	..	..	..	..	..	..	
14	2,800	600	..	..	1,750	..	..	..	..	
15	1,563	..	..	..	..	..	..	..	..	
16	6,300	2,008	..	150	2,008	..	..	422	422	
17	1,733	400	..	..	..	..	..	..	..	
18	3,17,881	11,000	..	3,08,119	3,19,119	..	530	..	530	
19	5,504	1,085	..	..	1,085	..	..	..	..	
20	8,702	..	..	..	..	..	..	..	..	
21	8,00,167	21,302	6,420	2,00,550	2,31,312	2,194	14,000	51,333	68,140	
22	2,500	1,554	..	..	1,554	112	..	..	112	
	14,17,824	98,204	13,044	5,21,091	6,12,592	2,306	20,437	69,080	82,823	

*Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1884.*

Number of insolvent's.	ASSETS AS PER SCHEDULE.					ACTUAL RECOVERIES.				Remarks.
	Liabilities in rupees.	Due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From claims in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	2,265	...	...	...	...	...	...	...	...	
2	4,718	284	...	...	284	...	...	...	...	
3	3,407	169	...	...	169	...	...	...	...	
4	5,642	788	...	...	788	...	...	...	...	
5	...	...	...	...	...	...	...	...	...	This case is for final discharge.
6	3,365	...	127	...	127	...	43	...	43	
7	2,641	...	...	...	...	...	...	...	...	
8	2,559	396	...	...	396	...	...	...	...	
9	2,588	179	...	...	179	...	...	...	...	
10	2,635	...	300	...	300	...	108	...	108	
11	9,080	...	...	...	...	...	...	...	...	No schedule filed.
12	...	...	...	...	...	...	...	...	...	
13	2,050	2,624	...	...	2,624	...	...	...	...	
14	7,157	7,355	150	...	7,905	13	661	...	674	
15	28,660	...	...	...	...	...	525	...	525	
16	...	...	...	...	...	...	...	...	...	No schedule filed
17	55,209	...	...	...	...	...	5,157	17,800	22,957	
18	9,879	3,046	99	...	4,041	...	628	...	628	
19	7,047	8,685	112	...	8,597	...	...	...	...	
20	8,369	785	181	...	968	...	420	...	420	
21	13,810	3,620	9,760	...	12,880	1,740	3,879	...	5,588	
22	20,603	2,957	...	7,300	10,257	...	...	5,932	5,932	
23	73,793	71,962	1,818	...	73,380	...	81	...	81	The insolvents in these cases comprised with their creditors out of Court at eight annas in the rupee.
24	57,047	67,389	2,573	...	69,962	...	1,311	...	1,311	
25	1,06,130	41,426	4,274	2,10,000	2,55,740	...	...	...	...	
26	85,336	59,957	3,688	...	53,745	...	...	...	...	
27	1,84,000	15,000	1,980	1,10,000	1,56,980	...	...	...	...	This case is for final discharge.
28	...	...	...	...	...	...	...	...	...	
29	11,067	...	...	...	...	...	629	...	629	
30	7,733	2,999	...	...	2,999	...	...	...	...	
31	10,950	5,309	141	6,770	12,240	...	516	1,500	2,016	
32	6,510	3,361	418	250	4,029	...	221	...	221	
33	9,409	...	20	...	20	...	...	...	...	
34	27,921	620	...	...	620	...	...	...	...	
35	8,175	260	7,207	13,000	20,467	...	...	...	...	
36	32,303	8,900	772	16,500	25,178	254	200	13,500	13,754	No schedule filed
37	...	...	...	...	...	...	...	...	...	
38	Cannot be ascertained; case transferred to Moulviem	...	...	...	...	...	74	...	74	
39	10,519	4,230	...	...	4,240	...	...	...	...	
40	Cannot be ascertained; case transferred to Moulviem	...	...	...	...	...	...	...	...	
41	3,913	...	...	...	...	...	...	...	...	
42	3,163	...	...	...	...	...	...	...	...	
43	6,460	...	...	2,000	2,000	...	...	625	625	
44	14,108	10,622	...	...	10,622	...	...	...	...	This case is for final discharge.
45	...	...	...	...	...	...	...	...	...	
46	6,491	5,747	186	...	5,933	...	...	...	...	
47	51,013	24,421	...	11,500	35,921	...	...	625	625	
48	Cannot be ascertained; case transferred to Moulviem	...	...	...	...	...	131	...	131	
49	82,706	...	...	...	...	...	...	...	...	
50	10,03,035	3,12,897	33,710	4,06,326	7,82,933	2,916	14,618	39,782	56,446	

From J. STUART, Esq., Secretary, Rangoon Chamber of Commerce, to Secretary to Chief Commissioner, British Burma,—(dated the 5th December, 1885).

I HAVE the honour to acknowledge receipt of your No. 101—26-L., dated the 6th July, 1885, asking the opinion of this Chamber on the draft Bill to amend the law of bankruptcy and insolvency in British India.

In reply I am directed to inform you that, as this was a matter involving legal knowledge for a complete understanding of the proposed alterations, the members of the Chamber did not feel themselves qualified to express an opinion. They, therefore, referred the matter to their legal adviser, and I am directed to forward to you his remarks on the proposed amendments.

I have further to apologise for the long delay in submitting an opinion on this matter, a delay which was occasioned by the references which Mr. Gillbanks, the Chamber's adviser, had to make as to the course of legislation in England on the same subject.

Note by MR. J. C. GILBANKS, Barrister-at-Law, Rangoon,—(dated the 5th December, 1885).

From the Statement of Objects and Reasons attached to the proposed draft Bill to amend the law of bankruptcy it would appear that in 1870 a proposal of Sir James Stephen's to introduce virtually the English Bankruptcy Act of 1869 was by general opinion negatived as being too complicated for the mofussil and because the principle of voluntary management by creditors was considered unsuited to India. We think that for the same reasons the present proposed Bill is unsuited for the mofussil in Burma. A proposal in 1881 to amend the existing insolvency law was rejected on the ground that the law required recasting rather than amendment. We fully agree with this opinion, and we believe that nothing short of re-casting the law would be satisfactory. The present law does not seem to us to be cumbersome, though it certainly is defective and out of date.

The proposed Bill adopts the English Bankruptcy Act of 1883; thus we pass at once from legislation in 1848 (our present Insolvent Act is dated 9th June 1818) to an Act of 1883, a gap 35 years in legislation. We consider that it is eminently desirable to assimilate the law in force in India in insolvency to that in force in England and thus to afford our Courts the advantage of English decisions.

In the face of the opinions elicited by previous proposals we are not prepared to recommend at present that the proposed Bill should extend beyond the limits of Rangoon, Moulmein, Akyab, and Bassein as far as Burma is concerned, but we think it desirable that a proviso should be inserted giving power to the local Government to extend the Act to other places in this province when it shall be deemed desirable or necessary. Further, we consider it advisable that the jurisdiction in bankruptcy shall be vested in the Court of the Recorder of Rangoon (or such Court as may be constituted in its place), except as to Moulmein, where there is already a Judge, in whose Court the jurisdiction might be vested with a right of appeal. Provisions on this point must, however, await the passing of the new Burma Courts Act.

Some of the most important provisions of the Bill are those which apply to a composition in satisfaction of the debts due from the bankrupt, or for a scheme of arrangement of his affairs. These provisions remove some of the gravest defects of the existing Indian insolvency law, and they show the enormous gap in our legislative enactments, for the principle of deeds of arrangement, by which the property of an insolvent trader was made available for the common benefit of his creditors without his being adjudicated a bankrupt, was introduced in England as far back as 1825. Now, without any preparatory legislation it is proposed at once to progress from our legislation of 1818 (which was then more backward than English legislation) to the latest English enactment. We must admit that we are legally advised that it appears somewhat doubtful, whether as the proposed Bill is shorn of whatever advantages were expected from the control of the Board of Trade, it is desirable to follow so closely the English Act of 1883.

It may be broadly stated that the chief defects of the English Bankruptcy Act of 1869 were in the provisions for liquidation of the debtor's affairs by arrangement and composition. These defects, it has been alleged, arose mostly from the improper use of proxies and the supineness of creditors, which led to the adoption of inadequate compositions through the influence of the debtors' friends and from the want of control over trustees in bankruptcy in case of liquidation by arrangement, the trustees being exempted from the control of the Court.

We presume that the principle of liquidation by arrangement under the voluntary management of creditors is no longer (as in 1870) considered unsuitable to India. From our experience in Rangoon and Burma we do not think the principle unsuited for this province. We may add that many instances of a desire to carry out such arrangements have come within our experience. Sometimes they have been frustrated because there was no method of making them compulsory, and no control could be exercised by the Insolvent Court. A similar want has been felt when a petition has been withdrawn upon arrangement with creditors.

In so far as a provisional order is only made for the protection of the bankrupt's estate when necessary in the first instance, and the creditors are to have a voice in deciding whether the debtor shall be adjudicated a bankrupt or his affairs be liquidated by composition or arrangement, we approve of the principle of the proposed Bill. If it appears that the approval of the Court, which is necessary, was obtained by fraud, or if it appears that in consequence of legal difficulties, or for any sufficient cause, the composition or scheme cannot proceed without injustice or undue delay to the creditors or the debtor, the composition or scheme may be annulled without prejudice to anything done under it. This is a departure which we approve thoroughly, but at the same time we feel some doubt as to whether the proposed Bill is adapted in details to Indian circumstances. It is extremely stringent in many of its provisions, and we think complicated. We should prefer an Act embodying the main principles and features (with the exception of the important changes just noticed, which should be engrafted) of the English Bankruptcy Act of 1869, which was not found to work badly, and could have been amended without much difficulty, rather than a close copy of an enactment, which has not been in force for two years, and of the working of which doubts have already been expressed.

We are hardly prepared at present to recommend the abolition of imprisonment for debt or the introduction of more of the provisions of the Debtors Act, 1869, than the proposed Bill contains.

The duties to be discharged under the English Act by the Board of Trade can, we conceive, only be undertaken by the Courts through properly appointed officers. The appointment of such an officer is much needed in Burma.

We can see no object in preserving any distinction between traders and non-traders.

The limitation of the jurisdiction of the Court, and the departure from the corresponding provisions of the English Act, are adapted to this province, and we think that domicile should be rejected as a ground of jurisdiction.

With regard to bankruptcy being a disqualification for certain officers, We consider that a provision for the removal of the disqualification on a bankruptcy being annulled might be provided for.

In sections 39 and 40 of the proposed Bill the provisions of section 295 of the Civil Procedure Code as to the time at which an attaching creditor's title becomes complete as against rival decree-holders will be that at which it becomes complete as against the trustee in bankruptcy. This seems to be a sufficient provision, and one which it is desirable to insert, for although it is in consonance with a decision in the Court of the Recorder of Rangoon there are decisions which conflict with that law.

At present it would not be desirable to overburden the Small Cause Court by jurisdiction in bankruptcy in petty cases transferred. But a provision for the delegation of such powers might be inserted, to be exercised when desirable, as it appears to have worked well in Madras.



The following are instances of the stringency of the proposed Bill:—

*Section 3, (1) (c).*—"If execution issued against him has been levied by sale of his property in any civil proceeding in British India."

If this is intended to include a foreclosure of a mortgage or order of sale in a suit on a mortgage, it is, we consider, too stringent; such a provision as that contained in the Bankruptcy Act, 1869, would be sufficient.

"That execution issued against the debtor on any legal process for the purpose of obtaining payment of not less than Rs. 500 has been levied by seizure and sale of his goods."

*Section 15 (2).*—The time for filing a statement of, and in relation to, his affairs by the debtor is extremely short; it is true that the Court may, for special reasons, extend it. By the present Act a debtor is allowed such time as the Court may deem reasonable.

*Section 27*, relating to the discharge of the bankrupt, especially 3 (a), which requires him to keep such accounts as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position for three years preceding his bankruptcy. For the present the analogous provisions of section 48 of the Bankruptcy Act of 1869 would suffice for Burma, which are shortly as follows:—(1) assent of creditors to closing of bankruptcy by special resolution; (2) that he has paid eight annas in the rupee, unless prevented by trustees conduct or circumstances, for which the bankrupt is not justly responsible, and that they desire his discharge, unless he has made default in giving up property required to be given up by the Act, or that he is being prosecuted under the Debtors Act, 1869. This might be coupled with the provisions of the Bankruptcy Act, 1869, as to the status of an undischarged bankrupt (section 54).

*Section 28*, is stringent enough as to those debtors who are likely to make settlements on their wives, but it does not touch the case of immoveable property which is bought by a debtor and conveyed to his wife or child. Such transactions are, unfortunately, not uncommon, and some provisions might be inserted as to them. Partially provided for in section 11.

*Section 34*, restricted to Rs. 500. Under the present Act, no restriction as to amount. The rate of interest, 4 per cent., is very low; the usual Court rate allowed is 6 per cent., 9 per cent. being an average rate of interest.

*Section 38.*—Property not divisible among creditors, only Rs. 200. At present Rs. 300. In the present state of exchange this is much below the value allowed by the English Act, 1883, nearly £20 (111) of this section is less stringent than section 23 of the present Insolvent Act on the words "in his trade or business" are inserted. Having regard to the abolition of the distinction between traders and non-traders, it would seem hardly desirable to insert these words, but rather to continue the former provisions of the reputed ownership clause.

Considering the heavy stamp duties exacted in India, and that certain conveyances, letters-of-attorney, &c., are by section 75 of the present Insolvent Act exempt from stamp duty, we hope that a section similar thereto, or to section 111 of the Bankruptcy Act, 1883, may be inserted in the new Act.

The provision that a creditor may convey his dissent to a composition or scheme by a letter in a prescribed form attested by a witness, section 17 (2) does not appear adapted to this country, a more formal attestation is necessary.

In section 59 it will be necessary to insert such provisions as would include a senior Judge of a Court not being a High Court; but this will depend on the new Burma Courts Act as far as this province is concerned.

We consider that it is unnecessary at present to introduce the most stringent provisions of the English Bankruptcy Act of 1883, as they are, we think, not adapted to the circumstances of this province. And for the present, and until the English Act of 1883 has been longer in operation, and its advantages practically demonstrated, we would suggest that the main principles of the English Bankruptcy Act of 1869 should be adopted with the requisite amendments, already mentioned, and with the adoption of the principle that the creditors are to have a voice in deciding whether the debtor shall be adjudicated a bankrupt or his affairs shall be liquidated by composition or arrangement. We hold that less complication and greater simplicity is necessary both to adapt the Act to Indian circumstances and to render it possible for our Courts and their officers to work an Act which will be such an enormous stride in legislation. Finally, we are glad that there has been a return to the older and more usual nomenclature, and that the terms 'bankrupt' and 'bankruptcy' will replace 'insolvent' and 'insolvency.'

From E. S. SYMES, Esq., Officiating Secretary to Chief Commissioner, British Burma, to Secretary to Government of India, Legislative Department,—(No. 269—3L, dated 15th January, 1886).

With reference to paragraph 2 of my letter No. 352—26 L, dated the 15th ultimo, I am directed to submit a copy of a note by the Judicial Commissioner on the Bill to amend the Law relating to Bankruptcy and Insolvency.

#### Note by Judicial Commissioner, British Burma.

I HAVE compared the Bill with the English Statute, 46 & 47 Vic, cap. 52. With very few alterations the Bill reproduces the Statute. To criticize the Bill is in effect to discuss the Statute, which became law in England after very full consideration, and which is the outcome of the experience of some twenty years of the working of the Statute which it displaces. That Statute came into force just two years ago. I have no experience of its working and I can find very few cases bearing upon it.

It is desirable that the bankruptcy law of the Presidency-towns should as closely resemble that in force in England as local conditions will allow. I approve of the proposal to restrict the operation of the Bill to selected areas in which business is usually conducted on Western usages. As far as my own experience goes the greater part of the provisions of the Bill are unsuited to the small bankruptcies which usually come before the Courts of the interior, and those Courts have no agency for working the Bill.

From E. STACK, Esq., Officiating Secretary to Chief Commissioner, Assam, to Secretary to Government of India, Legislative Department,—(No. 1017, dated 7th June, 1885).

In reply to your letter No. 1015, dated the 17th June, 1885, I am directed to say that the Chief Commissioner thinks it unnecessary to offer any remarks on the Bill to amend and consolidate the Law of Bankruptcy and Insolvency, as the proposed Act is not likely to be wanted in this Province.

From A. MARTINDALE, Esq., Secretary to Chief Commissioner, Coorg, to Secretary to Government of India, Legislative Department,—(No. 610—70, dated 3rd July, 1885).

I AM directed to acknowledge the receipt of your letter No. 1016, dated the 17th of June, 1885, forwarding, for an expression of the Chief Commissioner's opinion, a draft Bill to amend the Law relating to Bankruptcy and Insolvency in British India, with draft Statement of Objects and Reasons.

2. In reply, I am to say that, so far as the Officiating Chief Commissioner is able to judge, the Bill seems suited to the circumstances of the places to which it is proposed to apply it in the event of its becoming law.

From LIEUT.-COLONEL SIR E. R. C. BRADFORD, Chief Commissioner, Ajmer-Merwara, to Secretary to Government of India, Legislative Department,—(No. 807, dated 29th July 1885).

I HAVE the honour to acknowledge the receipt of your letter No. 1017, dated the 17th of May, 1885, forwarding copies of the papers noted on the margin, and in reply to state that I have no observations to offer on the provisions of the draft Bill

From J. R. FITZGERALD, Esq., Secretary for Berar to Resident, Hyderabad, to Secretary to Government of India, Legislative Department,—(No. 5704, dated 7th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1018, dated the 17th June, forwarding for the opinion of the Resident at Hyderabad, a draft Bill to amend the Law of Bankruptcy and Insolvency in British India.

2. In reply, I am to inform you that, as the operation of the Bill is by paragraph 11 of the Statement of Objects and Reasons expressly and closely limited to certain seaport towns and commercial centres, of which none exist in the Hyderabad Assigned Districts, Mr. Cordery has no observations to offer in the matter.

From R. BELCHAMBERS, Esq., Registrar, High Court, Calcutta, to Secretary to Government of India, Legislative Department,—(No. 107, dated 13th February, 1886).

I SEND herewith copy of a letter from the Official Assignee and the original note received therewith.

From J. C. MACGREGOR, Esq., Official Assignee, Calcutta, to Registrar, High Court, Calcutta,—(No. 76, dated 13th February, 1886).

I HAVE the honour to enclose herewith a note on the Draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

#### Note.

THE draft Bankruptcy Bill is, in my opinion, calculated to effect a great improvement on the existing law but I think that it follows the lines of the English Statute too closely, and requires certain alterations and modifications to adapt it to the requirements of this country. In the following note I have attempted to indicate section by section the amendments which seem to me to be most necessary or desirable.

*Section 3 (2) (d).*—I would add the words "or closes his place of business". A considerable number of the persons who pass through the Insolvent Court are Marwaris, who reside in Native States and carry on business in the Presidency towns by their gumshastas. Some such words as I have suggested will seem to be required to meet their cases.

I think the following clause, or one to the same effect, might be added with advantage:—"or suffers himself to be arrested or taken in execution for a debt not due, or submits collusively or fraudulently to an adverse decree, or procures himself, or his property, movable or immovable, to be attached or taken in execution."

*Section 3 (1) (c) and (d).*—These clauses are very sweeping; I think they should be modified.

*Section 7.*—I think the question is worthy of consideration whether up-country debtors, Native or European, should not be allowed to seek relief in the Bankruptcy Courts. The provisions of Chapter XX of the Civil Procedure Code apply only to judgment-debtors; they are very defective in many respects, and residents in the Mufassal have practically no really effective insolvency law.

*Section 9 (2).*—The power given to the Bankruptcy Court to stay suits, executions and other proceedings against the debtor in any Court should prove highly useful. When a debtor having property in the Mufassal files a petition of insolvency, his up-country creditors at once proceed to sue him in the local Courts, and to attach his property, and, as the staying of such proceedings is, under the present law, a matter of some difficulty, the trouble, cost and delay of winding up his estate are greatly increased.

*Section 11.*—The Official Receiver should be empowered to appoint a special manager, with or without an application by the creditors, whenever he considers it functionally necessary. He should also be empowered to appoint the debtor to be special manager if he considers such appointment expedient, and without having imposed upon him the necessity of first procuring the sanction of the Court. It should further be provided that in the event of a private trustee not being appointed the special manager should be continued so long as the Official Receiver deems his services necessary.

The Official Receiver, who makes the appointment, might also be allowed to decide what security should be given by the special manager, and what remuneration, within certain limits prescribed by rule, he should be allowed. For reasons of economy, as well as of expedition, it is desirable to dispense, as far as may be, with frequent applications to the Court.

*Section 14.*—The provisions as to meetings of creditors do not seem to me to be suited for India. I believe that, in nine cases out of ten, creditors will not take the trouble to attend, or, at any rate, that only two or three of them will do so. In my opinion it would be well to omit all the provisions and rules as to meetings; or the proceeding by meeting might be made the exception instead of the rule, power being given to the Court to direct that, in any particular bankruptcy, meeting should be held. When no such direction is given the holding of meetings should not be compulsory but should be left to the discretion of the Official Receiver or Trustee. It might also be provided that a meeting should be called on a requisition signed by a certain number of creditors.

*Section 15 (2).*—Provision should be made for the preparation of the statement of affairs in the event of the debtor absconding or neglecting to prepare it. The present practice seems a convenient one and might be adopted. The Court, on the application of the Official Assignee or a creditor, directs the Chief Clerk to issue a writ of *admonition* calling upon creditors to bring in statements of their claims supported by affidavit before a fixed date, and the Chief Clerk prepares a schedule from such statements.

The proviso to section 62 (3) authorizes the Official Receiver to employ some persons to assist "in the preparation of a statement of affairs" when the debtor himself cannot prepare it, but that does not go far enough, and will not be found sufficient in the not uncommon cases of residents up-country who hide in their native villages and put the Court at defiance.

*Section 16 (9).*—The declaration that the debtor's examination is concluded should not prevent his being brought up for further examination in the event of fresh facts transpiring which render such further examination desirable.

*Section 17.*—If, as I have suggested above, the provisions regarding meetings are omitted or not made compulsory in all cases, this section must be altered. The best plan would seem to be to enact that when a debtor makes a proposal for composition such proposal shall be submitted, in the first instance, to the Official Receiver who, if he considers it reasonable, shall either call a meeting of, or submit the proposal by circular to, the credi-

tors. If the creditors, or a sufficient majority of them accept the proposal, it should then be submitted to the Court for sanction.

*Section 20.*—The power to appoint some person other than the Official Receiver to be trustee of the bankrupt's property is similar to that which the Court now possesses, under section 17 of the present Act, to order the election of a special assignee. I have not known a single instance in which that power has been used, and I believe the instances are very rare. In this country there will always be some difficulty in finding a fit and proper person who has the leisure and inclination to accept a very troublesome and responsible office. Again, it is a fact that native creditors are generally suspicious of one another, and prefer a responsible public officer to one of their own body. Nor is it likely that the creditors will often agree as to the person to be appointed, and the making of a selection by the Court will almost always involve delay, and possibly a tedious and contentious enquiry, attended with some considerable expense. The frequent changes among the European population would involve constant changes in the office of trustee of European bankrupts and the cost and delay of repeated applications to the Court for appointment of a new trustee in place of a former one who has died or gone home. Management by a public officer has the further advantage of being cheaper than management by a private trustee. The former would not find himself under the constant necessity of consulting a solicitor, while, as a responsible permanent officer of the Court, he might be safely entrusted with a wide discretion and be allowed to take steps for which a private trustee would require the previous sanction of the Court. I have already adverted to the advisability of avoiding frequent applications to the Court. The little use that has been made of the existing power to appoint a special assignee seems to show clearly that administration of insolvent estates by official agency is better adapted to the circumstances of this country than their administration by private agency. I believe that if this section is passed in its present form it will be rarely, if ever, used, and I think, therefore, that it would be well to omit altogether the power to appoint a private trustee, and to entrust the administration of all bankrupt estates to a public officer.

If, however, it is thought expedient to retain that power, then I am clearly of opinion that the person appointed private trustee should always be one of the creditors of the bankrupt; otherwise there will be some danger that the provisions, if used at all, may give rise to a class of professional trustees, and that, when an estate which is likely to be lucrative is brought into Court, we may see several such persons canvassing for the trusteeship and trying to outbid one another.

*Section 20 (b).*—If it is thought expedient to retain the provisions as to appointment of private trustees in certain cases, then I would suggest that a trustee once appointed and approved by the Court should be removable from his office only by order of the Court on cause shown. It seems to me that this sub-section will increase the difficulty of getting proper persons to accept the office, inasmuch as it makes their tenure of office depend upon the will of the creditors. The trustee should hold office, during good behaviour and not at the will of the creditor.

*Section 21.* I think the power to appoint a committee of inspection will be as little used as the power to appoint a trustee, and that, whenever it is used, the committee will serve no useful purpose, but will be a hindrance to the proper discharge of his duties by the trustee. I would, therefore, entirely omit this section. In the event of a private trustee being appointed the functions which the Bill gives to the committee of inspection might be exercised by the Official Receiver, while in case when that officer is acting as trustee no controlling or inspecting authority other than the Court would seem to be necessary.

*Section 22.*—See my note on section 17, *ante*.

*Section 23.*—This and the three following sections should prove most useful. One of the great defects of the present Act is that it is comparatively easy for the insolvent to keep the Court and the Official Assignee at arms' length.

*Section 26 (1).*—I would add "or of any creditor who has proved his debt" after the word "trustee."

*Section 26 (1) and (3).*—Instead of the words "If any person on examination before the Court admits" I would say "If it shall appear to the Court on such examination that any person is indebted," &c. I would further suggest that the Court should be empowered to order the person examined, or any other person, to deliver any money or property which the examination showed him to have received from the debtor under such circumstances as to render it a fraudulent preference, also any property which the debtor has settled upon him by a settlement which would be void under section 41, and also any property which he appeared to hold *bona fide* for the debtor.

*Section 27 (3).*—The following might be added to the list of *facts* proof of which shall render a bankrupt liable to have his discharge refused or suspended, namely:—(1) failing to give proper assistance in the realization of his assets; (2) procuring or assisting any person to raise a false claim to property of the bankrupt; or it would perhaps be better to add these to the offences punishable under section 105, in which case it would be unnecessary to repeat them here.

*Section 27 (5).*—When there are creditors residing out of India longer notice than 14 days should be given.

*Section 27 (7).*—This ought to be useful. One of the great difficulties of the present Act is that, in the great majority of cases, insolvents after obtaining personal discharge take no further trouble and give no assistance. The only way of punishing them is by refusing their final discharge, but this is practically ineffectual, as about 90 per cent. of the persons who become insolvent never apply for final discharge.

*Section 32.*—Would it not be well to specify who shall take the account—whether the Court or the trustee?

*Section 34 (1) (b) and (c).*—The present Act gives six months' wages, which seems reasonable.

*Section 38 (2).*—The present Act gives Rs. 300 as the limit of value of excepted articles. That does not seem excessive, especially in the case of Europeans.

*Section 38 (2).*—The concluding words of this clause seem to be unnecessary in India.

*Section 48 (1).*—The time allowed to the trustee to disclaim onerous property is the same as that given by the English Statute; but the circumstances of the two countries are so different that that time would frequently not suffice in India. I think the various periods mentioned should be doubled.

*Section 50.*—I have already said that I believe a committee of inspection will be rarely appointed, and even when one has been appointed I do not think the trustee should be obliged to ask its permission before he can exercise the powers specified in this section. To obtain that sanction will almost always involve delay, and in many of the matters specified expedition may be of the utmost importance. In cases when a person other than the Official Receiver is acting as trustee I would suggest that he should obtain the permission of the Official Receiver to exercise these powers. When the Official Receiver is acting as trustee he might be safely left to exercise them on his own responsibility and without sanction. See note on section 20.

*Section 51 (2) and (3).*—In a large number of cases it is quite impossible to declare a dividend within four months after the adjudication, or indeed to specify any time within which it will be possible to declare a first or any subsequent dividend. I would omit these two sub-sections. The words in sub-section (1)—"with all convenient speed"—will suffice to show that the trustee is to avoid all needless delay, and it will always be open to the creditors to bring undue delay to the notice of the Court.

*Section 52 (2).*—It will not always be possible to declare dividends of joint and separate property together, for instance, in the not uncommon case of a partner whose separate estate is not sufficient to pay any, or more than one, dividend, while the joint estate may suffice for several dividends; or the perhaps still more common case when the separate estate can pay 100 per cent. at once, while the difficulties connected with the winding up of the business render it impossible to declare a dividend on the joint estate for many months.

**Section 57 (1) and (2).**—For the reasons given in my notes on sections 20 and 50 I would omit the reference to the committee of inspection and would substitute the Official Receiver as the authority to give the requisite permission to a private trustee, while in cases in which the Official Receiver is acting as trustee I would allow him to exercise the powers without previous permission.

**Sections 59 to 62.**—Part IV, which treats of Official Receivers, is one of the most important parts of the Bill, and seems to me to require a good deal of amendment to make it, as it should be, one of the most useful.

In the first place I would observe that the title "Official Receiver" will be likely to cause some confusion. There is already in Calcutta an officer whose official designation is Receiver of the High Court, but who is commonly described as the Official Receiver. Why not retain for the officer to be appointed under the new Act the title of "Official Assignee," with which the Indian public are now familiar?

I would submit that in common justice it should be expressly provided that the persons who, when this measure passes into law, may be Official Assignees of the present Insolvent Courts should be appointed to be the first Official Receivers (or whatever other title may be given to that officer), and that the rights of their respective establishments to employment not less remunerative than they now enjoy, or to compensation, should be expressly preserved. The Bill to amend the Insolvency Law, introduced by Sir J. F. Stephen in 1871, proposed to substitute Comptrollers in Bankruptcy for the Official Assignees and contained an express provision that the existing Official Assignees should be the first Comptrollers in their respective Presidencies. Similarly the English Act of 1883 (sections 94 and 153) saves the rights of all persons holding office under the old Act.

The only reference to the Official Assignee made in the Bill is in section 134 (4), which provides that proceedings pending when the measure comes in to force shall be continued as if the Act had not been passed, and that for the purposes of such proceedings the Official Receiver shall be deemed to have been appointed Official Assignee. This shows that the framers of the measure consider the new office analogous to the old one, and it would certainly save much confusion, so long as any proceedings continue under the old law, that is to say, for at least two or three years after the new law comes into force, if the Official Assignees are retained in office as Official Receivers, and use is made of their experience to bring the new procedure into working order.

In a country like India where fraud is not only more common and more subtle, but where the facilities for its successful prosecution are infinitely greater, than in England, it is in the highest degree essential that the powers of the Official Receiver or Trustee (I continue to use the titles used in the Bill, although I have suggested that the former should be changed and that trustees should be altogether omitted) should be strengthened.

One of the main defects of the existing law, and one of the principal reasons, perhaps the principal reason,—why it works so unsatisfactorily, is because of the very limited power it gives to the Official Assignee. I admit that these powers are theoretically fairly extensive, but practically they are all but non-existent. He can hardly take a step save at great risk of personal liability. To give only a few examples: an insolvent has no property in Calcutta, but the Official Assignee is informed, perhaps by the insolvent himself, that there is large property in the Mufassal; he takes possession of that property and proceeds to sell it; it almost invariably happens that a number of claimants spring up, who at once file suits against him in the local Courts; the Official Assignee having no assets in hand, is obliged to decide whether to withdraw from possession at once at the risk of being blamed by the Court or the creditors, or to defend the suits at the risk of being made personally liable for costs. Or again, the Official Assignee ascertains that property which is in the possession of a third party is really the property of the insolvent; if, as often happens, he has no assets, he cannot seize that property without exposing himself to the risk of being held personally liable in a suit for damages. I might multiply instances of the difficulties which confront the Official Assignee under the present law, but I will give only one more—one of not uncommon occurrence. A man files his petition with no other object than that of gaining time and avoiding arrest; he brings in little or no assets, and, as soon as he has got his order for *ad interim* protection, he studiously absents himself from the Official Assignee's Office, and begins behind that Officer's back, to settle with his creditors taking the more importunate first. If the operation takes a long time he applies from time to time for an adjournment of the hearing; and when he has thus purchased the acquiescence or silence of all of them he comes before the Court: there is no opposition, and he gets his discharge almost as a matter of course. This is generally the true explanation of a very common occurrence in the Insolvency Court, namely, the sudden and apparently unaccountable collapse of an opposition which had commenced with every appearance of vigour and *bona fides*. It is easy to say that when the Official Assignee has reason to believe that anything of this kind is going on he has only to bring it to the notice of the Court, and to apply for an order which shall force all creditors who have been paid behind his back to disgorge. But this is not so easy in practice as in theory. When there are no assets, or only nominal assets, in the Official Assignee's hands, it is practically impossible, and even when he has assets he cannot do it, as the law now stands, without running the risk of personal liability for costs.

For these reasons I think that the principal ministerial officer in each bankruptcy should be invested with very extensive inquisitorial, and even *quasi-judicial*, powers. He should be empowered to enter upon the premises of the debtor at all times, and to seize any property which he has reason to believe to be the property of the debtor, even though it be in the actual possession of a third party; he should be allowed to summon before him the debtor or any person whom he believes to be in a position to throw light on the debtor's affairs, and to examine them upon oath; perjury committed on such examinations should be liable to the same punishment as perjury committed in Court, and disobedience to such summons should be treated as a contempt of Court and a ground for refusing discharge; in all suits brought by or against him he should be described by his official title, and no suit should lie against him personally for any act done by him *bona fide* in the performance of his duties; he should be entitled to two or three months' notice prior to the institution of any suit against him, and suits not instituted within twelve months from the date of the cause of action should be barred; he should be allowed to apply to the Court at all times for advice and instructions, and should have power to bring before it any debtor or person whom he suspects to hold property of the debtor. If an estate is being administered by a private trustee, that trustee should have all, or most, of the same powers and privileges. It may perhaps be objected that such powers are too extensive to be conferred upon any person whom the creditors might select as trustee. That may be, and I think is, a strong argument against the whole system of private trusteeship in Indian bankruptcies. But it does not follow that the powers are too extensive to confer upon a responsible public officer, who would doubtless be selected with a view to his special fitness for their exercise, and who, it may be presumed, although the Bill does not expressly say so, would in all cases be a professional lawyer. It might be well to provide expressly that the Official Receiver shall always be a barrister.

Finally, if the provisions as to private trustees are not abandoned, then the Official Receiver should exercise over private trustees the functions which the Bill gives to the committee of inspection; the trustees should be subordinated to his authority and control, and should be required to furnish him with periodical accounts and reports, and to obey his directions in all matters respecting the estates under their charge.

**Section 63.**—If, as I have already suggested, the idea of allowing private trustees is abandoned, this section will be unnecessary or will require much alteration. Assuming, however, that that idea is retained as part of the Bill, I would remark that the proposed method of remunerating trustees by a commission, calculated partly on the assets realised and partly on the amount distributed in dividends, is very much fairer than the present system, whereby the Official Assignee is remunerated only by a commission on dividends—a system which has the result

that a large number of estates, some of them involving great labour and responsibility, bring him absolutely no remuneration. But I fail to see the justice of denying him commission on sums which he may pay to secured creditors out of the proceeds of their securities. If he has the trouble of realising those securities he should surely be paid for that trouble. This is recognised by the general rules passed under several of the English Bankruptcy Acts (see General Rules under Act of 1883, Nos. 65 to 69), which direct that when a trustee sells mortgaged property under order of Court his commission and costs shall be a first charge on the proceeds.

I would further remark that the fixing of the remuneration should not be left to the creditors; to do so will give rise to bargaining and will have the effect of degrading the office of trustee. The remuneration should be regulated either by the Act or by a rule of court.

*Section 64 (3)* would seem to imply that the trustees must get the sanction of the Court before employing solicitors, auctioneers, &c. This will necessitate frequent applications to the Court, always attended with more or less expense and delay. The employment of such persons might be left to the discretion of the trustee.

*Section 65.*—The provisions regarding the bankruptcy estates account will impose considerable labour upon the Court, and will necessitate the creation of a new establishment. At present all moneys and securities belonging to insolvent estates are deposited in the Bank of Bengal in the name of the Official Assignee, and that officer has a staff which is specially adapted for, and well acquainted with, the keeping of the necessary accounts, while the fact that his accounts are regularly and strictly audited by the Comptroller General's Office affords an effectual guarantee against fraud or carelessness. I have already suggested that the Official Assignee should be appointed Official Receiver, and that his staff should be taken over by the Official Receiver. I would add the further suggestion that the bankruptcy estates account should be kept in his name and under his control, the system of a Government audit and a half yearly report by the auditors to the Chief Justice being continued as at present.

*Section 67 (1).*—The investment in Government securities should stand in the name of the Official Receiver, and the interest should be devoted to paying his salary and pension (if he is to be remunerated by salary), the salaries and pensions of his establishment, his office and audit charges, and to the costs of advertising and of administering poor estates, so as to leave as large a portion as possible of the assets available for the creditors. This is the present system, which was established many years ago with the sanction of the then Chief Justice on the recommendation of the auditors of the Official Assignee's accounts. It has the advantage of utilising for the general purposes of administration of insolvent estates a large number of cash-balances of individual estates which, by reason of their smallness or liability to immediate demands, could not be separately invested. It removes from the estates of individual estates the heavy burden of a proportional share of the cost of administration, and substitutes a simple and economical machinery for a clumsy and costly system.

*Section 67 (2).*—The proposed *pro curatore* will take time and cause some expense. If the invested funds are allowed to stand in the name of the Official Receiver for the time being, he can, when necessary, sell them with a minimum of delay and expense, and the audit will be an effectual check upon any misuse of that power.

*Section 68.*—In this section I would substitute "Official Receiver" for "Court" in respect of all cases in which a private trustee is appointed. Where the Official Receiver is acting as trustee the regular Government audit of, and periodical report upon, his accounts will suffice. These alterations would save the Court much labour, without diminishing the efficacy of the proposed checks.

*Section 72.*—My remarks on section 68 will apply *mutatis mutandis* to this section also.

*Section 79.*—I would substitute the words "Official Receiver" for "committee of inspection." See notes on sections 20 and 50, *ante*.

*Section 88.*—The delegation of powers to a Judge of the Small Cause Court seems most objectionable. The time of the Judges of that Court is already very fully occupied; examinations of debtors or of persons suspected of having in their possession property of the debtor frequently take up several days; and it is certain that in a large number of cases the Small Cause Court would not be able, without a considerable increase to the number of Judges, to give the matters the time and attention they require. Moreover, complicated and difficult questions of law arise so frequently in bankruptcy-proceedings that it is most desirable that every step should be taken before a Judge of the High Court. I agree with the Select Committee on the Small Cause Courts Bill of 1880 in thinking that unless the Small Cause Courts are to hear cases which, owing to their length, intricacy and difficulty, ought to be removed to the High Court, the saving of time to the latter tribunal will be altogether unimportant. If, as before suggested, the powers of the Official Receiver are extended, he will be able to dispose of a large portion of the petty business. Should his aid not suffice, it would, I believe, be found better and cheaper to appoint a special Registrar for bankruptcy-business, as in England, than to delegate a portion of that business to the already over-burdened Small Cause Court.

*Section 91.*—If the Bankruptcy Courts are allowed to delegate powers to a Small Cause Court Judge, there should be a provision for appeal from his orders.

*Section 94.*—I think it would be advisable to empower the Court to give the charge of proceedings to the Official Receiver or trustee, whenever it has reason to suspect that the want of diligence on the part of the petitioning creditor is due to his having made an illegal arrangement with the debtor. The case is one of frequent occurrence in this country.

*Section 101 (b).*—I would omit the words "with the permission of the Court", as their retention will necessitate frequent applications to the Court with their attendant delay and cost. The Official Receiver, as a permanent officer of the Court, may be entrusted with a wide discretion, and his position will be a sufficient guarantee against abuse of that discretion.

*Section 102.*—The following offences, all of which are common in this country, might be added to the list of offences which will render a debtor liable to punishment under this section, namely:—fraudulently making away with property; improperly interfering with, or hindering, the trustee in the realization of the bankrupt's property; doing, or procuring the doing of, any act which is likely to prevent the disposal of the property at its full value (for instance, inducing bidders to absent themselves from the trustee's sales); showing fraudulent preference to any creditor; entering into a composition with his creditors, or any of them, without giving notice thereof to the Official Receiver or trustee; inducing any creditor by an illegal gratification or preference to withdraw, or neglect to proceed with, a petition, or to acquiesce in the discharge of the bankrupt.

*Section 110.*—The Bankruptcy Court should be empowered to try offences under the Act, and to pass sentence, without sending the offender to the ordinary Criminal Courts.

*Section 113.*—This section would seem to exclude ordinary business partnerships from the operation of the Act. It is not, however, likely to have that meaning, as it follows the words of the English Statute, and there is no doubt that such partnerships are constantly adjudicated in England. Still it might be well to make the wording clearer.

*Section 132 (2).*—The present system of investing unclaimed dividends in the name of the Official Assignee, and devoting the interest to the maintenance of his office and to administering poor estates, works well, and there seems no reason why it should not be continued. See note on section 67 (1) *ante*.

*Schedule 11.*—The English rules regarding the sale of mortgaged property and the taking of mortgagees' accounts (General Rules 65 to 69) are frequently followed here. They have been found to work admirably and to effect a considerable saving of time and expense in realizing mortgage-securities. I would suggest their incorporation in this schedule. The rules in question are substantially the same as those issued by Lord



Loughborough in 1704, and the fact that they have been retained, with slight alterations, under the various Bankruptcy Acts passed since that date is strong evidence of their utility.

I have now finished my remarks on the Draft Bill, but before closing my note I desire to add a few words on subjects not mentioned therein.

*First.*—I submit that Chapter XX of the Civil Procedure Code should be repealed as regards the local limits of the Courts created under the new law. There seems no valid reason for maintaining in the same place two entirely distinct systems of insolvency law. That the application of Chapter XX to the Presidency-towns has not caused very great confusion is, I take it due only to the rarity of the instances in which the provisions of that chapter have been used. There is, however, a recent case in which the two systems came into direct conflict. I allude to *Pigot v. Hastie* (1 L.R. 11 Cal.). The defendant, Mr. Hastie, was on his own application declared an insolvent under the Civil Procedure Code, and was on the same day adjudicated under the provisions of 11 & 12 Vic., c. 21, on the petition of the plaintiff. The fact that the Official Assignee, in whom his estate became vested under the latter proceeding, was also appointed Receiver under the former, alone prevented the raising of serious difficulties and confusion. Moreover, the principles of the Civil Procedure Code insolvency, although they may be adapted for the Mufassal, are altogether unsuited for the Presidency-towns, and will be quite out of place beside the elaborate system of the new measure.

*Second.*—The introduction, either as part of the Bill or as a separate enactment, of a system of compulsory registration of mortgages on moveable property, similar to the English Bills of Sale Acts, would be a most valuable auxiliary to the bankruptcy law. It is a matter of frequent occurrence, when a tradesman comes before the Insolvent Court, to find that his entire assets are mortgaged to one or two creditors, and that he has been trading for years on a credit which he would certainly never have obtained had there been any means of ascertaining the real state of his affairs. A notable instance of this kind occurred some months ago, when, on the occasion of a well-known and old established trading firm in Calcutta becoming insolvent, it transpired for the first time that their entire stock-in-trade and outstandings were mortgaged to two creditors, who stepped in at once and seized the property. There were some 500 other creditors, to some of whom the firm owed large sums, and none of whom are likely to get any dividend, the entire assets having been swallowed up by the mortgage debts. It may safely be assumed that had the mortgages been registered, thus affording the public an opportunity of knowing their existence, the firm in question would not have obtained such long and extensive credit, and many of the 500 unsecured creditors would have been saved from serious loss. This is only one of many similar instances which have occurred lately.

*Third.*—A system of compulsory registration of business-partnerships would also be highly valuable.

*Fourth.*—The system of what are known as *blind* transactions is one of the most serious difficulties in the administration of insolvent estates and if any means could be devised of grappling with it successfully an enormous boon would be conferred upon the country. I am well aware of the great difficulty of the subject, and I merely throw out the suggestion as one which might be appropriately considered concurrently with the amendment of the bankruptcy law.

From C. A. WILKINS, Esq., Registrar, High Court, Calcutta, to Secretary to Government of India, Legislative Department,—(No. 570, dated 27th February, 1886).

In continuation of my letter No. 3049 of the 30th November, 1885, I am directed to forward the accompanying printed copy of a report prepared by a sub-committee of the Judges of this Court, as well as a printed copy of a note by the Official Assignee, on the provisions of the Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

2. I am to request that you will be good enough to submit these papers for the consideration of the Governor General in Council.

3. I am to add that the High Court concurs generally in the observations made by its sub-committee, and that any further observations that may occur to any individual Judge will be communicated in due course for the information of His Excellency in Council.

#### Report of the Committee of Judges appointed to consider the provisions of the Bankruptcy Bill.

We regret the lapse of time which has occurred since the Bankruptcy Bill was submitted for our opinion; but the changes which are sought to be introduced by the Bill required grave consideration, and it has therefore been impossible to avoid the delay which has taken place.

We have held repeated sittings, and have come to the conclusions which are hereafter particularly mentioned.

We were met by the preliminary difficulty that the Bill as drafted is, as it professes to be, a reproduction of the last English Bankruptcy Act, introducing English law and methods of procedure and English phraseology, and we had to decide whether the proposal to introduce the English Bankruptcy Act with modifications into this country offered advantages sufficient to counterbalance the mischief of completely upsetting a system to which, from the practice of many years, the Court, the practitioners and the suitors had become accustomed.

We have come to the general conclusion that much of the substance of the English Law and system of procedure may be introduced in India, but that some important parts of it are wholly inapplicable.

On the other hand we think it preferable to alter the phraseology of the English Act, except where there is strong reason for not doing so, as thereby the Courts in this country will have the assistance of the decisions of the English Courts.

For the sake of convenience we have dealt with the Bill in the order of the sections.

The following are our recommendations:—

1. We think the proposed form of legislation open to question. An enabling Statute followed by an Indian Act will give rise to questions as to whether the Indian Act has exceeded the powers given to it by the English Statute. The best course will be for the Indian legislature to pass such Act as may be deemed suited to the requirements of the country, and then to obtain from Parliament a Statute confirming and ratifying the Indian Act.

2. We do not think that the provisions for the appointment of trustees and of committees of inspection are suited to this country. It will be very difficult in most cases to induce creditors to meet together, and in many cases it will be quite impossible to expect creditors residing at a distance to attend any meeting.

Power is given to the Court by section 17 of the Indian Insolvent Act (11 & 12 Vic., cap. 20) to order the election of assignees by the creditors; but such power has rarely, if ever, been exercised. As far as we can ascertain, in only one case in recent years have creditors applied to the Court for an order under this section, but, although this shows that creditors prefer to see the estates of insolvents administered by the Official Assignee, there would be no harm in inserting in the new Act a provision similar to that contained in section 17 of the present Act.

Shortly, the objections to the administration of insolvent estates by creditors through trustees and committees of inspection are—

- (1) danger to the interests of creditors residing at a distance: the whole administration would be in the hands of Calcutta creditors;
- (2) the general body of creditors would not place the same amount of confidence in a trustee or in a committee of inspection as they would in a competent court officer such as the Official Assignee;
- (3) the expenses of an administration by the creditors would be very large: in all cases the trustee, and in many cases the committee of inspection, would have to be remunerated; the former would be paid by commission, but the latter would be paid according to the number of their meetings, and would therefore not be inclined to expedite the winding up of the estates; with an Official Assignee representing the creditors, the legal expenses of the administration are minimised, as the Official Assignee is usually a Barrister of some standing; in the case of administration by the creditors, no step would be taken without legal assistance, which would have to be paid for out of the estate.

For these reasons we would strike out from the Bill, as now drawn, the following sections, namely:—sections 11, 14, 17, 18, 19 (sub-sections (2) and (3)), 20, 21, 22, so much of section 23 as relates to meetings of creditors, sections 63 to 81 (both inclusive), section 103, sub-section (b), and section 118; and the following sections will require alteration, namely:—sections 47, 50, 110 and 132. The first schedule will also become unnecessary.

3. We think it important that the insolvency sections of the Procedure Code should cease to apply to the Presidency towns.

As the law at present stands it is possible for a debtor in Calcutta to seek relief from his debts both under the Civil Procedure Code and under the Insolvent Act. The main advantage to an insolvent of proceeding under the Code is that he can under section 336 be relieved from imprisonment as soon as he is arrested. The main advantage of proceeding under the Act is that if he be a trader he can get his final discharge without paying any portion of his debts. There are also many other points of difference between the two systems of insolvency, that under the Code being very unsuited to the requirements of a commercial city like Calcutta.

The disadvantages of having two different systems of insolvency law and procedure applicable to the same place do not require enumeration. They have been made apparent in two cases, in which recently attempts have been made to work the two systems concurrently (in the matter of *Hastie*, I. L. R. 11 Cal. 151, and in the matter of *Leckie*, now pending).

4. We recommend that the expression "vesting order" should take the place of the expression "receiving order" in the Act, and that the court officer to whom the management of the estates of insolvents is to be entrusted should be called the "Official Assignee" and not the "Official Receiver." There is already an Official Receiver of the High Court, and the appointment of another officer with the same official designation but with different powers and duties would lead to confusion.

5. Section 3, sub-section (1) (d), should be altered to meet the case of a man carrying on a business by himself, or by his agent or gumshita, and closing such business. Under the 9th section of the present Insolvent Act, a trader who with intent to defeat or delay his creditors departs from his usual place of business within the jurisdiction of the Supreme Court is liable to be adjudicated an insolvent, and it is on this ground that most adjudications are made.

We do not think that paragraphs (e) and (g) of sub-section (1) of section 3 ought to be retained. In their place we would recommend the introduction of provisions similar to those contained in sections 8 and 9 of the present Act, as to persons lying in prison 21 days, and as to fraudulent executions, including not only executions in fraud of creditors generally but also executions in the nature of fraudulent preferences.

6. The effect of the proposed Act would be to limit the insolvency jurisdiction of the High Court. By section 18 of the Charter of the Calcutta High Court (1865) it is provided "that the Court for Relief of Insolvent Debtors at Calcutta shall be held before one of the Judges of the High Court of Judicature at Fort William in Bengal; and the said High Court, and any such Judge thereof, shall have and exercise, within the Bengal Division of the Presidency of Fort William, such powers and authorities with respect to original and appellate jurisdiction and otherwise as are constituted by the laws relating to insolvent debtors in India." By section 5 of the Indian Insolvent Act an insolvent debtor who is in prison within the limits of the town of Calcutta, or who resides within the jurisdiction of the Supreme Court at Calcutta, can petition for relief. The Supreme Court at Calcutta had a personal jurisdiction over all European British subjects residing in Bengal. Their jurisdiction over persons other than European British subjects was limited to the town of Calcutta. It is settled law that the effect of these provisions is to entitle all European British subjects who reside in Bengal to petition for relief from their debts, but that persons other than European British subjects cannot so petition unless they actually reside within the limits of Calcutta. In the cases of creditors' petitions the only limit of jurisdiction seems to arise from the acts of bankruptcy, some of which are restricted to the areas mentioned in the Insolvent Act. This is not a question of a choice between two jurisdictions, as the insolvency procedure applicable to Courts outside Calcutta cannot pretend to be efficient or to meet in the smallest degree the requirements of the commercial classes. We think therefore that the present insolvency jurisdiction of the High Court in this respect should not be curtailed.

7. We think that in the case of a debtor's petition the vesting order should be made at once, and as a matter of course, on the reception of the petition.

In the case of a creditor's petition we think that, as at present, if a *prima facie* case be made out on the petition, the debtor should be adjudicated an insolvent and his property vested in the Official Assignee at once. Any delay in making the vesting order would make it impossible in most cases to save any of the debtor's property for his creditors. In order to prevent the risk of an improper adjudication it will be well to provide that the debtor may at any time before his public examination come in and apply to have his adjudication annulled, and that it shall be so annulled unless the creditor satisfies the Court that the debtor has committed an act of bankruptcy. Section 19, sub-sections (2) and (3), might therefore be omitted from the Bill.

8. Section 9 of the proposed Bill does not clearly provide for *ad interim* protection-orders, and therefore we recommend that power should be given to the Court, in terms similar to the provisions of section 13 of the Indian Insolvent Act, to grant orders for the protection of insolvents for such time as the Court might direct. The granting of such protection should be within the discretion of the Court, and the Court should have power to revoke a protection-order at any time.

9. We think that the mere fact "that a majority of the creditors in number and value are resident in the United Kingdom or in any other part of Her Majesty's dominions beyond the limits of British India" should not give a creditor or other person the right to set aside an adjudication, and we recommend that in section 13 of the Bill the above words in italics should be transposed and placed between the words "the debtor" and the words "other cause" later on in the same section.

10. With reference to section 15, sub-section (1), we think that the statement of affairs should be filed in court, and that a copy should be filed in the office of the Official Assignee. It is necessary that there should be two copies, and it is desirable that of the two the one filed in court should be taken as the original statement with respect to sub-section (4) of section 15. We think that the statement therein mentioned should be in a written application for inspection, to be filed in court.

11. Section 16, sub-section (9), should empower the Court at any subsequent stage to reopen the public examination and to order a fresh examination of the debtor.



12. We do not think that in this country any creditors, however superior in number or value, should be able to force a composition upon the other creditors.

13. Section 23 should require the insolvent to attend at the Official Assignee's office or wherever required by the Official Assignee, and to give that officer every assistance in realizing his estate and distributing the proceeds.

14. All references to a *bankruptcy-notice* should be struck out of section 24.

15. In addition to the powers mentioned in section 26 we think that the Court should have power at any time after a vesting order has been made, upon application by the Official Assignee *ex parte*, to make an order empowering the Official Assignee to take possession of any property as the property of the insolvent. With regard to such property and also with regard to other property which may be claimed by the Official Assignee or the creditors to belong to the estate, we think that the Court should have the same power as in a regular suit, and with the same right of appeal to determine finally all questions between the insolvent's estate and persons in possession of or claiming such property. The High Court should be empowered to frame rules of procedure for the trial of these questions, and also for the payment of the expenses of witnesses to be examined under section 26.

16. Section 27 of the proposed Bill seems to place upon the opposing creditor the burden of proving that the debtor is unworthy of obtaining his discharge. We think that a debtor should, before any relief is granted to him, satisfy the Court, not only that he has not been guilty of the acts specified in the Bill as disentitling him to his discharge, but also that he has been neither dishonest in his dealings nor culpably imprudent in respect of his personal expenditure or the conduct of his business. This principle has been recognized by the legislature in section 351 of the Civil Procedure Code.

We think that section 27 should be altered so as to permit the debtor, should the Court refuse to grant him a discharge, to renew his application for such discharge at a future date; otherwise it might be held that if the Court had once refused to grant an order of discharge the debtor was for ever thereafter debarred from obtaining such discharge. On the other hand it will be necessary by some limitation to prevent frequent applications to the Court upon the same materials.

17. It will be necessary to provide for the discharge of the debtor in the case of the whole body of his creditors releasing him from the whole or a portion of his debts. Section 58 will also have to be altered to meet this event.

18. With reference to section 29 of the Bill we think it will be as well to give the Court power in discharging an insolvent to exempt him from arrest, either generally, or with the exception of particular debts, or after such period as to the Court may seem fit.

We would also recommend that in this section the words "any person for any offence against an enactment relating to any branch of the public revenue" should be struck out, and that the words "Secretary of State" be substituted therefor.

19. In the case of an adjudication being annulled on the ground that the debt alleged by the petitioning creditor was not a good debt, we think that the Court should have power to allow the bankruptcy to proceed as upon the debt of another creditor.

20. With reference to section 36, we would point out that in Calcutta rents are payable monthly, and that, therefore, the landlord should not be entitled after the bankruptcy to levy for more than three months' rent.

21. With regard to section 37 we think that in the case of a debtor's petition the assignee's title should commence at the date of the vesting order, and not before.

22. We do not think that an attaching creditor should be entitled to any priority over other creditors, unless the proceeds of execution have been paid to him. This alteration might be effected by striking out from section 39 the words "realised in the course of execution by sale or otherwise," and substituting therefor the words "actually received by such person."

As the law at present stands, a creditor who procures an attachment before the vesting order is in a better position by reason of the insolvency of his debtor than he would be without it, as he obtains a title preferable to that of the general body of creditors; and other decree-holders who would, under the Code, on obtaining orders for attachment, be entitled to share *pari passu* with him, are prevented by the insolvency from effecting attachments.

23. Section 50 should be altered so as to give the Official Assignee, with the leave of the Court, power to do the acts therein mentioned.

24. As to sub-section (1) of section 62, the only part which, having regard to our previous recommendation, need remain, is the part relating to advertisements. The duties, powers and liabilities of the Official Assignee should, however, be clearly defined. We think that his liability should only extend to assets in his hands, unless the Court should find that he had not acted *bona fide* in the performance of his duties. We also recommend that he should be entitled to at least one month's notice of action in respect of acts done by him in his official capacity.

25. In sub-section (2) of section 62 the words from "but shall" to "claiming to be creditors" should be struck out.

26. Part V of the Bill requires alteration to meet the case of the Official Assignee, who is an officer of the court. The Court should have power to determine the amount of commission or percentage payable to him. We think that if, at the request of a secured creditor, he realizes the security, the Court should have power to sanction the payment to him of a percentage on the amount realised.

27. We do not think it desirable that the extension of the Act to local Courts as contemplated by section 82, clause (c), and section 83, clause (c), should be carried out, except through the action of the supreme legislature.

28. We have already discussed the effect of section 83, clause (a).

29. We think that section 85 should be struck out, and that the Insolvency Court at Calcutta should have power to transfer to itself any insolvency proceedings under the Civil Procedure Code which may at any time be pending in the Civil Courts subject to the High Court.

30. We think that section 89 should be struck out.

31. It should be made clear that the powers proposed to be given to the Court by section 90 extend to persons other than insolvent debtors and their creditors.

32. Having regard to our other recommendations, section 99 requires alteration, and section 103 (b) and the proviso at the end of section 103 should be struck out.

33. If section 100 is intended to apply to compositions under the Act, it should in our opinion be struck out.

34. We presume that it is intended by section 113 to prevent a receiving order being made against a partnership in its firm name. If so, the section should be made clearer.

35. We do not recommend that estates of persons dying insolvent should be administered in the Bankruptcy Court, except in the cases where they die during the pendency of bankruptcy-proceedings.

36. Having regard to our previous recommendations, it will be unnecessary to retain the second paragraph of section 132.

37. We think that the rights of present officers of the Insolvent Court in respect of pension or otherwise should be saved.

In conclusion we wish to remark that in this report we have only called attention to the general principles on which we think the Bill requires alteration.

There are many questions of detail which will have to be considered before a Bankruptcy Bill is passed into law.

(Signed) A. WILSON.

( " ) J. PIGOT.

( " ) E. J. TREVELYAN.

From S. E. J. CLARKE, Esq., Secretary, Bengal Chamber of Commerce, to Secretary to Government of India, Legislative Department,—(dated 30th April, 1886).

My Committee have submitted their remarks upon the new Bankruptcy Bill for India to the Government of Bengal, who will doubtless forward them to you in due course, but in order to save time now that the draft Bill is before the Legislative Council I am directed to send you with this letter four extra copies of the Chamber's letter of this date.

From S. E. J. CLARKE, Esq., Secretary, Bengal Chamber of Commerce, to Acting Chief Secretary to Government, Bengal,—(dated 30th April, 1886).

I AM directed by my Committee, in reply to your No. 135 J. D. of 8th July last, to submit the following observations upon the draft Bill to amend the law of Bankruptcy and Insolvency in British India.

Generally, my Committee are of opinion that the Bill makes a much needed improvement in the law at present in force. Should the Bill become law, and if its administration be carried out with close care and attention, it will do much to simplify proceedings in insolvency and, my Committee believe, to check fraudulent bankruptcies. It will thus afford a larger measure of convenience than heretofore to unfortunate persons, whilst at the same time it will extend to creditors some measure of that protection which the mercantile community especially have long desiderated, and the need for which has been pressed upon the Government at various times by the Chamber of Commerce.

Whilst accepting the Bill as an improvement upon the existing law, my Committee think that in some points it does not sufficiently recognise the peculiar circumstances of India, or the difficulties which those circumstances frequently place in the way of creditors, or the facilities which are offered to Native dealers in evading the payment of their debts. This subject has been long before the Government and the public; and, whilst admitting the difficulties which surround it, my Committee still think it is a matter to be kept very closely in mind in framing any new insolvency law for British India. Indeed, in spite of the failure, some years ago, which attended the attempt to frame a Bill to provide for the registration of partnerships, my Committee cannot but consider that it is extremely desirable that a new enquiry should be made with the view to ascertain whether such a registration cannot be secured, or to bring into prominence the existing provisions of the law in India which afford to some extent the protection to be derived from such a measure. Since the failure both in Bombay and Calcutta to draft a satisfactory Bill dealing with this subject some change has come over the views of Native merchants, and the more prominent among them have evinced a desire to have the question re-opened. Those who have transactions directly with English markets and in the natural development of Indian trade, the number of whom is slowly but steadily increasing, evince quite as much anxiety for the passing of a law to compel a registration of partnerships as the European mercantile community. It would be well if, in connection with so large and important a measure as a new Bankruptcy Bill for all India, a careful and exhaustive enquiry were made into the subject of the registration of partnerships.

Another extremely difficult subject to deal with, but one which, when a bankruptcy measure is before the Legislature, should not be overlooked, is the practical exemption which a fraudulent Native trader can acquire by taking shelter within the jurisdiction of some Native State. My Committee are aware of instances where Europeans have availed themselves of this shelter to avoid decrees of the High Court, and though in the case of Europeans the shelter might not be so effectual as in the case of Natives, yet the fact ought not to escape the attention of the Legislature that under present circumstances for a Native insolvent to cross from British into Native territory is to give him an immunity the certainty of obtaining which is found to encourage reckless speculation and a ready resort to fraudulent practices. The impunity with which a fraudulent Native debtor can set his creditors at defiance, and in respect the smallness of the dividends derivable from the estates of Native insolvents, have been grievances of the mercantile community in this city for very many years. Indeed, so far back as 1854, the latter formed the subject of a reference from the Chamber of Commerce to Mr. John Cockburn, the then Official Assignee. What the Chamber then complained of is still a serious ground of complaint. There seems to be no good reason why, with proper precautions, decrees of the Indian High Courts should not be allowed to run in the jurisdiction of Native States. The matter is one which my Committee feel is most properly within the province of the Foreign Department of the Government of India, but they see no reason why the Legislative Department should not move the Foreign Office to deal effectually with so important a question, or why the Foreign Department should not undertake this task in close communication with the Legislative Department, and, if need be, with the Judges of the High Courts in India. The greater the improvement in the bankruptcy law of India and the greater the simplicity which may mark the procedure of the Insolvency Courts, the greater will be the anxiety of a Native insolvent who has been guilty of fraud, concealment of property, the setting up of fictitious co-partners or wrongful preference of particular creditors to avoid appearing before an Insolvency Commissioner; and in this way it may well happen that improvements in law and procedure will have a tendency to accentuate and render more acute the grievance alluded to above and which is felt equally in all the great trading centres of India.

One change of great moment effected by the Bill is that which makes a trustee appointed by the creditors the primary authority for administering an insolvent's estate, whilst the Official Receiver is only to act if the creditors fail to appoint a trustee.

Section 14 of the Bill has the support of my Committee. It should, however, in their opinion, be made clear that, if the creditors of an insolvent will not attend a meeting to consider his position, the Official Receiver shall have the powers to act in the premises upon his own responsibility. My Committee do not feel themselves in a position to recommend that the powers now vested in the Official Assignee, which powers they consider all that are reasonably necessary to enable him to take possession of the property of a bankrupt and to realise the same for the benefit of the creditors, should be extended. But with reference to clause (5) of section 26, they can see no objection why a larger measure of protection than he now enjoys should not be given to the Official Receiver. Where it is clear that that officer has acted in good faith, they consider that he should not be held personally responsible in the event of it being shown that he acted under a mistake or upon information wrong in itself but accepted by him as correct. Redress in such cases should, my Committee venture to think, be obtainable not at the expense of the Official Assignee but at the cost of the estate concerned.

It is a frequent subject of complaint that an insolvent's books are not promptly forthcoming, that his accounts are confused and in many cases unintelligible, that there is a want of system in presenting an insolvent's accounts, and that schedules are attended as a matter of form. Reviewing these matters it appears desirable that the office of the Official Receiver should be strengthened by having attached to it an experienced professional accountant. The books of an insolvent should vest in the Official Receiver from the date of the adjudication order. A report should be made at the next sitting of the Court that the books are either in the Official Receiver's hands or under his authority and control. The accounts of the estate could then, as might prove most convenient, be made up either in the office of the Official Receiver, where the insolvent would attend for this purpose, or in the insolvent's office under the inspection of the official accountant. In either case creditors would receive additional and much needed security, time would be saved and a greater interest in the settlement of the estate be exhibited on the part of creditors. It will be seen that this suggestion does not in any way throw obstacles in the way of a bankrupt's access to his books or to his closing of them correctly. It would compel him rather to avoid all unnecessary delays, and to furnish the Court with as correct a statement of his position as possible at the earliest possible moment. The immediate supervision of the preparation of this statement by the official accountant, or his close inspection of the books whilst it was being drawn up, would effectually deprive insolvents of the many common excuses which are now put forward for delaying the making over to the Official Assignee of the records of a business. The provisions of the draft Act as to the delivering up of a bankrupt's books should be thoroughly and carefully enforced, and as a corollary means should be provided to secure that the books shall be properly cared for. There are not a few insolvents who require experienced and capable assistants to enable them to close their books. At the same time the knowledge that upon the occurrence of an act of insolvency the closing of the books would be imperative and prompt would tend to greater strictness in the keeping of accounts, and would in itself cure that carelessness which Insolvency Commissioners in India are constantly reprobating. The suggestion that the office of the Official Receiver should be strengthened in the way above indicated has been put forward by my Committee because of the great importance which cannot but be attached to the speedy closing of an insolvent's books. They would prefer that, so far as possible, this should be done by a professional and experienced officer responsible to the Official Receiver and the Court rather than by some skilled but outside agency. In connection with this particular question, and as pointing to a branch of duty which would devolve upon an official accountant, it is extremely desirable that information as to the position of an insolvent's estate should be more generally and more readily available than it is at present. This end could only be attained with the greatest advantage to all concerned. My Committee would therefore suggest that it should be a direction to the Official Receiver or other trustee in bankruptcy to issue periodical reports duly certified by the official accountant and the progress made in realising the assets of each estate. These reports should be circulated at reasonably brief intervals, and should give creditors all the information needed to enable them to understand the progress made in settling a bankrupt's affairs. It is very desirable that creditors should be encouraged to take a steady and persistent interest in the liquidation of an estate, and nothing seems so likely to produce this result as an assurance that delays will be reduced to a minimum, and that the Official Receiver or Trustee shall as a matter of course keep the creditors informed of that which it most concerns them to know. In this way the reproach which now attaches, but too often to the proceedings in the Insolvency Courts, that they are more or less of a purely formal character, would be done away with, and the Courts themselves would be in a better position to judge of the character of an insolvent's dealings and to distinguish between unjustifiable and speculative trading and bad fortune arising from the accidents of trade or of living.

The suggestion for the periodical circulation amongst creditors of statements showing the progress made in liquidating an estate applies equally to a trustee other than the Official Receiver or to a Committee of Inspection. Hitherto one of the main difficulties in working the existing Act has been the apathy shown by creditors; and it is, in the opinion of my Committee, necessary to show creditors that they can with little trouble acquaint themselves with all that concerns them as regards an insolvent estate, to induce them to attend meetings, and to take an active part in the winding up of their debtors' affairs. So long as creditors believe that to attend meetings is to proceed without knowledge to arrive at no result or practically to wait to time, so long will they avoid, unless under necessity, attendance at such meetings. Where the amount involved in a bankruptcy is small, the chances of getting together the creditors are small indeed, and in such cases it may be useful to reserve to the Official Receiver power to call a meeting of creditors at his discretion.

The attention of the Committee in the course of the discussions on the draft Bill has been in various ways strongly drawn to the question of protection against *benami* dealings and the fraudulent transfer of property of a trader who might be actually insolvent at the time of the transfer but who might continue to carry on his business and thus secure to the transfer something of a time sanction. *Benami* dealings, especially in cases of insolvency, are somewhat common and ought to be in a special way guarded against. In this connection it would seem that sections 28 and 41 of the draft Bill should be read together. In section 28 it is not as clear as it should be that the property therein indicated, as dealt with in the case of a settlement made before and in consideration of marriage, or in the case of a covenant made in consideration of a marriage for a future provision of the settlor's wife or children, that the property so disposed of would be regarded by the Court as an asset of the estate. This section is governed by the provision of section 41, but still the matter is one which should not be left in doubt. So long as there may be a doubt there will be a temptation to endeavour to evade the law.

My Committee accept the limitation of time in section 41 after the lapse of which settlements made by persons who may become bankrupts cannot be impeached as reasonable and proper. Allusion has been made to *benami* cases and to the frequency with which such transactions are resorted to by Natives. The provisions of section 41 should be made sufficiently wide to take in cases of *benami* purchases in the names of the wives and children or other relatives of bankrupts or the transfer of property to them. So far as my Committee can see, such cases are not provided for in the proposed Act. They would commend this question to the attention of the legislature. On the one hand, it has been urged that property standing in the names of wives or children of a Native bankrupt should be presumed to be the property of the bankrupt and dealt with accordingly until the contrary was shown. But it would be unjust to throw upon a wife or children the burden of proving their right to property made over to them in good faith and at a time when the transferor was in a solvent position or in a position which would make the transfer a measure of prudence. In such a case the property so transferred, should the transferor subsequently become bankrupt, would be all that the wife or children could look to for their support. Such cases require protection. Still it is extremely desirable that *benami* transactions should be provided for, and my Committee would commend this subject to the attention of the legislature.

There is another matter which ought to receive attention, and in regard to which it appears desirable that the present opportunity should be taken to provide a much needed remedy. Cases occasionally crop up where, although there may not be an application to the Bankruptcy Court, still one creditor steps suddenly in, closes a business and takes possession of all its assets. In such cases the general body of creditors are shut out altogether from participation in the assets, or find their interests postponed to those of a special creditor of whose rights they have been kept in ignorance. That such a state of things is possible opens a wide door to reckless trading and still more reckless borrowing. As the law in India at present stands, a lender is entirely at the mercy of the representations which may be made to him, and may in perfect good faith advance money for the assistance of a business which is not only actually insolvent but which may be in a condition where, for

all practical purposes it may be said to be carried on for the benefit of the creditor holding a possessory mortgage. In England this class of cases is dealt with by the Bills of Sales Act. Instruments of the kind alluded to must be registered within twenty-one days, and under certain circumstances are absolutely null and void as against a decree of the Court, a trustee in bankruptcy or in the event of the insolvency of the maker of the mortgage. In India it is very desirable that all instruments of this class should be made to come under the provisions for compulsory registration. The records of the Insolvent Court and the experience of the Official Assignee will amply bear out the necessity for some action such as that just suggested. It seems to convert the Bankruptcy Courts into a shelter for fraudulent dealings when a bankrupt who has deprived the general body of his creditors of security for their claims applies to the Court for protection against any steps they might ordinarily institute against him.

My Committee approve of the provision which retains for India imprisonment for debt. A very great number of Native traders are not subjects of the British Government, and have a means of conveying greater or lesser portions of their assets out of the jurisdiction of British Courts. Another large section of Native traders shelter themselves behind the Hindu custom of a joint family; where such a custom prevails, and where important classes of Native dealers have their domicile beyond the limits of the territories directly administered by the Government of India, it is necessary that imprisonment for debt should be retained even if on general grounds a good case could not be made out in its favour.

Section 34 provides that a debt of Rs. 500 as wages shall be paid, in priority to all other debts, to any clerk or servant who may have rendered services to the bankrupt during four months before the date of the receiving order. My Committee are strongly in favour of a limit in the amount to be paid under this section, but they consider Rs. 500 too low considering the average range of the salaries of assistants. They would make the limit Rs. 1,000, but would require that the amount of wages due to any clerk or servant should be certified by the Official Receiver or Trustee, or the official accountant of the Receiver's office.

Section 36 gives power to a landlord to distrain for one year's rent arrears due prior to the date of the order of adjudication. This provision would appear to be unnecessary considering the powers already ordinarily enjoyed by landlords.

My Committee are not disposed to cavil at the provision contained in section 46 of the Bill. Where the Crown reserves to itself the right to dismiss its servants as a punishment for insolvency, it seems reasonable that it should retain the alternative of regulating the amount to be retrenched from the pay of an employé.

It would appear to be in accordance with reason and the spirit of the Bill that the lying in prison of a person under a warrant of arrest in execution of a decree of the Courts, as well as the closing of, or departing from, a place of business with intent to defeat or delay creditors, should be declared to be acts of bankruptcy on which a receiving order should be made. The latter is, under the present law, a ground for adjudicating a trader, and the lying in prison under a warrant of arrest in execution of a decree a ground for adjudicating a non-trader, a bankrupt. There seems to my Committee no good reason why they should be omitted from the proposed Act, more especially as cases can readily be conceived in which the omission of these circumstances as acts of bankruptcy might give rise to difficulty. The lying of a debtor in prison is sufficient to give the proposed Bankruptcy Court jurisdiction, and it ought therefore to be declared to be an act of bankruptcy. It does not appear to my Committee that paragraphs 19, 20 and 21 of the Statement of Objects and Reasons give any good reason for excluding the jurisdiction of the Court in cases where persons or personally subject to the jurisdiction otherwise, and by reason of their being imprisoned or having within a twelvemonth ordinarily resided or had a place of business within the local limits of the Court's jurisdiction. At present persons who come to Calcutta to sell produce, purchase goods, or to make contracts in this city for such purposes, are in respect of such contracts liable to be sued in the Calcutta High Court.

As the draft Bill is framed a Calcutta merchant who had obtained a decree against a person in the position referred to would be unable to avail himself of the provisions of the proposed Bankruptcy Act for enforcing payment of the amount for which he had obtained a decree. My Committee are decidedly of opinion that it would be a great advantage to the mercantile community if in the proposed Act the bankruptcy jurisdiction were extended so as to include all cases in which the High Court has jurisdiction to entertain a suit.

The order and disposition clause, section 38, subsection (3), provides for all moveable property in the order and disposition of a bankrupt, with the consent of the true owner, being dealt with as the property of the insolvent. This subsection (3) is substantially identical with the order and disposition clause in the present Act. Under the section of the existing Act it has been held that property left by the true owner, being a mortgagee, in the possession of a firm the resident member of which becomes an insolvent, is not in the possession, order or disposition of the insolvent within the meaning of the Act, inasmuch as it is not in his sole possession, order or disposition, but in that of himself and his absent partners jointly. It was therefore ruled in *ex parte Gubbay in re Morgan* (L. R. 6 Ch. 633) that the clause does not apply. It is very rare indeed to find in any business, whether carried on by Europeans or Natives, that all the partners are resident, and, this being so, the ruling referred to has in a large majority of cases the effect to a great extent of nullifying the possession, order or disposition clause, which is a very useful provision to be maintained in the interests of the creditors generally of a bankruptcy estate. My Committee would therefore suggest that subsection (3) of section 38 of the draft Bill should be amended in a way to meet the difficulty which the decision in *Gubbay in re Morgan* has raised. Possibly section 102 of the Bill, which provides that a creditor or a firm may proceed in bankruptcy against the firm in the name in which it carries on business, may in the case of some of the acts of bankruptcy specified in section 36 of the Bill get over the difficulty which has been pointed out. But the matter is doubtful, and the question is one of such great importance that my Committee consider the doubt should be removed as far as possible.

My Committee cannot accept the suggestion made in section 88 that any of the functions of a Court of Bankruptcy should be delegated to a Small Cause Court Judge. The Small Cause Court is a Court of summary jurisdiction. Its files are overloaded with business, and to transfer to it insolvency business would alter the character of the Court, establish direct insolvency jurisdictions in the Presidency towns and prove an inconvenience instead of a convenience to the public. The preferable course would be to follow existing precedents and provide for the appointment of a Registrar of the Bankruptcy Court. The work could not be imposed upon the Registrar of the High Court, for the office is in the Calcutta High Court already overburdened with business. A Registrar of the Bankruptcy Court might have delegated to him duties similar to those performed by Registrars in Bankruptcy at Home. He might also perform the functions which under the English Bankruptcy Act are fulfilled by the Board of Trade.

It would probably be found a convenience if affidavits which have to be made in England and Scotland in cases of Indian bankruptcy should be sworn before the Permanent Commissioners already appointed by the Indian High Courts to take affidavits in these countries, and that affidavits sworn before such Commissioners should be admissible in bankruptcy proceedings in this country.

My Committee consider that a trustee appointed under section 20 should, unless good cause can be shown to the contrary, invariably be a creditor of the insolvent: such a trustee once appointed should only be removable by order of the Court and upon cause shown. My Committee do not think it would further the ends of justice to allow a trustee, so far as his work is concerned, to be at the risk of disputes amongst the creditors. Besides, by making him removable only by an order of Court, a greater directness of responsibility is obtained, and by so much a greater security for the interests of all concerned. Where a trustee is appointed my Committee

incline to think that he should liquidate the bankrupt's estate under the inspection of the Official Receiver, and in such a case would fulfil the functions of a Committee of Inspection.

Section 26 might be amended so as to give the Court power to order, according to the information reported in the course of proceedings before it, to deliver over any money or property which that information might show to have been received from the insolvent as the result of a fraudulent preference, as also any property vested in him by a fraudulent settlement or which he appeared to hold *béni* for the bankrupt.

Sub-section (5) of section 27 appears to have taken no account of the possibility of creditors residing in India. In such a case the notice of 14 days provided by the sub-section would be insufficient. The sub-section might be so amended as to show clearly the distinction between English and Indian creditors as respects the notice.

In section 32 there is an omission. The section provides for accounts to be taken when there have been mutual dealings between a bankrupt and any other person, but does not state to whom the account shall be rendered.

Section 38 gives Rs. 200 as the value of the excepted articles. The existing Act gives Rs. 300 as the value of such articles, and my Committee do not see why this limit should not be maintained in the proposed Act.

My Committee would suggest that the time allowed under section 48 for a trustee to disclaim onerous property should be enlarged from two months to six months. The circumstances of India are in every way so different from those in England, and such great difficulty attaches to a proper ascertainment of the character of properties, that to limit the period of disclaimer under this section to two months only would, my Committee believe, seriously interfere with its working.

My Committee would make the permission vested by section 50 in the Committee of Inspection depend rather upon an order of the Court. The same remark applies to section 57.

Clause (2) of section 52 appears to overlook the radical differences between separate and joint estates. These differences ought to be acknowledged so far that the direction to declare dividends together should be amended and powers given to declare dividends separately.

It would facilitate business if the latter portion of clause (3) of section 61, from the words "The officer shall, &c.," to the words "duly sanctioned," were omitted. If a trustee or manager acts with the permission of the Court under sections 50 and 57, there is no need for him to take further sanction for the details dealt with in this sub-section, more especially as all charges incurred under this sub-section must be taxed.

Referring to section 65, my Committee would not recommend any interference with the existing system, by which bankrupt estates accounts are kept in the name of the Official Assignee and audited by Government officials who submit half-yearly reports on such audit to the High Court. The like remark applies to section 67, clause (1).

In section 71, which gives the Court power to change the carriage of proceedings, my Committee would include besides any other creditors the trustee or the Official Receiver as persons who might be substituted to carry on the proceedings.

In section 103, clause (6), my Committee can see no reason for making the action of the Official Receiver depend upon the "permission of the Court," and would recommend that those words be omitted.

My Committee would add to the offences punishable under section 105 of the Bill the following—failing to give proper assistance in realising his assets; procuring or assisting to raise a fraudulent claim against the assets of the estate; improperly interfering with the realisation of the assets; fraudulently making away with property; doing that which might result in preventing the disposal of the property at its proper value; showing a fraudulent preference to any creditor or entering into any composition with any creditor; inducing any creditor by an improper preference or otherwise to neglect or delay to proceed with a petition, or to agree to the discharge of the bankrupt.

My Committee cannot approve of the transfer of offences provided for in section 110, and would prefer that the Bankruptcy Court should itself deal with offences under the Bankruptcy Act.

The wording of section 113, providing for the exclusion of partnerships and companies, should be made more clear. As it stands it might be objected that it excludes ordinary business partnerships from the operation of the Act, which is against the present practice as well as against the spirit of the draft Act itself.

My Committee cannot see what utility will result from changing the designation of the "Official Assignee" to that of "Official Receiver". There is already an officer of the High Court known by this latter designation, and to retain the style "Official Receiver" would be to introduce something of confusion and to change a title thoroughly well known and comprehended.

In conclusion my Committee desire me to report their opinion that the draft Bill is an advance upon the existing Act. They would suggest that the legislature should consider the expediency of retaining Chapter XX of the Civil Procedure Code as regards the local limits of the Courts established under the bankruptcy law, and they would again urge that in the consideration of the draft Bill the utmost weight and the most careful attention should be given to the points of difference between the circumstances of England and India.

S. HARVEY JAMES,

*Offg. Secy to the Govt. of India*





SUPPLEMENT TO.

# The Gazette of India.

No. 22.]

SIMLA, SATURDAY, MAY 20, 1886.

## OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and Information as the Government of India may deem to be of interest to the Public, and such as may as fully be made known.

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### GOVERNMENT OF INDIA.

#### REVENUE AND AGRICULTURAL DEPARTMENT.

#### REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING 26th MAY, 1886.

GENERAL REMARKS.—General rain is reported from Madras, from parts of the Bombay Presidency, from Bengal, Assam, and British Burma. Good rain has fallen in Mysore and Coorg. With the exception of a few showers, there has been no rain in Northern and Central India.

Prospects continue fair in Madras and good in Mysore and Coorg.

In the North-Western Provinces and Oudh and in the Punjab the *rabi* harvest has been almost completed, with a generally good outturn.

In Bombay, the Central Provinces, and Berar *khari* operations continue in progress.

In the Central India Agency prospects are generally good. In Rajputana tanks are in some places completely and in others nearly dry. The water in the wells is also falling.

In Bengal prospects are favourable; and cultivation is progressing rapidly.

In parts of Assam more rain is wanted for tea and other crops.

The public health continues good on the whole, though fever and small-pox are reported from parts of the Madras and Bombay Presidencies, of the Central Provinces, Punjab, and Rajputana. Cholera is still severe in Raipur.

Prices are fluctuating in the Punjab and rising in parts of Rajputana. Elsewhere they are generally steady.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras — (May 26th)</b>		
Bellary . . . . .	Average last week since revised, '25; this week, '69.	Standing wet crops generally good; harvest paddy, yield below average.
Kurnool . . . . .	Average '30	Harvest second crop paddy completed, outturn average. Small-pox in three and cattle-disease in two taluk.
Ganjam . . . . .	Average '57	Slight small-pox in six, fever in three, and cattle-disease in four taluks; slight cholera. Average number employed on Chikla lake 595.
Kistna . . . . .	Average '40	Slight fever; cholera in ten taluks and one division.
Chingleput (Madras) . . . . .	Nil	Standing crops fair, except in parts of one taluk where withering; harvest wet and dry grains, outturn below average. Fever and cattle-disease in one taluk.
Coimbatore . . . . .	Average 87	Standing crops good; harvest paddy and <i>dharm</i> , outturn generally above average. Fever in one and small-pox in parts of two taluks.



Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—contd.</b>		
Tanjore . . . .	Average 54	Standing crops generally good; harvest gingelly, outturn* below average.
Madura . . . .	Average 77	Harvest paddy, yield below average.
Malabar . . . .	Average 133	Standing crops ripening in one taluk; harvest third crop paddy, outturn below average. Small-pox in eight and cholera in three taluks.
Travancore . . . .	342	Small-pox and fever in parts. <i>General Remarks.</i> —General prospects fair.
<b>Bombay—(May 26th)</b>		
Kurrachee . . . .	Nil	Weather sultry; days warm. River at Kott on 24th, 11 feet 5 inches against 13 feet 5 inches on same date last year. Fever in seven and cattle-disease in one taluka; one remaining case of small-pox recovered. Wheat, red rice, and <i>bajri</i> in Kurrachee 26, 30 and 34, in Sakro <i>nil</i> , 38 and 47, in Juli 20, 40 and 40, and in Manjhand 32, 36 and 38 pounds per rupee, respectively.
Hyderabad . . . .	Nil	<i>Rabi</i> harvest almost over in the district; preparations for <i>kharif</i> cultivation in progress. River at Kott on 24th, 11 feet 5 inches against 13 feet 5 inches on same date last year. Fever in two, small-pox in three, and cattle-disease in three talukas. Prices of grain steady. Days and nights very hot.
Ahmedabad . . . .	110	Weather very hot. Manuring and tiling operations commenced in some talukas. Public health good. Wheat 36 and <i>bajri</i> 32 pounds per rupee.
Baroda . . . .	Nil	Public health good. Standing crops in good condition. <i>Bajri</i> 28, wheat 22, and rice 18 pounds per rupee.
Surat . . . .	Nil	Fever in Mundvi and Bardoli talukas. <i>Juari</i> 38 and <i>magh</i> 46 pounds per rupee.
Nasik . . . .	Nasik, 258; Sinnar, 255; Igatpuri, 151; Dindori, 85; Niphad, 73; Chandor, 182; Baglan, 127; Kalvan, 95; Pent, 170.	<i>Rabi</i> threshing over; land being prepared for the next year's sowing. Sky cloudy; weather very hot. Public health good. Wheat 31, <i>bajri</i> 33, and rice 17 pounds per rupee.
Colaba (Bombay) . . . .	Light rain from 20th to 22nd amounting to .07.	Abnormal temperature 1° warm on 19th and 20th, <i>nil</i> on 21st and 22nd, 2° warm on 23rd and 24th and 3° warm on 25th; vapour in air excessive; abnormal wind from north on 19th and 25th and from north-east on 21st and 22nd; wind normal on all other days; thunder and lightning on 20th and 25th; lightning on 21st and 23rd.
Poona . . . .	Rain throughout the district; maximum in Haveli, 3.47; minimum in Junnar, .24.	<i>Bajri</i> 31 and <i>juari</i> 45, in Poona <i>bajri</i> 32 and <i>juari</i> 35 pounds per rupee. Agricultural operations begun.
Ahmednagar . . . .	Rain general from 19th in Jamkhed to 10th in Sangamner.	Reaping completed. Public health good. <i>Bajri</i> average 44 and <i>juari</i> 60 pounds per rupee.
Sholapur . . . .	Barsi, 109; Sholapur, 50; Madha, 70; Karmala, 140; Pandharpur, 99; Sangola, 61; Mal-sira, 33.	<i>Juari</i> 59 and <i>bajri</i> 43 pounds per rupee.
Dharwar . . . .	Navalgund, 6.30; Hangal, 4.86; more than 3.0 in Dharwar, Mugud, Mandaga, and Kalghatga; more than 2.0 in Hubli, Gadag, Kod, and Karajgi; Nargund, 2.0; Bankapur, 1.56; Ron, .70.	Sowing of rice commenced in Dharwar and Hangal; ground being prepared for early crops. Scarcity of drinking-water in Gadag and Kod. Cattle-disease in Kod; public health good. Rice 19 to 32 and <i>juari</i> 43 to 50 pounds per rupee.
Rajkot . . . .	180	Weather very hot. Fever, bowel-complaints, and skin-diseases prevalent; measles at Jafarabad. Wheat 35, <i>bajri</i> 32, and <i>juari</i> 46 pounds per rupee. <i>General Remarks.</i> —Rain in most districts of Guzerat, Kathiawar, the Deccan, and Southern Maratha Country. Scarcity of drinking-water in two talukas of Dharwar and two of Khandesh. Fever and cattle-disease in parts of eight and small-pox in parts of four districts.
<b>Bengal—(May 26th)</b>		
Chittagong . . . .	1.44	Weather seasonable. Sowing of <i>aus</i> paddy in progress; prospects of crops fair. Prices rising. Public health good.
Dacca . . . .	0.91	Sowing of <i>aus</i> and <i>aman</i> paddy still going on; prospects good. Sporadic cholera in Manickgunge.
24-Pergunnahs (Calcutta). . . .	1.84	No crops on ground, except sugarcane. Ploughing going on. Public health generally good.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bengal—contd.</b>		
Moorshedabad . . .	Some rain	Weather hot. Ploughing and sowing of rice crops going on, but more rain wanted; indigo promising well. Public health fairly good. A few cases of cholera still occur.
Rungpore . . .	2.93	Prospects of crops favourable; <i>cheena</i> being cut. Public health good.
Burdwan . . .	0.4; more rain in Culna and Cutwa.	Sowing of <i>aus</i> progressing. Public health fair.
Bhagalpur . . .	0.46; rain heavier in north of Ganges than in south.	Cultivation proceeding, and crops on ground much helped by rain.
Purneah . . .	1.63	Rain has done much good. Prospects of crops fair; <i>bhadei</i> sowings commenced. Public health fair.
Patna . . .	Nil	Cotton still being collected; <i>boro</i> rice in arable lands commenced to be reaped; <i>cheena</i> and sugarcane growing well. Public health good.
Durbhunga . . .	Nil	Early paddy sowings coming up well; prospects of standing crops continue promising. Public health generally good.
Hazaribagh . . .	1.16	Weather very warm, latterly unclouded. Ploughing proceeding; no crops to report upon. General health good.
Cuttack . . .	Nil	Weather hot, with clouds. Ploughing in progress; sowing of rice begun in some places. Price of rice unchanged. Public health generally good.
Midnapore . . .	0.26	Weather seasonable. Tillage in full swing; rice sowings commenced in places. Public health normal.
Khoolna . . .	1.56	Weather hot. <i>Aus</i> paddy being sown. Public health good.
Emagrepore . . .	2.75; heavy rain throughout district.	Weather most unseasonable. Cultivation progressing rapidly. Two deaths from small-pox in Gangarampore.
Pubna (Serajunge) . . .	0.02	Crops doing well. Public health improving.
Giva . . .	Slight rain at Jehanabad.	Crops doing well. Public health fair. Prices better than last year.
Chumpran . . .	Nil	Indigo doing well. Prices stationary. Some fever and small-pox.
<i>General Remarks.</i> —Rain general, except in the Patna Division and in Cuttack. Present agricultural prospects favourable; cultivation being rapidly pushed on; in several places sowing of <i>aus</i> rice and jute finished, and seedlings doing well; in some places <i>aman</i> rice sowing commenced, and indigo and sugarcane the only crops on ground doing well; <i>boro</i> rice harvest still going on in some places, with satisfactory outturn. Price of rice generally stationary. General health fair.		
<b>N.-W. Provinces and Oudh—(May 26th)</b>		
Benares (May 24th)	Nil	Harvesting completed; supplies plentiful. Prices steady. Health generally good.
Rae Bareilly ( " " )	Nil	Weather at times cloudy; wind variable. Supplies ample. Prices steady. General health good.
Gorakhpore ( " " )	Nil	Harvest operations completed; preparation of land for <i>khurif</i> sowing in progress. Prices stationary. Health fair.
Fyzabad ( " 25th)	Nil	Weather hot, with east wind. Prospects of crops on ground good. Prices steady. Supplies ample. Health of men and cattle good.
Lucknow ( " 24th)	Nil	Heat increasing. <i>Sarson</i> is being harvested; irrigation of sugarcane and other summer crops going on. Markets well supplied. Prices slightly rising. Health of people good. No cattle-disease.
Partabgarh ( " 25th)	Nil	East wind. Prices steady. Cattle reported from tahsil Patna; health of cattle good.
Allahabad ( " " )	Nil	Weather steady; wind easterly. Harvesting finished. Markets well supplied. Prices steady. General health good.
Cawnpore ( " 24th)	Nil	Weather very hot. Harvest nearly finished. Prices stationary. Condition of people good; foot and mouth disease in Bilbaur.
Banda ( " 25th)	Nil	Weather seasonable. <i>Rabi</i> all harvested. Markets well supplied. Prices easy. Public health good; cattle-disease in three villages.
Farakhabad ( " " )	Nil	East wind nearly all the week. Prices steady. Supplies plentiful. Health of people fair.
Sitapur ( " " )	Nil	Weather very hot and a strong wind blows from the east. Grain is gradually being removed from the threshing floors. Public health good.
Bareilly ( " " )	Nil	Weather hot, with easterly winds. Prices fluctuating. No abnormal sickness.
Ballia ( " " )	Nil	Sugarcane being irrigated. Health satisfactory.
Kumaon ( " " )	Nil	Weather fair. <i>Rabi</i> not harvested in some parts. Prices falling. General health fair; measles in patts; cattle-disease abating slowly.
Agra ( " 24th)	Nil	Cane and melon crops being irrigated. Prices steady. Health good.
Jhansi ( " " )	Nil	Weather cloudy and sultry. Prices steady. Health good.
Meerut ( " 25th)	Nil	Weather seasonable and hot. Ample supplies. Prices slowly rising. No sickness.
<i>General Remarks.</i> —Weather seasonable. Harvesting operations completed in most districts and prospects good. Supplies are plentiful. Prices generally steady. Public health good.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Punjab—(May 26th)</b>		
Delhi (May 25th)	<i>Nil</i>	Health good. Prices rising. Prospects of current harvest good.
Hissar . . . . .	<i>Nil</i>	Health good. Prices nearly stationary.
Umballa . . . . .		No report received.
Jullundur . . . . .	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest good.
Sialkot . . . . .	<i>Nil</i>	Health good. Prices stationary.
Ferozepore . . . . .	20	Health good. Prices falling.
Lahore . . . . .	<i>Nil</i>	Health good. Prices slightly risen.
Rawalpindi . . . . .	<i>Nil</i>	Health good. Prices stationary.
Shahpur . . . . .	<i>Nil</i>	Health good. Prices almost stationary.
Mooltan . . . . .	<i>Nil</i>	Health good. Prices stationary.
Dera Ismail Khan . . . . .	<i>Nil</i>	Small-pox slightly prevalent in city. Prices almost steady.
Peshawar . . . . .	<i>Nil</i>	Slight fever. Prices falling.
		<i>General Remarks.</i> —Slight rain in the Ferozepur district. Small-pox in Dera Ismail Khan city and fever in Peshawar, otherwise health of province is generally good. <i>Rabi</i> harvest nearly completed. Prices fluctuating.
<b>Central Provinces—(May 26th)</b>		
Nagpur . . . . .	<i>Nil</i>	Weather hot. Land being prepared for sowing. Fever, small-pox and cattle-disease in places. Prices stationary.
Jubbulpore . . . . .	<i>Nil</i>	Weather hot and windy. Winnowing nearly finished. Health fair. Prices easy.
Saugor (May 25th)	<i>Nil</i>	Weather cooler. Fever, small-pox, and cattle-disease continue. Prices fallen in Kurat taluk.
Seoni . . . . .	<i>Nil</i>	Weather cloudy and hot. Winnowing almost finished; <i>khari</i> fields being ploughed. Slight small-pox. Prices easy.
Hoshangabad . . . . .	<i>Nil</i>	Weather hot. <i>Khari</i> ploughings continue. Small-pox and cattle-disease in places. Prices steady.
Khandwa . . . . .	25	Weather cloudy and very hot. <i>Khari</i> preparations continue. Health fair. Prices stationary.
Raipur . . . . .	<i>Nil</i>	Weather hot and cloudy. Ploughings continue. Cholera unreported. Prices stationary.
Sambalpur (May 22nd)	11	Weather clear and hot. Ploughing in progress; sugarcane doing well. Cholera in places. Prices unchanged.
		<i>General Remarks.</i> —Weather hot and sometimes cloudy. Land being prepared for <i>khari</i> sowings. Cholera severe in Raipur and small-pox in a few places. Prices steady.
<b>British Burma—(May 26th)</b>		
Akyab . (May 22nd)	0.03	Total rainfall 1.28. Public health good; cattle healthy.
Bassoon . . . . .	0.58	Total rainfall 5.54. Public health good; cattle healthy.
Rangoon . . . . .	0.85	Total rainfall 8.23. Public health good; cattle healthy.
Amherst (Moulmein)	4.03	Total rainfall 13.76. Public health good; cattle healthy.
Pegu . . . . .	0.14	Total rainfall 4.78. Public health and health of cattle good.
Henzada . . . . .	0.47	Total rainfall 3.04. Public health good; cattle healthy.
Prome . . . . .	0.11	Total rainfall 0.46. Public health and health of cattle good.
Toungthoo . . . . .	2.18	Total rainfall 8.0. Public health good; cattle healthy.
Thayetmayo . . . . .	0.24	Total rainfall 2.45. Public health good; cattle healthy.
		<i>General Remarks.</i> —Public health good; slight cattle-disease in Amherst district, elsewhere cattle healthy.
<b>Assam—(May 26th)</b>		
Gauhati . . . . .	1.70	Weather hot. Cholera still prevalent in the district; cattle disease reported from some mouzahs. Planting of sugarcane finished.
Silhet . . . . .	0.59	State and prospects fair. Cattle-disease still prevalent in parts of the district.
Cachar . . . . .	1.09	Weather warm. Cultivation for <i>aus</i> and <i>asra</i> crops continues. Common rice 14 seers 3½ chittacks per rupee. Four deaths from cholera from Sadr reported; general health good.
Dibrugarh . . . . .	.84	Weather warm; rain wanted. Prospects of tea and other crops depend upon rain.
<b>Mysore and Coorg—(May 26th)</b>		
Bangalore . . . . .	Civil and military stations, 2.03; Bangalore, 2.01; Mysore, 4.66; Kolur, 1.69.	Standing crops in good condition, except in parts of the Kolur district. Ploughing operations commenced in the Bangalore district; prospects of season favourable. Pasturage improved. Health generally good.
Mysore Mercara . . . . .		Heavy rain has fallen throughout the Province, with beneficial results; prospects of season and public health good.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Berar and Hyderabad—</b>		
Amraoti (May 26th)	<i>Nil</i>	Weather hot, occasionally cloudy. <i>Kharif</i> preparations continue. Wheat 22 and <i>juari</i> 26 seers per rupee.
Akola	<i>Nil</i>	Weather hot. Ploughing for <i>kharif</i> continues.
Hyderabad	Average 4'24	Total rainfall since 1st January 4'83. Reaping of <i>tabi</i> crops continues. General health of <i>talukas</i> fair. Prices—wheat 15, coarse rice 11½, white <i>juar</i> 21, yellow <i>juar</i> 22, and <i>tur</i> 15 seers per current sicca rupee.
<b>Central India States— (May 26th)</b>		
Indore	<i>Nil</i>	Weather very hot. Prices steady. Health good.
Morar (Gwalior)	<i>Nil</i>	Weather seasonable. Health good.
Sutna	<i>Nil</i>	Weather very hot. Health good.
Neemuch	'05	Weather very stormy and sultry. Health good.
Goona	'13	Weather very hot. Health and prospects good.
Agar	<i>Nil</i>	Health and prospects fair.
Nowgong	'60	Weather normal, cloudy and hot. Health good. Prices easy and steady.
Rhopawar (Manpur)	Several light showers	Weather very hot. Health good. Prices stationary.
<b>Rajputana—(May 26th)</b>		
Abu (May 26th)	<i>Nil</i>	Weather seasonable. Measles prevalent. Weather very hot; temperature at 4 P.M. 98°.
Sirohi ( „ 23rd)	<i>Nil</i>	Tanks dry; wells low. Health good. Weather cloudy and windy during first portion of week; weather hot and clear during last week.
Marwar ( „ 21st)	<i>Nil</i>	About four months' water in tanks. Health good. Crops being still harvested. Weather partly cloudy; winds very hot; two dust-storms, nights close, and oppressive. Prices rising.
Kherwara ( „ 23rd)	'09	Tanks and wells lower. Health good. Prices steady. Weather very hot, cloudy, and windy at nights.
Meywar ( „ 22nd)	<i>Nil</i>	Tanks and wells decreasing. Health very good. Prices rising. Weather cloudy and stormy.
Pertabgarh ( „ „ )	<i>Nil</i>	Tanks altogether dry; some water in wells. Health good. Prices rising. Weather cloudy and showery, with storms.
Harowti ( „ „ )	Shahpura, 02	Weather sultry. Small-pox and measles prevalent.
Jhalakwar ( „ 21st)	<i>Nil</i>	Weather very hot. Health fair.
Kotah ( „ 22nd)	<i>Nil</i>	Weather very hot. Health good.
Ajmere ( „ 25th)	<i>Nil</i>	Heat excessive. Tanks and wells decreasing. Slight fever and small-pox; three cholera cases in Ajmere, two fatal.
Jeypore ( „ „ )	<i>Nil</i>	Weather seasonable. Prices steady. Health fair.
Kerowlee ( „ 22nd)	<i>Nil</i>	Tanks dry; wells decreasing. Health good. Prices steady.
Dholepore ( „ „ )	<i>Nil</i>	Tanks and wells decreasing. Slight fever. Prices stationary. Health good.
Ulwur ( „ 25th)	<i>Nil</i>	Cotton being sown. Wells low. Health good.
Bikanir ( „ 22nd)	<i>Nil</i>	Measles in Bikanir; fever and small-pox in districts. Prices stationary. Weather very hot.
<b>Nepal—(May 21st)</b>		
Khatmandu	'75	

C. J. LYALL,

Officiating Secretary to the Government of India.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. IV OF 1886-87.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

First Return received.	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 2ND MAY 1885.		Total length open.	RECEIPTS FOR WEEK ENDING 1ST MAY 1886.		TOTAL RECEIPTS FROM 1ST APRIL TO 1ST MAY 1885.		TOTAL RECEIPTS FROM 1ST APRIL TO 1ST MAY 1886.		Total Increase in 1886-87.	Total Decrease in 1886-87.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		<i>Rs.</i>	<i>Rs.</i>		<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>
May 1886	Oudh and Rohilkhand	608	1,41,400	233	680	1,78,501	263	6,17,566	222	7,15,732	238	98,166	...
do. "	Madras	801	1,28,578	140	801	1,30,79	158	6,30,014	162	6,25,783	165	...	1,831
do. "	South Indian	654	1,01,518	155	654	94,85	144	4,13,522	138	4,38,051	151	25,479	...
do. "	Great Indian Peninsula	1,504	10,11,521	678	1,504	11,02,073	733	45,90,478	608	40,12,865	602	22,387	...
do. "	Bombay, Baroda and Central India	401	3,50,106	750	401	3,65,000	792	14,20,547	678	15,27,086	714	98,430	...
	<b>TOTAL</b>	4,088	17,41,013	476	4,100	18,77,128	451	70,00,727	412	70,21,317	430	2,30,590	...
	<i>State.</i>												
May 1886	East Indian	1,500	10,77,845	714	1,515	10,31,453	681	47,06,865	682	44,73,606	667	...	2,33,250
May "	Eastern Bengal	233	88,020	378	234	93,778	401	4,22,333	397	3,66,733	354	...	55,604
do. "	Nalhati	27	1,308	48	27	1,325	49	7,034	57	8,000	67	1,058	...
do. "	Northern Bengal	240	38,003	155	249	54,310	210	1,72,510	154	1,64,672	176	19,160	...
do. "	Kaunia-Dharla	37	2,701	75	37	2,333	63	14,122	83	10,410	64	...	3,712
do. "	Luhoot	220	20,633	118	240	20,612	120	1,30,180	134	1,32,788	131	3,596	...
do. "	Patna-Gya	57	11,108	106	57	11,084	204	51,054	195	60,35	238	6,298	...
do. "	Cawnpore-Achnera	249	17,085	60	253	24,841	98	70,530	67	97,410	87	26,877	...
do. "	Dildarnagar-Ghazipur	12	1,544	120	12	1,335	111	5,759	105	5,956	105	...	173
do. "	Rajputana-Malwa	1,411	3,33,437	236	1,411	3,61,000	250	14,60,537	228	16,31,000	261	1,61,463	...
do. "	Wardha Coal	45	13,306	297	45	17,302	384	62,730	305	70,131	307	16,401	...
do. "	Nagpur and Chhattisgarh	149	56,050	376	140	50,326	308	2,50,960	368	2,40,538	365	...	10,441
do. "	British Burma	254	75,500	297	327	50,315	160	2,60,055	232	2,43,107	168	...	25,048
do. "	Sindia	75	7,734	104	75	7,800	105	36,074	100	35,058	108	...	386
do. "	North-Western	1,803	6,85,450	380	1,803	4,50,044	251	33,00,102	400	22,71,770	284	...	10,97,143
do. "	Amritsar-Pathankot	60	5,040	77	60	5,319	81	31,803	100	20,132	100	...	2,051
do. "	Bareilly-Pilibhit	36	1,418	39	36	2,040	57	7,477	46	8,082	55	1,205	...
do. "	Dacca	10	1,841	184	86	8,940	104	9,831	215	22,920	60	13,089	...
do. "	Jorhat	23	506	22	30	598	20	1,713	16	2,640	20	933	...
do. "	Cawnpore-Kalpi	...	...	...	42	3,900	93	...	...	110,30	64	11,030	...
	<b>TOTAL</b>	4,962	13,67,680	276	5,185	11,07,079	231	63,01,838	282	51,63,090	238	...	9,36,748
	<b>AND TOTAL (GUARANTEED AND STATE)</b>	10,550	41,86,538	306	10,860	41,05,660	378	1,87,07,430	380	1,78,58,013	371	...	9,30,417
	<b>GROSS ESTIMATED EXPENSES</b>	...	...	...	...	...	...	86,46,818	179	91,07,587	190	...	...
	<b>NET RECEIPTS</b>	...	...	...	...	...	...	1,01,50,612	210	87,50,426	181	...	14,00,186
	<i>Assisted Companies.</i>												
May 1886	Bengal-Central	126	9,496	75	126	9,731	77	49,629	86	44,208	80	...	5,421
do. "	Rohilkhand and Kumaon	67	6,060	90	67	7,977	119	25,188	83	34,287	116	9,090	...
do. "	Assam	78	3,329	43	78	7,285	93	20,377	57	30,944	60	10,567	...
do. "	Southern Mahratta	214	11,751	55	310	33,724	107	52,824	54	1,38,796	99	85,972	...
do. "	Bengal and North-Western	303	20,080	66	303	46,650	154	1,25,183	90	2,04,041	153	79,758	...
do. "	Tarakessur	22	5,226	238	22	5,530	251	31,074	300	31,423	319	349	...
	<b>TOTAL</b>	810	64,942	80	912	1,10,897	122	3,04,275	82	4,84,599	120	1,80,324	...
	<i>Native States.</i>												
May 1886	Bhavnagar-Gondal	103	26,520	137	103	30,814	159	1,17,380	133	88,401	104	...	28,988
do. "	Jodhpore	64	3,494	55	64	4,520	71	13,424	46	19,269	68	5,845	...
April "	Nizam's	...	(a)	...	...	(b)	...	(b) 83,536	193	(c) 74,140	177	...	9,396
May "	Mysore	140	8,312	60	140	7,912	57	34,509	54	34,438	56	...	71
do. "	Rajpura-Patiala	15	738	46	16	1,215	76	5,133	70	5,883	83	750	...
	<b>TOTAL</b>	413	39,084	95	413	44,461	108	2,53,991	104	2,22,131	81	...	31,600

N.B.—As regards the figures in column "Total Receipts from 1st April to date," audited figures have been availed of as far as possible.

) Return not received.  
) Total receipts from 1st to 25th April 1885.

(c) Total receipts from 1st to 24th April 1886.

SIMLA,  
14th May, 1886.

FRED. FIREBRACE, Major, R.E.,  
Under Secretary.



# The Gazette of India

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

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SIMLA, SATURDAY, MAY 29, 1886.

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## STAR OF INDIA.

### NOTIFICATION.

*Simla, the 29th May, 1886.*

*No. 27 S.I.*

Her Majesty the Queen and Empress of India has been graciously pleased to make the following appointments to the Most Exalted Order of the Star of India:—

#### *To be Knights Commanders.*

The Honorable Theodore Cracraft Hope, C.S.I., C.I.E., (Barrister-at-Law), Member of the Council of the Governor-General of India.

Charles Edward Bernard, Esq., C.S.I., Bengal Civil Service, Chief Commissioner of Burma.

Nawab Khwaja Abdul Ghani, C.S.I., of Dacca.

William Chichele Plowden, Esq., F.S.S., late of the Bengal Civil Service (Retired).

#### *To be Companions.*

William George Pedder, Esq., Secretary of the Revenue, Statistics and Commerce Department, India Office.

Alexander Mackenzie, Esq., B.A., Bengal Civil Service, Secretary to the Government of India, Home Department.

Charles Bradley Pritchard, Esq., Bombay Civil Service, Commissioner of Customs, Salt, Opium and Abkari, Bombay.

By Order of the Grand Master,

H. M. DURAND,

*Secretary to the Most Exalted Order of the  
Star of India.*

## INDIAN EMPIRE.

### NOTIFICATION.

*Simla, the 29th May, 1886.*

*No. 28 I.E.*

Her Majesty the Queen and Empress of India has been pleased to appoint the undermentioned gentlemen, who by their services have merited the Royal favour, to be Companions of the Order of the Indian Empire:—

Surgeon-General Michael Cudmore Furnell, M.D., Indian Medical Service, Surgeon-General with the Government of Madras.

Seth Lachhman Das, of Muttra.

Edward Spence Symes, Esq., Bengal Civil Service, Secretary to the Chief Commissioner of Burma.

Rao Bahadur Ranchhod Lal Chhotalal, President of the Ahmedabad Municipality.

Deputy Surgeon-General Alexander Morison Dallas, Indian Medical Service, Inspector-General of Civil Hospitals, Punjab.

Frederick Charles Kennedy, Esq., Manager of the Irrawaddy Flotilla Company, Limited, Burma.

By Order of the Grand Master,

H. M. DURAND,

*Secretary to the Order of the Indian Empire.*

## FOREIGN DEPARTMENT.

### NOTIFICATIONS.

*Simla, the 29th May, 1886.*

*No. 1755 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Maharaj Kumari Radeshwari Kishori Kuar, of Tikari, in the District of Gya, Bengal, the title of "Maharani," as a personal distinction.

*No. 1756 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Kumar Rameshwar Singh, of Durbhunga, the title of "Raja Bahadur," as a personal distinction.

*No. 1757 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Kumar Rajendra Narayan Roy Chowdry, Zamindar of Bhowal, in the District of Dacca, Bengal, the title of "Raja Bahadur," as a personal distinction.



*No. 1758 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Rai Mela Ram, of Lahore, the title of "Rai Bahadur," as a personal distinction.

*No. 1759 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Lalla Umrao Singh, Assistant Superintendent, Railway Mail Service, the title of "Rai Bahadur," as a personal distinction.

*No. 1760 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Babu Mohesh Chandra Chakravarti, of Harisankerpore, in the District of Jessore, Bengal, the title of "Rai Bahadur," as a personal distinction.

*No. 1761 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Rao Sahib Balaji Krishna Bendigeri, late Diwan of Savanur, in the Bombay Presidency, the title of "Rao Bahadur," as a personal distinction.

*No. 1762 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Mr. Narayan Sakharam Fadnis, Chairman of the Bench of Honorary Magistrates for the town of Satara and a member of the Municipal and Local Boards of Satara, the title of "Rao Bahadur," as a personal distinction.

*No. 1763 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Babu Durga Prasad, Talukdar and Honorary Magistrate, Gorakhpur, North-Western Provinces, the title of "Rai Bahadur," as a personal distinction.

*No. 1764 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Maulvie Muhammad Ali Khan, of Dinagepore, in the Rajshahye Division, Bengal, the title of "Khan Bahadur," as a personal distinction.

*No. 1765 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Shaikh Altaf Hosein, Rais of Lucknow, Landholder and Honorary Magistrate, Cawnpore, the title of "Khan Bahadur," as a personal distinction.

*No. 1766 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Mr. Rustomjee Jamasjee Ashburner, late Treasurer of the Bombay Currency Office, the title of "Khan Bahadur," as a personal distinction.

*No. 1767 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Mr. Rustomji Maneckji, late 1st Grade Clerk, Presidency Pay Office, Bombay, the title of "Khan Sahib," as a personal distinction.

*No. 1062 E.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Bhagwan Das, Commissariat Contractor and Banker, Rangoon, the title of "Rai Bahadur," as a personal distinction.

*No. 1063 E.*

His Excellency the Viceroy and Governor-General is pleased to confer upon the gentlemen mentioned below the title of "Kyet thaye zaung Shwe Salwè Ya Min," as a personal distinction:—

Maung Ba Wa, 2nd Judge of the Rangoon Small Cause Court.

Maung Po, Extra Assistant Commissioner, Insein.

Maung Po Hmyin, Honorary Magistrate and Municipal Commissioner, Rangoon.

H. M. DURAND,

*Secretary to the Government of India.*

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## MILITARY DEPARTMENT.

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### APPOINTMENTS.

#### PERSONAL STAFF.

*No. 360.*

*Simla, the 29th May, 1886.*

The Viceroy and Governor-General has been pleased to make the following appointments on His Excellency's Personal Staff:—

#### *To be Honorary Surgeons.*

Brigade-Surgeon W. Temple, M.B., V.C., Medical Staff.

Brigade-Surgeon J. A. Scott, Medical Staff.

O. R. NEWMARCH, *Colonel,*

*Offg. Secretary to the Government of India.*

# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MAY 29, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 15th March 1886.*

From the 10th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the *Gazette*. The annual subscription for the two Parts is **Rs 5** per annum, payable in advance. When sent by post, **Rs 2-8** per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's *Gazette*.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

*Publisher, Gazette of India.*

### SURVEY OF INDIA.

#### NOTIFICATIONS.

*Simla, the 12th May 1886.*

**No. 557.**—The following promotions are made with effect from the 10th March 1886, *vice* Lieutenant-Colonel J. Herschel, R.E., Deputy Superintendent, 1st Grade, retired:—

Major T. T. Carter, R.E., Deputy Superintendent, 2nd Grade, *on furlough*, to be Deputy Superintendent, 1st Grade.

Lieutenant-Colonel D. C. Andrew, S.C., Officiating Deputy Superintendent, 2nd Grade, is confirmed in that grade.

Major A. W. Baird, R.E., Deputy Superintendent, 4th Grade, and *Officiating Mint Master, Calcutta*, to be Deputy Superintendent, 3rd Grade.

Captain St. G. C. Gore, R.E., Officiating Deputy Superintendent, 4th Grade, *attached to the Afghan Boundary Commission*, is confirmed in that grade.

Lieutenant S. G. Burrard, R.E., Officiating Assistant Superintendent, 1st Grade, is confirmed in that grade.

**No. 558.**—The following temporary promotions are made with effect from the 10th March 1886:—

Lieutenant-Colonel F. Coddington, S.C., Deputy Superintendent, 2nd Grade, to officiate as Deputy Superintendent, 1st Grade.

Lieutenant-Colonel W. F. Badgley, S.C., Deputy Superintendent, 3rd Grade, to officiate as Deputy Superintendent, 2nd Grade.

Lieutenant-Colonel H. S. Hutchinson, S.C., Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant H. M. Jackson, R.E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

In suppression of Notifications Nos. 547, 548, and 549, dated 22nd March, 1886, the following

- Notifications of temporary promotions are issued:—

**No. 559.**—Major J. R. McCullagh, R.E., Officiating Deputy Superintendent, 3rd Grade, Survey of India, having proceeded on subsidiary leave on the afternoon of the 15th March 1886, preparatory to availing himself of the furlough granted by Military Department Notification No. 174, dated 19th March 1886, the following temporary promotions are made with effect from the same date:—

Mr. E. C. Barrett, Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant W. H. Pollen, R.E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

**No. 560.**—Lieutenant-Colonel J. Waterhouse, S.C., Deputy Superintendent, 3rd Grade, Survey of India, having made over charge of his duties on the afternoon of the 20th March 1886, preparatory to availing himself of the furlough granted by Military Department Notification No. 140, dated 5th March 1886, the following temporary promotions are made with effect from the 21st idem.—

Lieutenant-Colonel R. Beavan, S.C., Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant G. B. Hodgson, S.C., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

**No. 561.**—Major M. W. Rogers, R.E., Deputy Superintendent, 3rd Grade, Survey of India, having made over charge of his duties on the afternoon of the 20th March 1886, preparatory to availing himself of the furlough granted by Military Department Notification No. 60, dated 29th January 1886, the following temporary

promotions are made, with effect from the 21st idem:—

Colonel R. G. Woodthorpe, R.E., Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant S. G. Burrard, R.E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

**No. 562.**—With reference to Notification No. 405—42-13 S., dated 7th May 1886, of the Government of India, in the Revenue and Agricultural Department, Major C. Strahan, R.E., Deputy Superintendent, 2nd Grade, on special duty in Madras, having proceeded on furlough, the following temporary promotions are made, with effect from the forenoon of the 4th May 1886:—

Major T. H. Holdich, R.E., Deputy Superintendent, 3rd Grade, *attached to the Afghan Boundary Commission*, to officiate as Deputy Superintendent, 2nd Grade.

Major J. Hill, R.E., Deputy Superintendent, 3rd Grade, to officiate as Deputy Superintendent, 2nd Grade.

Mr. G. H. Cooke, Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Mr. A. D'Souza, Assistant Superintendent, 2nd Grade, to officiate as Deputy Superintendent, 4th Grade.

*The 25th May 1886.*

**No. 564.**—Mr. E. C. Barrett, Officiating Deputy Superintendent, 3rd Grade, Survey of India, is granted privilege leave for three months, under Sections 71 to 74, Chapter V of the Civil Leave Code, with effect from 1st July 1886, or such subsequent date as he may avail himself of the same.

H. R. THUILLIER, *Lieut.-Colonel, R.E.,*  
*Offg. Surveyor General of India.*

## ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The undermentioned candidates have passed the First Examination in Arts —

### FIRST DIVISION.

#### *In Order of Merit.*

1	Majumdar, Upendralal	...	Presidency College.
2	Brij Nandan Prasada Saith	...	Muir Central College.
3	Bhattacharyya, Manindranath	...	Presidency College.
4	Bandyopadhyay, Rakhalanandan	...	Sanskrit College.
5	Ghosh, Jogindrakumar	...	Dacca College.
6	Chattopadhyay, Rakhaldas	...	Krishnagar College.
7	Mitra, Narendrakumar	...	Presidency College.
8	Datta, Hirendranath	...	Ditto.
9	Sen, Anubikprasad	...	Dacca College.
10	Bandyopadhyay, Harancharandra, No. 1.	...	Presidency College.
11	{ Bal, Sureschandra	...	Dacca College.
	{ Datta, Pramanathanath	...	Presidency College.
13	Gangopadhyay, Herambakisor	...	Dacca College.
14	{ Mallik, Debendranath	...	St. Xavier's College.
	{ Sen, Gopibhushan	...	Hughli College.
16	Bhattacharyya, Hariprada	...	Metropolitan Institution.
17	Mukhopadhyay, Jogindranath	...	Free Church Institution, Calcutta.
18	Mianbhui Abdul Hussain	...	Jabalpur College.
19	Laha, Syamal	...	Free Church Institution, Calcutta.
20	De, Chintaharan	...	Dacca College.
21	Mitra, Adharachandra	...	Muir Central College.
22	{ Chakrabarti, Nrischandra	...	Dacca College.
	{ Chaudhuri, Kunjamohan	...	Rajshahi College.
24	{ Datta, Bankubihari	...	Metropolitan Institution.
	{ Sen, Mohitchandra	...	Ditto.
26	Chattopadhyay, Phakirchandra	...	General Assembly's Institution.
27	Mukhopadhyay, Syamadas	...	Hughli College.
28	Ray, Debiprasad	...	Jabalpur College.
29	„ Mahendranath	...	St. Xavier's College.
30	Chandhuri, Saradacharan	...	Chittagong College.
31	{ Malhar Narayan Korday	...	Free Church Institution, Nagpur.
	{ Sen, Binayendranath	...	Albort College.
33	Chakrabarti, Charuchandra	...	St. Xavier's College.

34	{ Datta, Harischandra	...	Ravenshaw College, Katak.
	{ Set, Nibaranchandra	...	General Assembly's Institution.
36	Chattopadhyay, Rajanimohan	...	Metropolitan Institution.
37	Das, Abinashchandra	...	Patna College.
38	{ Bhattacharyya, Srigopal	...	Ravenshaw College, Katak.
	{ Biswas, Kshirodkrishna	...	Presidency College.
	{ Pandit, Akshaykumar	...	Hughli College
41	Dover, R. W.	...	La Martinière College.
42	Sen, Akshaykumar	...	Dacca College
43	Chattopadhyay, Susilchandra	...	General Assembly's Institution.
	{ Abdul Hamid	...	Doveton College.
44	{ Amrit Ramchandra Bambawale	...	Jubbulpur College.
	{ Mukhopadhyay, Nandagopal	...	St. Xavier's College.
	{ Babonar, C. Jane	...	Doveton College.
47	{ Bandyopadhyay, Amulyachandra	...	Free Church Institution, Calcutta.
	{ Gopal Ji	...	Patna College.
50	Bandyopadhyay, Nibaranchandra	...	Hughli College.
51	Datta, Saratchandra	...	Patna College.
52	Bhattacharyya, Basantakumar	...	Ripon College.
53	{ Bandyopadhyay, Lalitkumar	...	St. Xavier's College.
	{ Sen, Harendranath	...	Dacca College.
55	Ray, Baradakanta	...	Metropolitan Institution.
56	Das, Jadubendranandan	...	Midnapur College.
57	{ Adhikari, Gopeshchandra	...	Free Church Institution, Calcutta.
	{ Bhattacharyya, Nandalal	...	Hughli College.
59	Kesho Das	...	Muir Central College.
60	Baksi, Panchanan	...	Krishnagar College.
61	Pal, Harischandra	...	L. M. S. Institution, Bhowanipur.
62	Mallik, Prasaddas	...	Hughli College.
	{ Chakrabarti, Indubhushan	...	General Assembly's Institution.
63	{ Gupta, Jnanendranath	...	Metropolitan Institution.
	{ Khan, Saratchandra	...	General Assembly's Institution.
	{ Lisle, Freda	...	Girls' High School, Allahabad.
67	Abbasuli Sirdar	...	Hughli College.

## SECOND DIVISION.

*In Alphabetical Order.*

	Ahmed Ullah	...	Hughli College.
	Ali Hasan	...	Patna College.
	Anant Lal	...	Muir Central College.
	Anup Singh	...	Bareilly College.
	Azad Ali	...	Dacca College.
	Bagchi, Brajanath	...	City College.
	" Kailaschandra	...	Rajshahye College.
	Bagram, G.	...	St. Xavier's College.
	Balkrishna Ramchandra Bakhale	...	Jubbulpur College.
10	Bandyopadhyay, Abinashchandra	...	Patna College.
	" Atulkrishna	...	St. Xavier's College.
	" Baranasi	...	Sanskrit College.
	" Harmohan	...	M. A. O. College, Aligarh.
	" Jyotindranath	...	Metropolitan Institution.
	" Jyotishchandra	...	Ditto.
	" Monmohan	...	Presidency College.
	" Matilal	...	Metropolitan Institution.
	" Nibaranchandra	...	Dacca College.
	" Nilratna	...	Hughli College.
20	" Parbaticharan	...	Dacca College.
	" Raghunath	...	Hughli College.
	" Rastihari	...	Ripon College.
	" Saradaprasad	...	St. Xavier's College.
	" Susikumar	...	Jagannath College.
	" Satishchandra	...	Ditto.
	" Sibnarayan	...	Free Church Institution, Calcutta.
	" Taranath	...	Metropolitan Institution.
	" Tinkari	...	Ditto.
	Barma, Kshetranath	...	Burdwan Raj College.
30	Basak, Radhaballabh	...	Jagannath College.
	Basu, Baikunthanath	...	Metropolitan Institution.
	" Brajendrakumar	...	Berhampur College.
	" Girishchandra	...	Ripon College.
	" Gobindachandra	...	Ditto.

	Basu, Hariprasad	...	Metropolitan Institution.
	„ Jyotindranath	...	Presidency College.
	„ Nityananda	...	Metropolitan Institution.
	„ Nripendra Nath	...	St. Xavier's College.
	Basudeva Narayen	...	L. M. College, Benares.
40	Belletty, L.	...	St. Xavier's College.
	Bera, Jayhari	...	Ripon College.
	Bhaduri, Indubhushan	...	Metropolitan Institution
	Bhagabandasa, Bhargaba	...	Muir Central College.
	Bhanja, Srischandra	...	L. M. S. Institution, Bhowanipur.
	Bhattacharya, Biharilal	...	Free Church Institution, Calcutta.
	„ Biswanath	...	Metropolitan Institution.
	„ Jananranjan	...	Krishnagar College
	„ Kartikchand	...	General Assembly's Institution.
	„ Nandalal	...	City College
50	„ Saratchandra	...	Rajshahye College.
	„ Surendranath	...	Burdwan Raj College.
	Bhaumik, Hemchandra	...	General Assembly's Institution.
	„ Maheschandra	...	City College.
	Biswas, Gopalchandra	...	Metropolitan Institution.
	„ Lalitkrishna	...	St. Xavier's College.
	„ Saratchandra	...	Free Church Institution, Calcutta.
	„ Taraprasad	...	Jagannath College.
	Blanchett, H.	...	Muir Central College.
	Bose, Bindubashini	...	Free Church Normal School.
60	Bremner, D. S.	...	La Martinière College.
	Cameron, Florence	...	Allahabad Girls' High School.
	Chakrabarti, Benimadhab	...	Krishnagar College.
	„ Brajendrakumar	...	L. M. S. Institution, Bhowanipur.
	„ Chandrakumar	...	Jagannath College.
	„ Girischandra	...	Midnapur College.
	„ Mahendranarayan	...	Metropolitan Institution.
	„ Rajanikanta	...	Chittagong College.
	„ Rajanikanta	...	Dacca College.
	„ Rasikbihari	...	Ditto.
70	„ Tarakeswar	...	Rajshahye College.
	Chandra, Rasmohan	...	Ditto.
	Chattopadhyay, Annadacharan	...	Metropolitan Institution.
	„ Asutosh	...	Ripon College
	„ Bhupatibhushan	...	Metropolitan Institution
	„ Binodbihari	...	L. M. S. Institution, Bhowanipur.
	„ Girjabhushan	...	Free Church Institution, Calcutta.
	„ Hemchandra	...	Metropolitan Institution.
	„ Jogeschandra	...	Hughli College.
	„ Mathuranath	...	Dacca College
80	„ Radhanath	...	Sanskrit College.
	„ Rajendranath	...	Metropolitan Institution.
	„ Rakhalechandra	...	Burdwan Raj College.
	Chauho, Devakinandan	...	Agra College
	Chaudhuri, Annadacharan	...	Chittagong College.
	„ Brindabanchandra	...	Free Church Institution, Calcutta.
	„ Kedarnath	...	Metropolitan Institution.
	„ Satishnarayan	...	Rajshahye College.
	„ Rakhaldas	...	Metropolitan Institution.
	Das, Jnanadaprasad	...	Jagannath College.
90	„ Kandarapakumar	...	City College.
	„ Krishnadhan	...	Metropolitan Institution.
	„ Nagendrachandra	...	Ditto.
	„ Radhamohan	...	Dacca College.
	Dasgupta, Jagneswar	...	Ditto.
	Datta, Binaykrishna	...	St. Xavier's College.
	„ Chandicharan	...	Hughli College
	„ Girischandra	...	Rajshahye College
	„ Gobindakisor	...	Ripon College
	„ Jnanendramohan	...	Patna College.
100	„ Nabinkrishna	...	Metropolitan Institution.
	„ Sasibhushan	...	St. Xavier's College.
	„ Surendranath	...	Burdwan Raj College.
	De, Kailaschandra	...	Metropolitan Institution.
	„ Nilmani	...	Free Church Institution, Calcutta.
	„ Sureschandra	...	Metropolitan Institution.
	„ Tulsicharan	...	Ditto.

	Deb, Gobindachandra	...	Patna College.
	„ Mahendrachandra	...	Dacca College.
	Deefholts, L. J.	...	St. Xavier's College
110	Dhar, Gopalachandra	...	General Assembly's Institution.
	„ Haridas	...	Presidency College.
	Dharmakirti, J. A.	...	Trinity College, Kandy.
	Din Dyal	...	M. A. O. College, Aligarh.
	F. Riyazuddin Quazi	...	St. Xavier's College.
	Gangadhar Sitaram Brahmarakshas	...	Free Church Institution, Nagpur.
	Gangapadhyay, Haridas	...	Hughli College.
	„ Kaliprasanna	...	Ditto.
	Ghosh, Abinashchandra	...	Ravenshaw College, Katak.
	„ Basantakumar	...	General Assembly's Institution.
120	„ Bipinbihari	...	Rajshahye College.
	„ Bipinbihari	...	Midnapur College.
	„ Dharmadas	...	Metropolitan Institution.
	„ Haridas	...	Hughli College
	„ Harigopal	...	L. M. S. Institution, Bhowanipur.
	„ Jaygopal	...	Ditto ditto.
	„ Kripanath	...	Jagannath College.
	„ Lalitmohan	...	Free Church Institution, Calcutta.
	„ Narayandas	...	L. M. S. Institution, Bhowanipur.
	„ Nityananda	...	Patna College.
130	„ Saratchandra	...	Metropolitan Institution.
	„ Sasibhushan	...	Ravenshaw College, Katak.
	„ Satishchandra	...	Presidency College.
	„ Satishchandra	...	Patna College.
	„ Sitanath	...	City College.
	„ Tarachand	...	Metropolitan Institution.
	„ Taraknath	...	Ripon College.
	„ Unieschandra	...	Ditto.
	Ghoshal, Binodbihari	...	Presidency College.
	„ Manmohan	...	Free Church Institution, Calcutta.
140	Gopal Mukund Damlay	...	Jabalpur College.
	Goswami Jagadishchandra	...	Agra College.
	Guha, Biharilal	...	City College.
	„ Chandrakamata	...	Jagannath College.
	„ Ramchandra	...	Albert College.
	„ Umamprasanna	...	St. Xavier's College.
	Gun, Taraknath	...	Dacca College.
	Gupte, Dwijendranath	...	Hughli College.
	„ Jagneswar	...	Jagannath College
	Hajra, Anritakal	...	Metropolitan Institution.
150	Har Bilas	...	Ajmere Government College.
	Hirakul	...	Jabalpur College.
	Jaygobinda Sahay	...	Patna College.
	Jha, Bindhyanath	...	Benares College.
	Kar, Pramathachandra	...	Presidency College.
	Kastagiri, Hemendralal	...	Ditto.
	Kumar, Nriyagopal	...	Ditto.
	Kunda, Gopkrishna	...	Metropolitan Institution.
	„ Tarinicharan	...	City College.
	Kshatriya, Bhairablal	...	Presidency College.
160	Lahiri, Bankimchandra	...	Rajshahye College
	„ Kalidas	...	Metropolitan Institution
	„ Mohinimohan	...	City College.
	Lakshman Paudatji	...	Free Church Institution, Nagpur.
	Mahadeo Gopal Borgunekar	...	Jabalpur College.
	Mahanti, Narayanprasad	...	Teacher
	Mazra, Haridas	...	Presidency College.
	„ Ramchandra	...	Krishnagar College.
	„ Syamacharan	...	Metropolitan Institution.
	Majumdar, Asutosh	...	Rajshahye College.
170	„ Bananah	...	Metropolitan Institution.
	„ Harinath	...	Ripon College.
	„ Kshetragopal	...	Krishnagar College.
	M. Bik, Amritakrishna	...	General Assembly's Institution.
	Mandal, Krittibas	...	Ripon College.
	Manley, H. F.	...	Teacher.
	Maula Baksh	...	Ditto.
	M. Farhat Ahmed	...	M. A. O. College, Aligarh.
	Misra, Bhubaneswar	...	Rajshahye College.
	„ Kanhaiya Lal	...	Barcilly College.



180	Mitra, Bijaykesab	... Metropolitan Institution.
	„ Gopalchandra	... Ditto.
	„ Jadunath	... Canning College.
	„ Jugalkisor	... St. Xavier's College.
	„ Jyotindralal	... Hughli College.
	„ Jyotishchandra	... Metropolitan Institution.
	„ Kshetranath	... Presidency College.
	„ Kumudbihari	... Metropolitan Institution.
	„ Narendranath	... Presidency College.
	„ Nareschandra	... City College.
190	„ Saratchandra	... Ditto.
	„ Upendramohan	... General Assembly's Institution.
	Mohan Lal	... Teacher.
	Moung Ohu Hpay	... Rangoon College.
	Muhammad Abdul Rafay Khan	... Bareilly College.
	Muhammad Hasan	... Dacca College.
	Mukhopadhyay, Amritasekhar	... Berhampur College.
	„ Asutosh	... Metropolitan Institution.
	„ Atulchandra	... Patna College.
200	„ Gopalchandra	... Hughli College.
	„ Harihar	... City College.
	„ Jaykrishna	... Metropolitan Institution.
	„ Jogindrachandra	... Hughli College.
	„ Jogindranath	... Burdwan Raj College.
	„ Kedarnath	... Hughli College.
	„ Kshetrachandra	... Presidency College.
	„ Nalinikanta	... Free Church Institution, Calcutta.
	„ Nilratna	... Burdwan Raj College.
	„ Tinkari	... Ditto ditto.
	„ Tulsidas	... St. Xavier's College.
210	„ Upendrachandra	... Jagannath College.
	Nag, Dakshinakumar	... City College.
	Nath, Amritlal	... Ditto.
	Ohdedar, Debendranath	... Muir Central College.
	Olur Rahman	... Dacca College.
	Pal, Anantlal	... Free Church Institution, Calcutta.
	„ Annandaprasad	... Metropolitan Institution.
	„ Dwarkanath	... Dacca College.
	„ Mahendrachandra	... L. M. S. Institution, Bhowanipur.
	„ Suratlmath	... Bishop's College.
220	Panda, Baijnath Deoshanker	... Jabbalpur College.
	Pandit, Biswambharnath	... Presidency College.
	„ Kashinath Ganjur	... Canning College.
	Pathak, Chandrakanta	... City College.
	Poddar, Bipinbihari	... Ditto.
	Ponsonby, P.	... St. Thomas College, Colombo.
	Po Thoung	... Rangoon College.
	Raghunath Prasad Sonar	... Jabbalpur College.
	Routh, Jagatchandra	... Dacca College.
	Ray, Indukumar	... Krishnagar College.
230	„ Jadabauanda	... Rajshahye College.
	„ Jadunath	... Hughli College.
	„ Madhusudan	... Rajshahye College.
	„ Mahendralal	... Dacca College.
	„ Mohanmohan	... St. Xavier's College.
	„ Mahinchandra	... Ripon College.
	„ Nannadhab	... Patna College.
	„ Prasannakumar	... Ditto.
	„ Suradiprasad	... Krishnagar College.
	„ Satishchandra	... Ditto.
240	„ Satishchandra	... Dacca College.
	„ Satyendranath	... Metropolitan Institution.
	„ Unacharan	... St. Xavier's College.
	„ Upendranath	... Free Church Institution, Calcutta.
	Raymaulik, Binodbihari	... Dacca College.
	„ Priyabhushan	... Ditto.
	Rebeiro E.	... St. Xavier's College.
	Saha, Jogindralal	... Metropolitan Institution.
	Sanyal, Chandranath	... Rajshahye College.
	„ Piyarital	... Ditto ditto.
250	Sarkar, Durganath	... Sanskrit College.
	„ Krishnasundar	... General Assembly's Institution.
	„ Nagendranath	... Metropolitan Institution.

	Sarkar, Radhikaprasad	...	Ripon College.
	Sarma, Bishenlal	...	Agra College.
	" Kamaleshandra	...	Metropolitan Institution.
	Sayyed Aulad Hosein	...	M. A. O. College, Aligarh.
	Sen, Bipinbihari	...	L. M. S. Institution, Bhowanipur.
	" Bishnupada	...	Free Church Institution, Calcutta.
	" Biswanath	...	Canning College.
260	" Gangaprasanna	...	Jagannath College.
	" Hemchandra	...	City College.
	" Jagadindrachandra	...	L. M. College, Benares.
	" Jnanendrakumar	...	L. M. S. Institution, Bhowanipur.
	" Kaliprasanna	...	Rajshahye College.
	" Nibaranchandra	...	Metropolitan Institution.
	" Narottamdas	...	Ditto ditto.
	" Praphullanath	...	Ditto ditto.
	" Purnamanda	...	L. M. College, Benares
	" Saratchandra	...	L. M. S. Institution, Bhowanipur.
270	Set, Bipinbihari	...	Metropolitan Institution.
	" Radheshchandra	...	Rajshahye College.
	Sheo Prasada	...	Fyzabad High School.
	Shivaram Sadashiva Pitambar	...	Jabalpur College
	Shore, J.	...	St. George's College, Mussoorie.
	Shum Suzzoha	...	Patna College.
	Siddha Gopal	...	L. M. College, Benares.
	Sil, Narayanprasad	...	Presidency College
	" Rasik Lal	...	Free Church Institution, Calcutta.
	Sinha, Kumar Kumarchandra	...	Presidency College.
280	" Mamudralal	...	St. Xavier's College.
	" Mathuranath	...	Metropolitan Institution.
	" Matilal	...	Burdwan Raj College.
	" Narigopal	...	Midnapur College.
	" Taraknath	...	City College.
	Singh, Shivanath	...	Patna College.
	Strange, H. R. W.	...	Doverton College.
	Syed Ahmed Ali	...	Patna College.
	Syed Golam Purwash	...	Ditto.
	Syed Mahmud Al Hasan	...	Agra College.
290	Thomas, E. H.	...	St. John's College, Agra
	Tiwari, Ambikacharan	...	Fyzabad High School.
	Trivedi, Ayodhya Prasad	...	Bareilly College.
	Uki, Ambikacharan	...	Ripon College

## THIRD DIVISION.

*In Alphabetical Order.*

	Abu Said	...	Patna College.
	Abul Mahmud	...	Calcutta Madrasa.
	Adhikari, Aghornath	...	General Assembly's Institution.
	" Satkari	...	Berhampur College.
	Afzal Hossein	...	Muir Central College
	Aich, Ramaprasad	...	Burdwan Raj College.
	Akbar Hossain	...	Teacher.
	Anup Narayan	...	Patna College.
	Ashun Ullah	...	Jabalpur College.
10	Ashurfee Lal	...	Agra College.
	Bagchi, Durgadas	...	Metropolitan Institution.
	" Manaranjan	...	Burdwan Raj College.
	Baliram Anant Beshkar	...	Free Church Institution Nagpur.
	Baliram Naryan Deshmukh	...	Ditto.
	Balram Das	...	Muir Central College.
	Banarsi Das	...	M. A. O. College, Aligarh.
	Bandyopadhyay, Akshaykumar	...	Hughli College.
	" Amritlal	...	Ripon College.
	" Aswinikumar	...	Dacca College.
	" Basantakumar	...	Free Church Institution, Calcutta.
	" Bijaychandra	...	Dacca College.
	" Charuchandra	...	Free Church Institution, Calcutta
	" Dibakar	...	Ditto
	" Haranchandra, No. II	...	Presidency College.
	" Haripada	...	Ripon College.
	" Harendramohan	...	Jagannath College.
	" Jogindrachandra	...	Free Church Institution, Calcutta.
	" Kalidas	...	Krishnagar College.

	Bandyopadhyay, Kalidas	...	Sanskrit College.
30	" Kesablal	...	Dacca College.
	" Kisorimohan	...	Metropolitan Institution
	" Kshitisechandra	...	Berhampur College.
	" Lalitmoohan	...	St. Xavier's College.
	" Rakhalidas	...	Rajshahye College.
	" Ramchandra	...	City College.
	" Saratchandra	...	Ripon College.
	" Saratkumar	...	Ditto.
	" Surendranath	...	Berhampur College.
	" Sureschandra	...	Canning College.
40	" Upendranath	...	Free Church Institution, Calcutta.
	Basak, Biharilal	...	Dacca College.
	Basu, Anuritalal	...	Ripon College
	" Baburam	...	Burdwan Raj College.
	" Bankubihari	...	Presidency College.
	" Baradaprasad	...	General Assembly's Institution.
	" Bhubaneswar	...	Metropolitan Institution.
	" Bidhubhushan	...	General Assembly's Institution.
	" Chandrakanta	...	Dacca College.
	" Dwijendranath	...	Berhampur College.
50	" Hirallal	...	Metropolitan Institution.
	" Jogindranath, No. I	...	Ripon College.
	" Kunjabihari	...	Canning College
	" Mahendranath	...	Metropolitan Institution.
	" Manmathanath	...	Ditto.
	" Nibaranchandra	...	Midnapur College.
	" Pannulal	...	Ripon College.
	" Pramodakumar	...	Metropolitan Institution.
	" Purnachandra, No. II	...	Ditto.
	" Sitaram	...	Teacher.
60	Bhaduri, Saratchandra	...	Muir Central College.
	Bhar, Kanailal	...	General Assembly's Institution.
	" Purnachandra	...	Ripon College.
	Bhairo Dyal	...	Patna College.
	Bhaskar Rao	...	Free Church Institution, Nagpur.
	Bhattacharyya, Bholanath	...	Sanskrit College.
	" Bipinbihari	...	Metropolitan Institution.
	" Chandroday	...	Albert College.
	" Debendranath	...	Patna College.
	" Ramakshay	...	Burdwan Raj College.
70	" Ramprasanna	...	Canning College.
	" Saratkumar	...	St. Xavier's College.
	" Sibunath	...	Teacher.
	Bhikkan Lal	...	Bareilly College.
	Bhunia, Radhakrishna	...	Metropolitan Institution.
	Bindeshwari Prasad Pandi	...	Muir Central College.
	Bishwambhar Dayal	...	Canning College.
	Biswas, Kailaschandra	...	Burdwan Raj College.
	" Kamikshyanath	...	Metropolitan Institution.
	" Kasigopal	...	Jagannath College.
80	" Rajanikanta	...	Krishnagar College.
	Blanchett, E. P.	...	Muir Central College.
	Chakrabarti, Durgadas	...	Hughli College.
	" Hridaynath	...	Free Church Institution, Calcutta.
	" Jaykali	...	Ditto.
	" Kasinath	...	Burdwan Raj College.
	" Rajaninath	...	Jagannath College.
	" Ramkamal	...	General Assembly's Institution.
	" Srischandra	...	Canning College.
	Chandra, Banamali	...	Midnapur College.
90	" Rajchandra	...	Presidency College.
	Changdar, Sasikisor	...	Rajshahye College.
	Chhatradhari Lal	...	Patna College.
	Chattopadhyay, Annadacharan	...	General Assembly's Institution.
	" Atulchandra	...	Ripon College
	" Binaykrishna	...	Free Church Institution, Calcutta.
	" Giri-chandra	...	Ditto.
	" Gurudas	...	Albert College.
	" Haridas	...	General Assembly's Institution.
	" Harinath	...	Free Church Institution, Calcutta.
100	" Haripada	...	Krishnagar College.

	Chattopadhyay, Jitendraprasad	...	Krishnagar College.
	" Kanailal	...	Presidency College.
	" Kshetranath	...	Burdwan Raj College.
	" Nagendranath	...	Ripon College.
	" Nilkanta	...	Albert College.
	" Purnachandra	...	Teacher.
	" Purnananda	...	Ravenshaw College.
	" Santoshkumar	...	Metropolitan Institution.
110	" Satkari	...	L. M. S. Institution, Bhowanipur.
	" Satyacharan	...	Hughli College.
	" Satyendranath	...	City College.
	" Situnath	...	Jagannath College.
	Chaudhuri, Agnikumar	...	Ditto.
	" Akhilechandra	...	Burdwan Raj College.
	" Benimadhab	...	Albert College.
	" Harinath	...	L. M. S. Institution, Bhowanipur.
	" Jogindranath	...	Free Church Institution, Calcutta.
	" Madanmohan	...	Burdwan Raj College.
	" Mahesachandra	...	Ripon College.
120	" Mangobinda	...	Hughli College.
	" Pramathanath	...	Berhanpur College.
	" Pratapchandra	...	Jagannath College.
	" Purnachandra	...	Dacca College.
	" Ramnarayan	...	General Assembly's Institution.
	" Saratchandra	...	Hughli College.
	" Sasikumar	...	Ripon College.
	" Sitalechandra	...	Ditto.
	" Surendranath	...	Metropolitan Institution.
	Clarke, A. J.	...	Muir Central College.
130	Dana, Niharachandra	...	Burdwan Raj College.
	Das, Amulyacharan	...	Albert College.
	" Annadacharan	...	General Assembly's Institution.
	" Basantakumar	...	Hughli College.
	" Bhagabachandra	...	Ripon College.
	" Biswanubharcharan	...	Metropolitan Institution.
	" Dutiram	...	City College.
	" Gobindachundra	...	Metropolitan Institution.
	" Harendranath	...	Ditto.
	" Kuladaprasad	...	Jagannath College.
140	" Kunjabihari	...	Midnapur College.
	" Narendrachandra	...	Metropolitan Institution.
	" Padmanath	...	City College.
	" Prakaschandra	...	Jagannath College.
	" Ramanimohan	...	Metropolitan Institution.
	" Ramprasad	...	Free Church Institution, Calcutta.
	Dasgupta, Abinashchandra	...	Dacca College.
	" Sriskamal	...	Free Church Institution, Calcutta.
	Dassawoo, Aghornath	...	Metropolitan Institution.
	Datta, Anilechandra	...	Presidency College.
150	" Annadaprasad	...	L.M.S. Institution, Bhowanipur.
	" Aswinikumar	...	Jagannath College.
	" Atulechandra	...	Chittagong College.
	" Biharilal	...	Ripon College.
	" Chandrakisor	...	General Assembly's Institution.
	" Charuchandra	...	Ditto.
	" Jogindrachandra	...	Metropolitan Institution.
	" Jnanendranath	...	Free Church Institution, Calcutta.
	" Kalikamal	...	Rajshahye College.
	" Krishnamadhab	...	Burdwan Raj College.
160	" Lalbihari	...	L. M. S. Institution, Bhowanipur.
	" Madanmohan	...	Presidency College.
	" Nagendrachandra	...	Ditto.
	" Rasbihari	...	Hughli College.
	" Satyabhushan	...	Dacca College.
	" Sureschandra	...	Albert College.
	" Taranath	...	Metropolitan Institution.
	De, Sasimohan	...	General Assembly's Institution.
	Dob, Makundalal	...	Rajshahye College.
	" Saratchandra	...	Dacca College.
170	Devanath Sahay	...	Patna College.
	Dube, Har Dayal	...	Canning College.
	Edwards, J. R.	...	Trinity College, Kandy.
	Enda, Kailashchandra	...	Metropolitan Institution.
	Faizuddin Mollah	...	Free Church Institution, Calcutta.

	Fernand, W. J. A.	... Teacher:
	Fuzlal Huq	... St. Xavier's College.
	Gangopadhyay, Anisprakas	... Free Church Institution, Calcutta.
	"    Nanigopal	... Ripon College.
	Ghatak, Mohinimohan	... Rajshahye College.
180	Ghosh, Abinashchandra	... Free Church Institution, Calcutta.
	"    Akhilechandra	... Patna College
	"    Anukulechandra	... Ripon College.
	"    Anukulechandra	... Metropolitan Institution*
	"    Asutosh	... Benares College.
	"    E.	... St. Xavier's College.
	"    Gobindachandra	... Chittagong College.
	"    Harischandra	... Muir Central College.
	"    Jnanachandra	... Metropolitan Institution.
	"    Jogindranath	... Free Church Institution, Calcutta.
190	"    Kedarnath	... Benares College.
	"    Kumudbhari	... Burdwan Raj College.
	"    Lalgopal	... City College.
	"    Nibanachandra	... Metropolitan Institution.
	"    Nrisinhachandra	... Ditto
	"    Unmeshchandra	... Ditto
	Golam Hosein	... Hughli College.
	Gopal Ramchunder Kango	... Jabbalpur College
	Gopinath	... Jaypur Maharaja's College.
	Gordon, J. W. D.	... Muir Central College.
200	Goswami, Haridhan	... Free Church Institution, Calcutta.
	Gregory, G.	... St. Xavier's College.
	Gulha, Atulchandra	... Jagannath College.
	"    Hemendranath	... Berhampur College.
	"    Jagadis	... Dacca College.
	"    Mukundanath	... Jagannath College
	Gupta, Asutosh	... Burdwan Raj College.
	"    Radhanath	... Jagannath College.
	Handy, C. C.	... Trinity College, Kandy.
	Harsaran	... St. John's College, Agra.
210	Harihur Prasad	... Patna College
	Harris, E. F.	... Agra College.
	Hajra, Kalipada	... Midnapur College.
	Hensman, J. S.	... Trinity College, Kandy.
	Jagadaniba Prashad	... St. John's College, Agra
	Jagannath Sahay	... Patna College.
	Jagat Narayan	... Muir Central College
	Kanlia Lal Srivastava	... Canning College.
	Kazi Saiyid Hamid Ali	... M. A. O. College, Aligarh.
	Khaleelur Rahman	... Patna College.
220	Khattry, Kanhya Lal	... Canning College.
	Kishun Sahay	... Patna College.
	Kundu, Chunilal	... Metropolitan Institution
	Lala, Anandacharan	... Chittagong College.
	Lal Bihari Naguma	... Canning College.
	Lalji Saha	... Patna College.
	Lalla Durgacharan Srivast	... Canning College.
	Mahapatra, Tarapada	... Free Church Institution, Calcutta
	Maheendra Prasad	... Patna College
	Maitra, Chandicharan	... Burdwan Raj College.
230	"    Chandrabhushan	... Ripon College.
	"    Radhika Krishna	... Rajshahye College.
	"    Rajendralal	... Free Church Institution, Calcutta.
	Majumdar, Bidhubhushan	... Rajshahye College.
	"    Haladhar	... Jagannath College.
	"    Kedarnath	... Free Church Institution, Calcutta
	"    Prabodhchandra	... Ripon College.
	"    Priyanath	... Burdwan Raj College
	"    Sureschandra	... Rajshahye College.
	"    Tarincharan	... Patna College.
240	Mallik, Debendrachandra	... Burdwan Raj College.
	Mandal, Sasadhar	... Free Church Institution, Calcutta.
	Md. Karim Uddin	... Bareilly College.
	Md. Sakawat Hosen	... Ditto.
	Moor Mushfi Hossain	... Presidency College.
	Mirza Wajahat Husain	... Patna College.
	Misra, Ram Dayal	... Canning College.
	Mitra, Bhubanbhar	... General Assembly's Institution.

	Mitra, Harendranath	...	General Assembly's Institution.
	" Jogindranath	...	City Collage.
250	" Kalibar	...	Metropolitan Institution.
	" Krittibas	...	L. M. S. Institution, Bhowanipar.
	" Madanmohan	...	Dacca College.
	" Nibaranohandra	...	Ripon College.
	" Saradaprasanna	...	Metropolitan Institution.
	" Sureschandra	...	Patna College.
	Muhammad Abdul Moqit	...	St. Xavier's College.
	Muhammad Hobibullah	...	Free Church Institution, Calcutta.
	Muhammud Maqboob Alam	...	Muir Central College.
	Muhammad Matin	...	Ditto.
260	Muhammad Noor	...	Patna College.
	Muhammad Zahur Alam	...	Free Church Institution, Calcutta.
	Mukhopahyay, Abinas chandra	...	Canning College.
	" Ayodhyanath	...	Hughli College.
	" Asatosh, No. II	...	Ripon College.
	" Baranasi	...	Krishnagar College.
	" Bhagabaticharan	...	Metropolitan Institution
	" Bidhubhushan	...	Krishnagar College.
	" Debendranath	...	Metropolitan Institution.
	" Gopinath	...	Berhampur College
270	" Jitendranath	...	Ditto.
	" Kanailal	...	St. Xavier's College.
	" Krishnadhan*	...	Metropolitan Institution.
	" Kshirodkumar	...	Patna College.
	" Nagendranath (Sr )	...	Metropolitan Institution
	" Nagendranath	...	Muir Central College
	" Nanigopal	...	Sanskrit College.
	" Purnachandra	...	Patna College
	" Piyarimohan	...	Metropolitan Institution.
	" Radhikacharan	...	Free Church Institution, Calcutta.
280	" Kamnohan	...	Ripon College.
	" Saratchandra	...	Ditto.
	" Sasudhar	...	Burdwan Raj College.
	" Sasankamohan	...	Dacca College.
	" Satischandra	...	Jagannath College.
	" Satsaran	...	L. M. S. Institution, Bhowanipar.
	" Upendranath	...	St. Xavier's College.
	Mundle, Bibhooan	...	Bi-hop's College.
	Mustafi, Debendranath	...	Ripon College
	" Satischandra	...	Presidency College.
290	Nandi, Dakshinacharan	...	City College
	Narayan Sahay	...	Patna College.
	Niyogi, Brajanandan	...	Burdwan Raj College.
	" Saratchandra	...	Free Church Institution, Calcutta
	Nisar Ahmed	...	M. A. O. College, Aligarh.
	Poddar, Gopiraman	...	Chittagong College.
	Pal, Akshaykumar	...	Bareilly College.
	" Tarakchandra	...	Jagannath College
	Palit, Hridaynath	...	City College.
	" Satohitananda	...	Ripon College.
300	Pande, Kaliprasanna	...	Burdwan Raj College
	Pandit, Shankar Lal	...	Muir Central College
	" Suraj Nath	...	Ditto
	Prag Din Shurma	...	Canning College.
	Qaseem Beg Chagtai	...	Agra College.
	Radha Kishen	...	St. John's College, Agra.
	Rahmat Ullah	...	Jabalpur College.
	Rahmat Ullah	...	Agra College.
	Ramchandra Prasad	...	Patna College.
	Ram Das	...	St. John's College, Agra.
310	Ram Newas	...	Jaypur Maharaja's College.
	Ram Prasad	...	M. A. O. College, Aligarh
	Ram Sarup	...	Muir Central College.
	Ray, Basantamohan	...	St. Xavier's College
	" Bhabanicharan	...	Ripon College.
	" Binodechandra	...	Burdwan Raj College
	" Birajmohan	...	St. Xavier's College.
	" Brajendrachandra	...	Burdwan Raj College
	" Chumnilal	...	St. Xavier's College.
	" Dineschandra	...	City College.
320	" Dolgobinda	...	Burdwan Raj College
	" Durgakanta	...	Metropolitan Institution

\* While the First Arts list published in the *Calcutta Gazette* on Wednesday the 19th of May was being printed this name was omitted from it by oversight.

	Ray, Harendranárayan	... Midnapur College.
	" Harinath	... Presidency College.
	" Harinarayan	... Rajshahye College.
	" Hariranján	... Burdwan Raj College.
	" Janendramohan	... Albert College.
	" Kailaschandra	... Jagannath College.
	" Kshetraprasad	... Burdwan Raj College.
	" Naráyanachandra	... General Assembly's Institution.
330	" Nrityagopal	... Albert College.
	" P. N.	... Canning College
	" Parbatidas	... Berhampur College.
	" Rasbikari	... Dacca College.
	" Saratchandra	... Burdwan Raj College.
	" Sasibhushan	... Ripon College.
	" Surendranath	... Burdwan Raj College.
	• Raychaudhuri, Asutosh	... Ditto.
	" Brindabanchandra	... Hughli College.
	" Surendrakumar	... Metropolitan Institution.
340	S. M. Ishaq	... Muir Central College.
	Saha, Harilal	... Metropolitan Institution.
	Salt, E. P.	... St. Peter's College, Agra.
	Sambhu Nath	... Patna College.
	San La	... Rangoon College.
	Saughat Ali	... Calcutta Madrasa.
	• Sanyal, Baidyanath	... Dacca College.
	" Chandramay	... St. Xavier's College.
	" Radhikaprasad	... Free Church Institution, Calcutta.
	" Satischandra	... Rajshahye College.
350	Sarkar, Baradakanta	... Free Church Institution, Calcutta.
	" Haribhushan	... Metropolitan Institution.
	" Priyanath	... Free Church Institution, Calcutta.
	Sarma, Gopinath	... Agra College.
	Satikrishna Swarup	... Muir Central College.
	Sayyid Zaheeruddin Ahmed	... St. Xavier's College.
	Sayyid Zamiruddin Ahmed	... Presidency College.
	Sen, Binodbihari	... General Assembly's Institution.
	" Jagindrakumar	... Ditto.
	" Kaliprasanna	... Ditto.
360	" Kshirendrasankar	... Berhampur College.
	" Mahendrakumar	... Dacca College.
	" Mahendrakumar	... General Assembly's Institution.
	" Parsanath	... Albert College.
	" Purnachandra	... Rajshahye College.
	" Rajkumar	... General Assembly's Institution.
	" Syamacharan	... Chittagong College.
	Sengupta, Saratchandra	... Metropolitan Institution
	" Taraprasad	... Sanskrit College.
	Set, Üpendranath	... Free Church Institution, Calcutta.
370	Shyam Lal	... Fyzabad High School.
	Sil, Jaharlal	... Metropolitan Institution.
	Singha, D.	... Bishop's College.
	Singh, Gurusahay	... Patna College.
	" Ramadlukari	... Ditto.
	Sinha, Baikunthanath	... Ripon College.
	" Harimohan	... General Assembly's Institution.
	" Hirallal	... Benares College.
	" Kumar Pramodechandra	... Presidency College.
	" Sasibhushan	... Canning College.
380	" Srimohan	... St. Xavier's College.
	Sinharav Abinaschandra	... Hughli College.
	Sitaram Ganesh Bhagwet	... Jabalpur College.
	Sivanandan Lal	... Patna College.
	Som, Nandalal	... Free Church Institution, Calcutta.
	" Pareschandra	... Ripon College.
	" Rameschandra	... Metropolitan Institution.
	Supurus Das	... Patna College.
	Sur, Sitanath	... Jagannath College.
	Suryya Kumar	... Patna College.
390	Syed Abdul Majid	... Hughli College.
	" Ali Mazhar	... Patna College.
	" Hasrat Alley	... Hughli College.
	" Mustafa	... Muir Central College.
	" Warasat Hosain	... Patna College.



	Tewari, Satishchandra	...	Burdwan Raj College.
	" Srischandra	...	Ditto.
	Thakur Radhakrishna	...	Perhampur College.
	They, C.	...	St. Francis de Sales' School, Nagpur.
	Ukil, Annadaprasad	...	Ripon College.
400	" Hazari Lal	...	Ditto.
	Wazir Ahmed	...	M. A. O. College, Aligarh.
	Winn, G. F.	...	Muir Central College

The undermentioned candidates have passed the Entrance Examination :—

FIRST DIVISION.

*In Alphabetical Order.*

	Adhikari, Kesublál	15	Metropolitan Institution
	" Ramdayal	15-5	Dumka Zila School.
	Afsaruddin Mahommed	16	Barisal Zila School.
	Agha Husain	20	M. A. O. College, Aligarh.
	Ahmad Kabir	17	Chittagong Collegiate School.
	Akbar Masih	20-2	Banda Zila School.
	Ali Hassan	16-9	Bhagalpur Zila School.
	Atmaram, Narayan Shroudy	17	City School, Nagpur.
	Augustus, J.	14-2	St. Paul's High School, Rangoon.
10	Aung Ba	20-3	Rangoon College.
	Avadha Biharilal	17-9	Allahabad Government High School.
	Bagehi, Jyotindramohan	13	Rajshahye Collegiate School.
	Bandyopadhyay, Bamapada	15-4	Baluti H. E. School.
	" Bipinbihari	15-2	Barkura Zila School.
	" Harendranath	16-8	Hughli Collegiate School.
	" Purnachandra	17	Balagarh School.
	" Ramchandra	15-6	Barisal Zila School.
	" Saradaprasad	15-5	Hare School.
	" Sasibhushan	18-3	Dacca Pogose School.
20	" Sasisekhar	16	Metropolitan Institution.
	" Satishchandra	14-9	M. A. O. College, Aligarh.
	" Satinath	16-2	Dacca Collegiate School.
	" Upendrakul	19-6	Canning College, Lucknow.
	Baqar Husain	17	Allahabad Government High School.
	Barlow, T.	15-9	St. Xavier's College.
	Beehey, F.	16-4	Bishop Cotton School, Simla.
	Bhagut Ram	18-6	Ludhiana Mission School.
	Basu, Asutosh	19	Donogh High School, Jamalpur.
	" Asutosh	18-4	Hughli Collegiate School.
30	" Binodbihari	15 6	Hare School.
	" Girishchandra	17-7	Uttarpura School.
	" Haricharan	17	Dacca Collegiate School.
	" Janakinath	16 2	Hindu School.
	" Sureschandra	16	South Suburban School, Bhowanipur.
	Bhaduri, Jyotibhushan	14-2	Metropolitan Institution.
	Bhattacharyya, Asutosh	17-10	Sanskrit Collegiate School.
	" Basantakumar	15	Barasat Government School.
	" Gopalchandra	14	Hughli Branch School.
	" Mahimanath	15-10	Hindu School.
40	" Narayanchandra	16 6	City Collegiate School.
	" Padmanath	16 5	Sylhet Government High School.
	" Rampran	16	Sanskrit Collegiate School.
	" Sureschandra	16	Harnavi A. S. School.
	Biswas, Jagadballabh	15-3	Rajshahye Collegiate School.
	" Kunjabihari	16	Metropolitan Institution.
	" Nellie	.....	Cawnpur Girls' High School.
	Bose, A. L.	15-8	Private Student.
	Brooking, Cecilia	.....	Convent School, Rangoon.
	Buchanan, W. J.	15-1.	Rangoon College.
50	Cansley, H. B.	16	Mussoorie School.
	Cartland, Ruth	...	Doveton Institution.
	Chakladar, Krishnanath	19-2	Mymensingh Zila School.
	Chakrabarti, Amrital	16	Albert Collegiate School.
	" Aswinikumar	15	Dacca National School
	" Banamali	20	City Collegiate School.
	" Chintaharan	18-10	Dacca Collegiate School.
	" Gangeschandra	18	Santosh Janhabhi School.

	Chakrabarti, Hemochandra	...	17-3	Sylhet Government High School.
	" Mahimachandra	...	18-11	Mymensingh Zila School.
60	Chandra, Atulchandra	..	16-3	Hindu School.
	" Matlilal	...	15-8	Hughli Collegiate School
	Channukam, J. K.	...	22-9	Canadian Mission High School. Indore.
	Chattopadhyay, Amritalal	...	16	Hindu School.
	" Bankimchandra	...	18	Dacca Pogose School.
	" Bipinbihari	...	17	Sanskrit Collegiate School.
	" Khagendranath	...	16-1-11	Uttarpara School.
	" Manmohan	...	16	Nimita H. E. School.
	" Phanindramohan	..	13-11	Ravenshaw Collegiate School, Katak.
	" Prabodhechandra	...	16-1	Hare School.
70	" Raikisor	..	17	Ruplal Raghnunath School.
	" Saratchandra	...	18	Calcutta Training Academy
	" Sriram	...	14-8	Madrasa-i-Anwaria.
	" Surendranath	...	15	Howrah Government School
	Chaudhuri, Asitchandra	..	15-8	Commillah Zila School.
	" Jaynarayan	...	17-6	Ravenshaw Collegiate School, Katak.
	" Madanmohan	...	16-5	Purbia Zila School.
	" Srischandra	...	15-2	Dacca Collegiate School.
	" Surendranarayan	..	15	Naral H. E. School.
	Colthurst, L. S.	...	18-4	Doveton College.
80	Das, Benimadhab	...	19-3	Chittagong Collegiate School.
	" Bidhubhushan	..	16-6	Midnapur Collegiate School
	" Bipinchandra	...	19-8	Jagannath Collegiate School.
	" Gopalchandra	...	18-11	Sylhet Government High School.
	" Gurusaran	...	17-4	Allahabad Government High School.
	" Purnachandra	...	17	Santipur Municipal School.
	" Raimohan	...	18	Dacca National School.
	Dasgupta, Manoranjan	...	13	Kala H. E. School.
	Datta, A.	...	17-6	St. Xavier's College.
	" Atulchandra	...	13-9	Dacca Collegiate School.
90	" Bhubanmohan	..	15-2	Metropolitan Institution.
	" Nagendranath	...	16	Ditto.
	" Satyendranath	...	16-1	Patna Collegiate School.
	D'Arou, Sophia	..	..	Cawnpur Girls' High School.
	D'Sylva, E.	...	15-10	St. Xavier's College.
	DeSylva, J. S.	...	17-9	Prince of Wales' College Moratuwa.
	De, Adharchandra	...	16	Howrah Government School.
	" Bipinbihari	...	16-2	Uttarpara School.
	" Brajendrakumar	...	14-6	Town School, Midnapur.
	" Haribhushan	...	16	Hindu School
100	" Kiranchandra	...	15	Metropolitan Institution.
	Dhar, Batakrishna	...	15-6	City Collegiate School
	Dube, Bholanath	...	17-10	Kandi School.
	Emile, C. H. A.	...	17-5	Canning College, Lucknow.
	Falkner, G.	...	18-6	St. Xavier's College
	Foley, E. J.	..	19-6	Doveton College.
	Ford, W. R. C.	...	17-6	Private Student.
	Fox, A.	...	15-4	St. George's College, Mussoorie.
	" Helen	...	..	Doveton Institution
	Foy, G. E.	..	15-5	Allahabad Government High School.
110	Furdoonjee Muncherjee	..	19	St. Francis de Sales' School, Nagpur.
	Gangopadhyay, Gopalchandra	..	13-6	Santipur Municipal School.
	" Jaygopal	...	15	Bhagalpur Zila School.
	" Nisikanta	...	21-10	Mymensingh Zila School.
	" Ramanimohan	..	16	Purnia Zila School
	Ganpati Krishna Chitley	...	17	F. C. Institution, Nagpur.
	Ghosh, Anilchandra	...	15	Metropolitan Institution.
	" Baraduprasanna	...	19	Taki Government School.
	" Dasurathi	...	16-5	Hughli Branch School.
	" Gopalchandra	..	18	Naral H. E. School.
120	" Maheschandra	..	17-9	Hazaribagh Zila School.
	" Manmathnath	...	17	Metropolitan Institution.
	" Prasannakumar	...	17-4	Barisal Zila School.
	" Ramaprasad	..	15	Hare School.
	" Santiram	...	16-7	Oriental Seminary.
	" Satishchandra	...	16-4	Metropolitan Institution, B. Branch.
	" Upendranath	...	17-1	Saradaprasad Institution, Chakdighi.
	Ghoshal, Phakirchand	...	16	Bagnan H. E. School.
	Gonsalves, W.	...	15-11	St. Xavier's College.
	Goodman, W. J.	...	16-8	St. Thomas' College, Murree.

130	Gopi Ballabh	...	18-3	Moradabad Government High School.
	Gordon, E. D.	...	17-3	Allahabad Boys' High School.
	Gracias, H. D.	..	16	St. Xavier's College.
	Gruha, Priyanath	...	17-2	Dacca Collegiate School.
	Habiullah Kaderbhoy M.	...	18-10	Jabalpur Collegiate School.
	Harrison, A. G.	...	16	St. George's College, Mussoorie.
	Howe, R. T. V.	..	17-7	Doveton College.
	Hurprashad Gour	...	16-3	F. C. Institution, Nagpur.
	Jagannath Prasada	...	15-3	Benares Collegiate School
	Jayatilake, D. B.	..	17-11	Wesley College, Colombo.
140	Johory, E.	..	20-3	C. M. S. Boarding School, Calcutta.
	Johory, J.	...	17-5	Ditto ditto.
	Kamala Charan	...	17-2	Patna Collegiate School
	Keshao Ballal	...	18-2	F. C. Institution, Nagpur
	Knight, Ethel	..	...	Allahabad Girls' High School.
	Lala Thakur Prasad	..	17-5	Jabalpur Collegiate School.
	Mahadeva Prasada	...	17	Jaunpur C. M. High School
	Maumdar, Bhupendranath	...	17	Bhagalpur Zila School.
	Makund Rao Loukras	...	15-10	Jabalpur Collegiate School.
	Mandal, Gokulchandra	...	14-10	Hughli Collegiate School.
150	McNaught, J. H.	...	18-3	St. Paul's School Darjeeling.
	Mendis, H. J.	...	17-2	Wesley College, Colombo.
	Misser, Bhubaneswar	..	18-10	Darbhanga Raj School.
	Misra, Madhu Sodhon	...	21-4	Sambalpur High School
	" Sripati	...	16	Arrah Zila School.
	Mitra, Abinashchandra	...	15	Jirat Chandrakona H. C. E. School.
	" Amarendrachandra	...	17-5	Birbhum School.
	" Anandaprasad	...	14-9	Searsole H. E. School
	" Debendrakumar	..	16	Debrugarh High School.
	" Hemchandra	...	16	Hindu School.
160	" Saratchandra	...	17-8	Saradaprasad Institution, Chakdighi.
	Mirza Muhammad Askari	...	19-3	Canning College, Lucknow.
	Muhammad Abid	..	18	Arrah Zila School.
	" Abdul Hafiz	..	17	Jabalpur Collegiate School.
	" Abdul Bashir Khan	..	17-2	Ditto
	" Esa	...	16-8	Patna Collegiate School.
	" Manzurullah	..	19	Moradabad Government High School
	Mukhopadhyay, Bhabutaran	..	16	Bhagalpur Zila School.
	" Charuchandra	..	16	Barisa H. C. E. School.
	" Girjabhushan	...	16-7	Patna Collegiate School.
170	" Gobindabandhu	..	15-3-10	Debrugarh High School.
	" Jahnabicharan	...	15-2	Hughli Collegiate School
	" Jajneswar	..	16-8	Lahore District School
	" Jogindranath	..	16-11	South Suburban School, Bhowanipur.
	" Jogindranath	...	15	L. M. S. Institution, Bhowanipur
	" Jyotindramohan	...	18-4	Hindu School
	" Nabagopal	...	17-2	Balagarh School.
	" Pramathanath	...	15-4	Halisahar English School.
	" Satishchandra	..	18-7	Dacca Collegiate School.
	" Satyabhushan	...	16-3	Rajshahye Collegiate School.
180	" Satyaprasanna	...	16-8	Birbhum School
	Mulraj	...	18-9	Ludhiana Mission School
	Muttiah, J.	...	17-4	Wesley College, Colombo
	Nag, Girishchandra	...	18-6	Graham School, Tanguil.
	Nandi, Jagatechandra	...	16-8	Dacca Collegiate School.
	Nath, Nilkrishna	..	16-4	Dacca Pogose School.
	Niyogi, Bhabaniprasad	...	15	Donogh High School Jamalpur
	" Hemkumar	..	15-5	Faridpur Zila School.
	" Sasikumar	...	14-1	Ditto.
	O'Donoghue, P. E.	...	16-6	St. George's College Mussoorie.
190	Pal, Chandranath	...	16-10	Dacca Pogose School
	Perera, S.	...	20-8	Prince of Wales' College, Moratuwa.
	Pereira, J. E. Friend...	...	18	St. Xavier's College.
	Platel, J.	..	15-11	Ditto
	Po Thaw	..	17-11	Rangoon College
	Poojhary, Mudden Mohun	...	19-5	Sambalpur High School.
	Power, J.	...	15-5	St. Joseph's Seminary, Darjeeling.
	Pramanik, Kantichandra	..	17	Canning College, Lucknow.
	Price, Mabel	...	...	Doveton Institution.
	Raha, Abhaycharan	..	18	Khulna Zila School.
200	Raphel, Ethel	...	...	Lalbagh Girls' High School
	Ray, Atulchandra	...	16-3	Hare School
	" Baninath	...	15-9	Krishnagar Collegiate School.

	Ray, Dewandhendra	...	15-9	Hughli Branch School.
	" Jogindranath	...	15-4	Bali Rivers Thompson School.
	" Matilal	...	15	Jamalpur H. C. E. School
	" Manimohan	...	15-1	Barisal Zila School.
	" Nabendrakisor	...	13-6	Noakhali Zila School.
	" Rajendrachandra	...	17	Dacca Pogoso School.
	" Ramanikanta	...	21	Rajshahye Collegiate School
210	Raychaudhuri, Bipindrakumar	...	15-6	Baripur H. C. E. School.
	Revie, Annie	...	...	Teacher.
	Robertson, J. A.	...	17-7	St. Mary's Institution, Chandernagar.
	Rudra, Chandrakumar	...	18	L. M. S. Institution, Bhowanipar
	Sahay, Gopaljee	...	15	Arrah Zila School.
	" Harbans	...	15-1	Patna Collegiate School.
	Sajjad Husain	...	17	Pertapgar High School.
	Santra, Biharlal	...	16	Howrah Government School.
	Sarkar, Jogindranath	...	19-10	Searsale H. E. School.
	" Nakulchandra	...	14	Palna Zila School.
220	" Saradakanta	...	16	Rangpur Zila School.
	" Umeshchandra	...	16	Rajshahye Collegiate School.
	Sarkies, P.	...	15-11	La Martinière College, Calcutta.
	Sarma, Chandranath	...	18-5	Sylhet Government High School.
	Sen, Akshaykumar	...	19	Dinajpur Zila School.
	" Annadacharan	...	17-5	Chittagong Collegiate School
	" Basantakumar	...	16	Barisal Zila School.
	" Bilaschandra	...	16	Kalma H. E. School.
	" Bipinchandra	...	18-4	Dacca Pogoso School.
	" Debendranath	...	15-11	Dinajpur Zila School.
230	" Gokulnath	...	16	Hughli Collegiate School
	" Mahatapchandra	...	16-5	Oriental Seminary.
	" Rakhaldas	...	15-9	Dinajpur Zila School.
	" Rajanikanta	...	15	Malda Zila School.
	" Rajanikanta	...	16-1	Chittagong Collegiate School
	" Syamacharan	...	15	Commillah Zila School.
	Sengupta, Prabodhprakas	...	16	New Indian School.
	Shahabuddin	...	19	Tikari H. C. E. School.
	Shaikhe Mohamed Abdul Majid...	...	15-7	Chapra Zila School.
	Shimbu Dial	...	19-2	St. John's College, Agra
240	Shukul, Gangadaya	...	18-3	Bareilly High School.
	Singh, Uniraw	...	18	Aligarh Government High School
	Sinha, Brahmananda	...	17	Canning College, Lucknow.
	" Dwijadas	...	16	Bhagalpur Zila School.
	" Jyotindramohan	...	14	Faridpur Zila School.
	" Lalbihari	...	19-3	Benares Collegiate School.
	" Raghunath	...	15-5	M. A. O. College, Aligarh
	" Raghunath	...	20	Arrah Zila School
	" Surat	...	19-6	Benares Collegiate School.
	Sitarama Agravala	...	18	Mirzapur Government High School
250	Sukhbir Singh	...	17	Agra Collegiate School
	Sur, Rajanikanta	...	17-6	Chittagong Collegiate School.
	Talukdar, Chandranath	...	17-3	Rajshahye Collegiate School
	Tewari, Shuk Deo	...	5-8	Jabalpur Collegiate School
	Thompson, H.	...	18-6	St. Xavier's College.
	Verrieres, E. J.	...	17-2	St. Peter's College, Agra.
	West, C. H.	...	15	La Martinière College, Calcutta.
	White, H. P. S.	...	17-10	Rangoon College.
	Wilson, R. C.	...	16-6	Mussoorie School.
	Wrixon, P. A.	...	15-3	Ditto.
260	Yadava Prabhakar Watak	...	18-8	F. C. Institution, Nagpur.
	Yeo Woon Tsin	...	18	Rangoon College.
	Yusuf	...	19	Ditto.
	Zille Hasunin	...	17	Moradabad Government High School
	Zorab, Z. M.	...	15-9	La Martinière College, Calcutta.

## SECOND DIVISION.

*In Alphabetical Order.*

Aasaf Khan	...	16	Rangpur Zila School.
Abajee Nanajee Mooley	...	18-2	Free Church Institution, Nagpur.
Abdool Cawdre Naikwara	...	19-3	St. Paul's School, Rangoon.
Abdul Halim	...	17	Patna City Zila School.
Abdul Hamid Khan	...	18-2	Moradabad Government High School.

	Abdul Khalaque	...	19-8	Hughli Collegiate School.
	Abdul Lateef	...	16-2	Ditto.
	Abdul Majid	...	16	Rangpur Zila School.
	Abdul Rahim	...	18	Government High School, Aligarh.
10	Abdul Rahman	...	19	Ajmere Government College.
	Abdullah Qazi	...	17	Calcutta Institution.
	Abdur Rahim	...	14-7	Calcutta Madrasa.
	Abdus Samad	...	17	Darbhanga Raj School.
	Abdus Samad	...	19	Moradabad Government High School.
	Abul Hasanath Mohamed Abdur Rahman	...	16	M. A. O. College, Aligarh.
	Abunnase Mazhurul Hak	...	18-6	Ditto.
	Adhya, Akshaykumar	...	18	Badla H. C. E. School.
	" Mohanbihari	...	17-8	Hare School.
	Afsaruddin Ahmed	...	16	Dacca Madrasa.
20	Agha Ali	...	20-2	Fyzabad Government High School.
	Amba Lal	...	18-5	Jhalrapatan Darbar Chaoni School.
	Amberdekar Jayaram Dinkar	...	20	Teacher.
	Amir Singh	...	17-1	Mayo College.
	Andrews, O. W.	...	18-1	Doveton College.
	Anthony, J. F.	...	16-7	Jabalpur Collegiate School.
	Atai Elahi	...	15-5	Hughli Collegiate School.
	Avery, W. P.	...	15-2	St. Paul's School, Darjeeling.
	Azizul Haq	...	18	Calcutta Madrasa.
	Bagchi, Kedarnath	...	16	Santosh Jahnabi School.
30	" Nagendranath	...	16-4	Metropolitan Institution, B. Branch.
	Bahraichi Lal	...	19-4	Benares Collegiate School.
	Baij Nath	...	19	Muttra High School.
	Balkrishna Anandrao Gupte	...	19	City School, Nagpur.
	Balvant Narayan Sathaye	...	17-7	Ditto.
	Balwant Rao Karkaray	...	18	Jabalpur Collegiate School.
	Bandyopadhyay, Asutosh	...	18	Teacher.
	" Bipinbihari	...	19-4	Canning College.
	" Chandras khar	...	18-1	Albert Collegiate School.
	" Gangadhar	...	17	St. John's College, Agra.
40	" Hariprasauna	...	15-2	Dacca Collegiate School.
	" Jnanadacharan	...	17	Barisal Zila School.
	" Jogindronath	...	16-9	Ditto.
	" Kamakshyaprasad	...	14	Balagarh School.
	" Kedarnath	...	16-3	Agarpara H. C. E. School.
	" Krishnachandra	...	16-11	Khulna Zila School.
	" Kshetranath	...	18-4	Uttarpara School.
	" Kshirodnath	...	17	Midnapur Collegiate School.
	" Matilal	...	15	South Suburban School, Bhowanipur.
	" Nilmani	...	15-6	Baharu H. C. E. School.
50	" Nimchand	...	19-2	Brajmohan Institution, Barisal.
	" Nisikanta	...	15-5	Dacca Collegiate School.
	" Prannath	...	17-4	C. M. School, Amritsar.
	" Purnachandra	...	16-4	Dacca Collegiate School.
	" Sambhuchandra	...	17	Metropolitan Institution.
	" Saradakanta	...	16-3	Dacca Pogose School.
	" Sasibhushan	...	16	Hare School.
	" Satischandra	...	15-6	Halisahar English School.
	" Sibadas	...	15-3	Baharu H. C. E. School.
	" Sridhar	...	15	Howrah Government School.
60	Banik, Rakhalechandra	...	13	Dacca National School.
	Bapuli, Banipada	...	16-8	B. P. School, Benares.
	Barat, Rajanikanta	...	15-9	Hughli Branch School.
	Barma, Harachandra	...	14-2	Bogra Zila School.
	Baruya, Chandrasekhar	...	16-2	Sibsagar High School.
	" Isanchandra	...	18	Commillah Zila School.
	" Kailasnath	...	16	Nowgong High School.
	" Nabinchandra	...	16	Gauhati High School.
	Barvo Mukund Wamonrao	...	17	Indore Madrasa.
	Basak, Sujannath	...	16-1	Hare School.
70	Basu, Amarnath	...	16-6	Jabalpur Collegiate School.
	" Anathsaran	...	20-4	Burdwan Raj Collegiate School.
	" Anukulechandra	...	16	Commillah Zila School.
	" Anukulechandra	...	14	Hare School.
	" Banacharan	...	16-7	Taki Government School.
	" Bijaykrishna	...	17-4	City Collegiate School.
	" Debendrachandra	...	15-4	Hughli Branch School.
	" Gopalchandra	...	15-5	Canning College.

	Basu, Haridas	...	15-4	Metropolitan Institution, S. Branch.
	" Hemchandra	...	16	South Suburban School, Bhowanipur.
80	" Hridayachandra	...	17-8	Balasore Zila School.
	" Jagadiswar	...	17-6	Boinchi B. L. Institution.
	" Krishnachandra	...	18	Jabalpur Collegiate School.
	" Manmathanath	...	16-4	Hindu School.
	" Mohanlal	...	17	Jessore Zila School.
	" Nagendranath	...	17	Ripon College
	" Nagendranath	...	15-6	Basirhat Municipal School.
	" Nijmami	...	16	Howrah Government School.
	" Purnachandra	...	7	Rajagram V. S. School.
	" Vasbihari	...	18	Rajshahye Collegiate School.
90	" Satinath	...	16	Magura H. E. School.
	" Satishchandra	...	15-6	Barahanagar School.
	" Suprasanna	...	18-4	Canning College.
	" Surendrachandra	...	15-6	Hughli Branch School.
	" Upendralal	...	15	Ruplal Raghunath School
	Bechu Lal	...	17-4	Unao High School
	Bejbaraya, Lakshminath	...	18	Sibsagar High School.
	Bhaduri, Kalidas	...	18	Victoria School, Ghazipur
	" Rajanikanta	...	18-2	Dighapatia H. C. E. School.
	" Rajanikanta	...	19-1	Rajshahye Collegiate School.
100	" Sibchandra	...	16-6	Victoria School, Ghazipore.
	Bhagawati Prasada Kutara	...	18-6	Government High School, Allahabad.
	Bhagwan Prasad	...	12	Gorakhpur C. M. H. School.
	Bhairab Ramchandra Hardiker	...	20	Jabalpur Collegiate School.
	Bhar, Benimadhab	...	19-3	Metropolitan Institution
	Bhattacharyya, Abhaycharan	...	16-5	Albert Collegiate School
	" Asutosh	...	16	L. M. S. School, Khagra.
	" Atulchandra	...	16	L. M. S. Institution, Bhowanipur.
	" Benimadhab	...	18-8	Ripon College.
	" Bhabataram	...	18-2	L. M. S. Institution, Bhowanipur.
110	" Bisweswar	...	17-6	Bali Rivers Thompson School.
	" Charuchandra	...	16	Harinavi A. S. School.
	" Girishchandra	...	18	Sahzadpur H. E. School.
	" Gurucharan	...	16	Bramanbaria Annada H. E. School
	" Kailashchandra	...	19	Donogh H. School
	" Kshetramohan	...	20-5	Kendrapur H. E. School.
	" Lalitnohan	...	18	L. M. S. Institution, Bhowanipur.
	" Nanaichandra	...	16	Ranchi Zila School
	" Panchanan	...	18	Katwa H. E. School.
	" Rakhalidas	...	16-5	Bankipur T. K. Ghosh's Academy.
120	" Ramakanta	...	14-6	Rangpur Zila School.
	" Ramdas	...	15-10	Mozufferpur Zila School.
	" Ramdas	...	16	Barasat Government School.
	" Surendranath	...	16-3	Baharu H. C. E. School.
	" Umeschandra	...	15-2	Jagannath Collegiate School.
	Phaunmik, Akshaychandra	...	20	Mymensing Institution
	Phuniya, Upendranath	...	17	Town School, Midnapur.
	Bhura Mal	...	18-6	Jaypur Maharaja's College.
	Bikari Lal	...	22	Ghazipur Mission High School
	Binder-var Prasada Varma	...	17-3	Allahabad Government High School.
130	Bion, F. F.	...	15-7	St. Paul's School, Darjeeling.
	Bishun Datta	...	16-7	Patna Collegiate School.
	Biswas, Amulyadhar	...	16-6	Metropolitan Institution.
	" Diuanath	...	15	Nawab's High School, Murshedabad.
	" Haripada	...	16	Bhagulpur Zila School.
	" Janakinath	...	17	Magura H. E. School.
	" Kartikchandra	...	17	Bankura Zila School
	" Nabinchandra	...	19-9	Krishnagar Collegiate School.
	" Nagendranath	...	18	Allahabad Government High School.
	Bomanji Nasarwanji Mullan	...	15-8	St. Francis de Sales' School, Nagpur.
140	Brahmachari, Turasankar	...	18	Chatmohar Sambhunath H. E. School.
	Bridgnell, M.	...	18-8	St. Xavier's College
	Budri Bakhsb	...	19-2	Ajmere Government College.
	Budriprasada	...	16-8	Agra Collegiate School.
	Budri Prasada	...	17-9	Sahjehanpur High School.
	Burnham, Blanche	...	.....	Doveton Institution.
	Buzlul Huq	...	15	Barisal Zila School.
	Chuckerbutty, Shorot	...	...	Tallagh Girls' High School.
	Chakrabarti, Ambikacharan	...	17	Commillah Zila School.
	" Annadaprasad	...	16	Jagannath Collegiate School.
150	" Bangabihari	...	14-5	Dacca Pogose School.

	Chakrabati, Bankimohandra	...	15-2	Free Church Institution, Calcutta.
	" Biharilal	...	16	Nabadwip Hindu School.
	" Haridas	...	18	Harinavi A. S. School.
	" Jogesachandra	...	14-10	Rajshahye Collegiate School.
	" Kaliprasanna	...	15-10	Krishnagar Collegiate School.
	" Kedarnath	...	15-8	Chapra Zila School.
	" Paresnath	...	17	Dacca National School.
	" Praphullakumar	...	14-7	Krishnagar Collegiate School.
	" Pratapachandra	...	18	Commillah Zila School.
160	" Purnachandra	...	17-2	Rajshahye Collegiate School.
	" Purnachandra	...	17	Baharu H. C. E. School.
	" Rajanikanta	...	16-1	Rangpur Zila School.
	" Saratchandra, No. I.	...	18-4	Metropolitan, Institution B. Branch.
	" Umacharan	...	16	Commillah Zila School.
	Chattopadhyay, Aghornath	...	13-8	Halisahar English School.
	" Annadaprasad	...	18-11	Benares Collegiate School.
	" Basantakumar	...	16-2	Faridpur Zila School.
	" Basantalal	...	17-5	Ripon College.
	" Bhupatinath	...	16-8	Hughli Branch School.
170	" Bipinchandra	...	16-7	Fyzabad Government High School.
	" Chintaharan	...	15-5	Dacca Collegiate School.
	" Girindranath	...	17-10	Benares Collegiate School.
	" Haricharan	...	17-5	Bankipur T. K. Ghosh's Academy.
	" Hirralal	...	15	Dhubri High School.
	" Jyotindramohun	...	13-6	Ditto.
	" Manindralal	...	16-6	Birbhum School.
	" Mohitkumar	...	15	Jamalpur H. C. E. School.
	" Nibaranachandra	...	18	Mahes H. E. School.
	" Rasbihari	...	18	Dacca National School.
180	" Uperdrachandra	...	17	Bankura Zila School.
	Chaudhuri, Bhabanigobinda	...	15	Rajshahye Collegiate School.
	" Chandrakisor	...	15-4	Bhagalpur Zila School.
	" Purnachandra	...	20-2	Rajshahye Collegiate School.
	" Rangopal	...	17-11	Patna Collegiate School.
	Chel Bihari Lal Mathur, No. II	...	15-11	Agra Collegiate School.
	Ohhannoo Lal	...	19-6	Benares B. P. School.
	C. Kuvaka Raja Moodelliar	...	18-4	Free Church Institution, Nagpur.
	Connor, G.	...	15-6	Private Student.
	Cornabe, A. P.	...	15-6	La Martinière College.
190	Curtis, J. H.	...	16-2	Ditto.
	Daji Panday	...	19-8	Free Church Institution, Nagpur.
	Das, Chakradhar	...	16-2	Ravenshaw Collegiate School, Katak.
	" Charuchandra	...	11-8	Hughli Collegiate School.
	" Chittaranjan	...	15-3	L. M. S. Institution, Bhowanipur.
	" Gangagobinda	...	17-3	Faridpur Zila School.
	" Girishchandra	...	16	Noakhali Zila School.
	" Haridas	...	15	Jagannath Collegiate School.
	" Harsaran	...	16-2	Aligarh Government High School.
	" Jogesachandra	...	14	Rangpur Zila School.
200	" Kailaschandra	...	16-2	Sylhet Government High School.
	" Kaminkumar	...	17-3	Chittagong College School.
	" Kasiswar	...	18-1	Jenkin's School, Cooch Behar.
	" Lakshmanachandra	...	16	Chatra H. C. E. School.
	" Madhusudan	...	14-3	Rangpur Zila School.
	" Mihirlal	...	17-7	Hughli Collegiate School.
	" Prankrishna	...	18	Malda Zila School.
	" Rajendranath	...	17	Metropolitan Institution, S. Branch.
	" Rajendranath	...	19-1	Uttarpara School.
	" Ramgati	...	20-5	Sylhet Government High School.
210	" Sarbeswar	...	13-7	Barpeta H. E. School.
	" Satyendranath	...	13-6	Midnapur Collegiate School.
	Dasgupta, Ambikacharn	...	20-2	Dacca Collegiate School.
	" Asutosh	...	14	Free Church Institution, Calcutta.
	Datta, Ambikacharan	...	16-4	Madaripur H. C. E. School.
	" Ambikacharan	...	16-11	L. M. S. Institution, Bhowanipur.
	" Bankubihari	...	18	Dacca Pogose School.
	" Basantakumar	...	18	Dacca National School.
	" Chandrabhusan	...	16	Bankura Zila School.
	" Gobindachandra	...	16	Surnamay's H. C. E. School, Ulipur.
220	" Haridas	...	16-2	Hindu School.
	" Jagadishcharan	...	17-2	Dacca Collegiate School.
	" Jyoti'nal	...	16	Howrah Government School.
	" Kalidas	...	16	Mahes H. E. School.



	Datta, Lalitmohan	...	19-4	Dacca Pogose School.
	" Mahendranath	...	14-2	Sibpur Higher English School.
	" Upendranath	...	18-1	Khulna Zila School.
	Davis, W.	...	17-9	Private Student.
	De, Bisweswar	...	21-2	Kalaskati H. E. School.
	" Gobindaprasad	...	16-9	Albert Collegiate School.
230	" Nepalchandra	...	17-5	Barahanagar School.
	" Pratulchandra	...	16	L. M. S. Institution, Bhowanipur.
	" Satishchandra	...	14-11	Hare School.
	" Upendranath	...	15-10	General Assembly's Institution.
	Deb, Lakshminath	...	19-2	Habiganj High School.
	Debi Prasad Lala	...	18-6	Jabbalpur C. M. S. High School
	Deetjen, J.	...	17	St. Paul's High School, Rangoon.
	De Silva, W. H.	...	17-4	Prince of Wales' College, Moratuwa.
	D'Souza, Amy	...		Cawnpur Girls' High School.
	Dhani Ram	...	16-8	St. John's College, Arga.
240	Dhar, Chandranath	...	16-7	Rajshahye Collegiate School.
	" Saradacharan	...	18-2	Mymensingh Zila School
	" Surendranath	...	16-2	Oriental Seminary
	Dhoondi Gunwant Thengdi	...	18	City School, Nagpur.
	Dikshit, Jagannath	...	18	Hume's High School, Etawah.
	Dover, Grace	...		La Martiniere for Girls.
	Dube, Lakshmi Prashad	...	20	Sultanpur Zila School.
	Dubey Mannoo Lal	...	19	Jabbalpur Collegiate School.
	Dwarka Narayan Mathur	...	17-10	Allahabad Government High School.
	Enayat Karim, H. S.	...	19-2	Calcutta Madrasa.
250	Etha	...	20-1	Akyab Government High School.
	Faizuddin Ahmed	...	18	Debrugarh High School.
	Fakher Uddin	...	17-1	Patna Collegiate School.
	Forbes, Honorino	...		Convent School, Rangoon.
	Ganaishi Lal	...	18-3	Hume's High School, Etawah.
	Ganga Vishun	...	15	Chapra Zila School.
	Gangopadhyay, Asutosh	...	15-3	Howrah Government School.
	" Bipradas	...	17	Bhagalpur Zila School.
	" Debendranath	...	16	Burdwan Municipal School.
	" Haralal	...	17-8	Patna Collegiate School.
260	" Manmathanath	...	15	L. M. S. Institution, Bhowanipur.
	" Manmathanath	...	15-11	Dinajpur Zila School.
	" Nripendranath	...	16-6	Barasat Government School.
	" Panchanan	...	18	Konnagar H. C. E. School.
	Gasper, C. S.	...	17-6	Doveton College.
	Ghatak, Gangeschandra	...	18	Ranaghat H. A. V. School.
	Ghosh, A.	...	17-6	St. Xavier's College.
	" Abanikumar	...	17	Dacca National School.
	" Akshaykumar	...	17-10	Hindu School.
	" Amiyanath	...	16-8	Metropolitan Institution, S. Branch.
270	" Binodbihari	...	13	Narail H. E. School.
	" Gopalchandra	...	13	Fari's Zila School.
	" Gopalchandra	...	16	Jagannath Collegiate School.
	" Harendrakumar	...	14	Barisal Zila School.
	" Hiralal	...	16-10	Behar H. C. E. School.
	" Jagatichandra	...	17-2	Chittagong Collegiate School.
	" Kasinath	...	15-10	Metropolitan Institution.
	" Narayanchandra	...	14	Hare School.
	" Priyanath	...	16	Ditto.
	" Rameschandra	...	18	Jagannath Collegiate School.
280	" Ramraman	...	18-1	Narail H. E. School.
	" Sarojkanti	...	15-6	City Collegiate School.
	" Sasibhusan	...	16	Metropolitan Institution.
	" Satishchandra	...	16-6	Hare School.
	" Surendranath	...	15-6	Ditto
	" Taraprasanna	...	17	Purnia Zila School.
	" Umeschandra	...	18	Khulna Zila School.
	Ghoshal, Gopalchandra	...	19-10	Harnavi A. S. School.
	" Sarala	...	.....	Bethune Female School.
	Gobind Balwant	...	17-9	Jabbalpur Collegiate School.
290	Godwin, G. L.	...	21-3	Armenian Phil. Academy.
	Gokool Chand	...	19-2	Allahabad Government High School.
	Gopal Shridhar Godgil	...	17-7	Free Church Institution, Nagpur.
	Gorman, J. C.	...	16-5	St. Thomas' College, Murree.
	Goswami, Nriyagopal	...	18	Dall's High School.
	" Subhrendu	...	16	Sibsagar High School.
	" Guha, Asitakumar	...	16-3	University College.

	Guha, Rairaman	...	17	Narayanganj H. C. E. School.
	Gulab Jagosing	...	17	City School, Nagpur.
	Gulzari Lall	...	19	Kayastha Pathshala, Allahabad.
300	Gupta, Binaychandra	...	16-3	Dacca Collegiate School
	" Harananda	...	17	Jagannath Collegiate School.
	" Harioharan	...	17-2	Hindu School
	" Jnanendramohan	...	17	Santosh Jahnabi School.
	" Kalimohan	...	17-4	Jalpaiguri Zila School.
	" Kshetramohan	...	18-9	Hughli Collegiate School
	" Makhaulal	...	16	Hare School.
	" Nandalal	...	15-6	Ripon College.
	" Pramatheswar	...	14	Dacca National School
	" Sauribilas	...	17-4	Banwaribad H. C. E. School.
310	Gya Prasad	...	17-6	Fyzabad Government High School.
	Habibar Ruhman	...	15	Midnapur Collegiate School.
	Hajra, Annadaprasad	...	16-11	Burdwan Raj Collegiate School.
	Haldar, Anathuath	...	16-2	L. M. S. Institution, Bhowanipur.
	" Haridas	...	18	South Suburban School Bhowanipur.
	Hannah, A. R.	...	16-9	Allahabad Boys' High School.
	Harak Narayan	...	16	Bankipur T. K. Ghosh's Academy.
	Harinanda Sahay	...	16-6	Patna Collegiate School.
	Hari Narayan	...	21	Jaypur Maharaja's College.
	Harris, G. H.	...	18-5	Private Student.
320	Hazari Lal	...	19-3	Barabanki High School.
	Hein, A. G.	...	15-8	Bishop Cotton School, Simla.
	Hemingway, Lizzie	...	.....	Diocesan Girls' School, Naini Tal.
	Htun Hla W.	...	16-7	Akyab Government High School.
	Hui, Nibaranchandra	...	16-3	Burdwan Raj Collegiate School.
	Ikbāl Kishaw Dar	...	16-6	Victoria Collegiate School, Agra.
	Imtiaz Ahmad	...	20	Canning College.
	Jackson, L. J.	...	16-1	Cawnpur Memorial School.
	Jacob, E.	...	18	Jabbalpur Collegiate School.
	Jagadamba Prasad	...	17	Mirzapur Government High School.
330	Jagannath Pershad	...	17-6	Bareilly High School.
	Jamiluddin	...	17-3	Allahabad Government High School.
	Janaki Sahay	...	15	Gya Zila School.
	Janki Prasad	...	15-5	Bhagalpur T. N. City School.
	Jaymungal Prasad	...	16	Chapra Zila School.
	Jeotiprasada	...	16-6	Benares Collegiate School.
	Jeremiah, J. R.	...	18-5	Wesley College, Colombo.
	Jeremy, A. S.	...	15-11	Meerut C. M. High School.
	Jotirvid. Badri Datta	...	16-9	Bareilly High School.
	Kali Sahai	...	19	Bahraich High School.
340	Kamaluddin	...	17	Behar National Institution.
	Kama Prasad, No. 1	...	20	Hume's High School, Etawah.
	Kanahya Lall	...	15-8	Bareilly High School.
	Kar, Atulechandra	...	18	Dacca Pogose School.
	" Jagatchandra	...	17-6	Mymensingh Zila School.
	Karani, Nimaicharan	...	19-3	Ditto ditto.
	Karmakar, Kumudnath	...	15	Rangpur Zila School.
	Kesho Rao Sadashiva	...	17-1	Jabbalpur Collegiate School.
	Khan, Saradanath	...	14-1	Bogra Zila School.
	Khoob Lall Dass	...	15-9	Bhagalpur T. N. City School.
350	Khoorsheid Ali	...	15	Ravenshaw Collegiate School, Katak.
	Kishori Lal	...	17-6	Govt. High School, Aligarh.
	Kraal, Ella	...	...	Doveton Institution.
	Krishna Ballabh	...	17-3	Bankipur T. K. Ghosh's Academy.
	Krishna Deva Narayan	...	16-4	Mozufferpur Zila School.
	Krishna Rao Pamaskr	...	15	Jabbalpur Collegiate School.
	Kuladwipa Sahay	...	16	Gya Zila School.
	Kumar Bipranarayan	...	15-10	Jenkin's School, Cooch Behar.
	Kunjabihari Lal	...	18-6	Patna Collegiate School.
	Kunti Damodar Kesheo	...	17-6	Indore Madrasa.
360	Lachman Prasada	...	18-10	Rai Bareilly Government High School
	Lachminarain	...	17-6	Patna Collegiate School.
	Ladli Prasad	...	17-6	Allahabad Government High School.
	Lala Kamta Prasada	...	17-6	Sitapur High School.
	Lalitaprasad	...	17-8	Gorakhpur C. M. High School.
	Lalta Prasada	...	16-10	Fyzabad Government High School.
	Laville, B. L. A.	...	17-6	Lahore Boys' High School.
	Laxman Vyankatesh Parnaik	...	19-3	Dhar High School.
	Lyell, H. S.	...	16-7	St. Xavier's College.
	McGinn, E.	...	15	St. George's College, Mussorie.

370	McGrath, E. J.	...	18-5	St. Xavier's College.
	McLean, E. G.	...	18	St. Paul's School, Darjeeling.
	Madanmohun Lal	...	20	Balia School.
	Madho Prashad	...	17-3	Allahabad Government High School.
	Mahabir Sarana	...	16	Chupra Zila School.
	Mahanti, Harakrisna	...	15-1	Ravenshaw Collegiate School, Katak.
	Mahmood-ul Haq	...	15 4	Patna Collegiate School.
	Maitra, Hemantakumar	...	15-8	Birampur Collegiate School.
	„ Kalipada	...	15-5	Azamgarh C. M. High School.
	Maji, Hridaynath	...	16-2	Hamilton School, Tumuk.
380	Majid Hasain	...	17-2	Sultanpur Zila School.
	Majumdar, Baradaprasanna	...	17	Jessore Zila School.
	„ Harachandra	...	16 3	Rajshahya Collegiate School.
	„ Hariprasad	...	16-7	Cowmillah Zila School.
	„ Priyasankar	...	16-2	Hindu School.
	„ Rajendranath	...	16	Howrah Government School.
	„ Saradacharan	...	17-4	Rajshahye Collegiate School.
	„ Sibachandra	...	16	Rangpur Zila School.
	Malia, Pramathanath	...	15	Searsole H. E. School.
	Mallik, Arabindaprakas	...	15-10	Agra Collegiate School.
390	„ Goshthabihari	...	17-4	Tarakeswar School.
	„ Jnanendrachandra	...	16	Kalna Maharaja's School.
	„ Jnanendranath	...	18	Hare School.
	„ Krishndal	...	15 8	Hughli Branch School.
	„ Saratchandra	...	16	Metropolitan Institution.
	„ Satischandra	...	15	Midnapur Collegiate School.
	„ Surendranath	...	15	Hare School.
	Mandal, Benimadhab	...	15	Malda Zila School.
	Mangli Prasad	...	17	Sultanpur Zila School.
	Maqboolul Haque	...	17	Newakali Zila School.
400	Master, L. S.	...	19	Hazaribagh Zila School.
	Meherbau Byramjee Nusserwanjee	...		Doverton Institution.
	Miller, A. H.	...	15-3	Rangoon College.
	Mirza Ahmad Jan	...	19-2	Victoria Collegiate School, Agra.
	„ Muhammad Nazir	...	17	Bhadra H. E. School.
	Mitra, Akshaykumar	...	15-7	Hughli Branch School.
	„ Asutosh	...	15	Dasghara School.
	„ Asutosh	...	14	Metropolitan Institution, S. Branch.
	„ Bamacharn	...	14-10	Hare School.
	„ Binaykrishna	...	16-3	Ariadaha H. E. School.
410	„ Binodchandra	...	14	Hindu School.
	„ Bipinbihari	...	16-1	Rajshahye Collegiate School.
	„ Gopeswar	...	14-3	Hatampur School.
	„ Hariprasad	...	19-10	Krishnagar Collegiate School.
	„ Jotindraprasad	...	16 4	Hare School.
	„ Kalicharan	...	15-6	Benares Collegiate School.
	„ Kiranchandra	...	16	Metropolitan Institution, S. Branch.
	„ Madhusudan	...	20-4	Piyarimohan Academy, Katak.
	„ Mahindranath	...	19	Pertabgarh High School.
	„ Nilgirindra	...	15	University College.
420	„ Raghunath	...	15-1	Agra Collegiate School.
	„ Sarbagunakar	...	18	University College.
	„ Syamacharan	...	19-1	Piyarimohan Academy, Katak.
	„ Upendramohan	...	15	Commillah Zila School.
	„ Upendranath	...	18	Metropolitan Institution.
	Mitthu Lal	...	16-9	Government High School, Aligarh.
	Mockbul Ali	...	17-5	Brahmanbaria Annada H. E. School.
	Mohan Lal	...	18-6	Allahabad Government High School.
	Moinuddin Ahmed	...	18-6	Arbala Mission High School.
	Moung Hla Baw	...	17-3	Rangoon College.
430	„ Kyi O.	...	15 4	Meigai Government School.
	„ Ku	...	15-4	Akyab Government High School.
	Muhammad Abdul Guffar	...	18-3	Jabalpur Collegiate School.
	Muhammad Amanul Haqq	...	16-8	Gorakhpur C. M. High School.
	Muhammad Daud Abbasi	...	17	M. A. O. College, Aligarh.
	Muhammad Hasan	...	16 3	Benares Collegiate School.
	Muhammad Maqsood Ali Khan	...	20-3	Jabalpur Collegiate School.
	Muhammad Qururul Huda	...	17-3	Patna Collegiate School.
	Muhammad Qutab Alam	...	17-6	Ditto
	Muhammad Rafi	...	18	Ghazipur Mission High School.
440	Muhammad Saadutullah Khan	...	20	Ajmere Government College.
	Muhammad Sadiq	...	19	Bareilly High School.
	Muhammad Sayid	...	18	Arrah Zila School.

	Muhammed Wajib	...	18-5	M. A. O. College, Aligarh.
	Muhammad Yusuf	...	15-7	Patna Collegiate School.
	Mukh Ram	...	18-9	Moradabad Government High School.
	Mukhopadhyay, Abhaypada	...	17-8	Bali Rivers Thompson School.
	" Annadaprasad	...	17	Hare School.
	" Atindriya	...	17	L. M. S. Institution Bhowanipur.
450	" Baikunthanath	...	18-4	Mahisadal H. E. School.
	" Bankimnath	...	16	Birbhum School.
	" Bhubanachandra	...	17-7	Kalna Maharaja's School.
	" Bipradas	...	13-8	Ranaghat H. A. V. School.
	" Girindranath	...	15	Metropolitan Institution
	" Haricharan	...	15-5	Kalna Maharaja's School.
	" Hariprasanna	...	17-3	Dacca Collegiate School.
	" Kalidas	...	17-6	Ariadaha H. E. School.
	" Kaliprasanna	...	18-4	Monghyr Zila School.
	" Mahendranath	...	15-6	Malda Zila School.
460	" Meghnath	...	15-4	Burdwan Raj Collegiate School.
	" Mrigendralal	...	16-3	Birbhum School.
	" Nagendranath	...	17-7	Boinehi B. L. Institution.
	" Nilmani	...	15	Kuchinkol Radha Institution.
	" Paradakinkar	...	16-6	Birbhum School.
	" Priyanath	...	17-2	Cawnpur Zila School.
	" Purnachandra	...	17	Ghatal H. C. E. School.
	" Rakhalechandra	...	15-7	Bankura Zila School.
	" Ramchandra	...	17-2	Brajamohan Institution, Barisal
	" Sasikanta	...	18-2	Chittagong Collegiate School.
	" Satishchandra	...	17	Santipur Municipal School.
470	" Surathnath	...	15	Hughli Collegiate School
	" Surendranath	...	15	Howrah Government School.
	Murali Manohar Lala	...	21	Rewah High School
	Murli Dhar Ganesh	...	18-7	Jabalpur C. M. S. High School.
	" Dhar Nagar	...	18-4	Benares Collegiate School.
	Mustafi, Asutosh	...	16	Balagarh School.
	" Mahitosh	...	17-4	Howrah Government School
	Nabi Bakhsh	...	16-6	Ludhiana Mission School.
	Nag, Gangakanta	...	15-4	Dacca Collegiate School.
	" Hamseswar	...	16-9	Jangipur H. E. School.
480	Nandi, Atulkrishna	...	16-2	Metropolitan Institution, B. Branch
	" Brajagopal	...	15-2	A. P. Mission School, Ailahabad
	" Satyendranath	...	15	Ranaghat H. A. V. School.
	Narain Dulla Khawas	...	19-1	Ramsay College, Almorah
	Narain Sing	...	19-6	Unao High School
	Nath, Kshetramohan	...	17	L. M. S. Institution, Bhowanipur
	Nathooram	...	17-10	Jabalpur C. M. S. High School
	Nawab Lal	...	14	Balia School.
	Naziruddin Ahmed	...	17	Benares Collegiate School.
	Nurullah	...	16	Calcutta Madrasa.
490	O'Byrne, F.	...	15-8	St. George's Colleges, Mussoorie
	Omar Khan	...	14-5	Calcutta Madrasa.
	Pakrasi Bhubanmohan	...	17-3	Banda Zila School.
	Pal, Jyotishchandra	...	17	Bhagalpur Zila School.
	" Satyapradip	...	17	Sridhar Gansidhar School Nawabganj.
	Palechandhuri, Hemendranath	...	16-2	Ranaghat H. A. V. School.
	Pandit, Ayodhianath	...	17	Canning College.
	" Mohan Kissen	...	20	Ditto.
	" Rajnarain	...	19	Ditto.
	Pandit, Pirthu Nauth Muttoo	...	16-2	Sitapur High School
500	Patra, Haridas	...	15	Howrah Government School
	Pershadi Lal	...	19	Aligarh Government High School.
	Platts, S. G.	...	15-6	Benares Collegiate School.
	Pramanik, Goshthabihari	...	16-7	Rajshahye Collegiate School.
	" Rakhalechandra	...	16	Santipur Municipal School
	" Rammay	...	19	Ditto.
	Prem Bihari Lal	...	16	Bareilly High School.
	Pudampurshad	...	18-5	Ajmere Government College.
	Quasim Uddin Khan	...	15	Bhagalpur Zila School
	R. Hazari Lall	...	17-3	Jabalpur Collegiate School.
510	Raghunandana Pershad	...	16-2	Chapra Zila School.
	Raghunath Keshava Sarvate	...	17-1	Jabalpur Collegiate School.
	Raghunath Prasad Seth	...	18	L. M. Collegiate School, Benares.
	Raha, Sasadhar	...	16	Bagirhat English School.
	Rahim Bakhsh	...	18-7	Gonda High School.
	Rai Durga Prasad	...	19	Jabalpur Collegiate School

	Raja Bahadur	...	20	Bahraich High School.
	Ram Adheen	...	18	Ditto.
	Ram Charan	...	20	Barilly High School.
	Ram Chandra	...	19	Jaynarayan College, Benares.
520	Ramchandra Daji	...	17	City School, Nagpur.
	Ramchandra Vishnu Kukde	...	18	Ditto.
	Ram Dhan	...	22	Teacher.
	Ramji Das	...	21	Saharanpur Mission School.
	Ram Lal Kahar	...	16-9	Sambalpur High School.
	Ram Pershad	...	17-8	Agra Collegiate School.
	Ram Prasad	...	18-4	Victoria Collegiate School, Agra.
	Ram Puri Goshuin	...	26-1	Private Student.
	Ramratan Prasad	...	18	Chapra Zila School.
	Ray, Abinashchandra	...	15	Jamulpur H. C. E. School.
530	" Akshaykumar	...	15-2	Bogra Zila School.
	" Anukulchandra	...	15	Barisal Zila School.
	" Baidyanath	...	16-4	Dumka Zila School.
	" Banamali	...	16-2	Hughli Collegiate School.
	" Bhubeshchandra	...	15-9	Hare School.
	" Brajendranath	...	16	Monghyr Zila School.
	" Chandicharan	...	14	Kulia H. E. School.
	" Chandrakumar	...	17	Mymensingh Institution.
	" Girijaprasanna	...	15	South Suburban School, Bhowanipur.
	" Harlal	...	16	Pabna Zila School.
540	" Jadabchandra	...	16-7	Barisal Zila School.
	" Jasadakumar	...	18	Chittagong Municipal School.
	" Jyotindramohan	...	17	Taki Government School.
	" Jyotindramohan	...	15	Hare School.
	" Kailaschandra	...	18-8	Naldanga Bhushan School.
	" Kalikacharan	...	15-6	Manikganj H. C. E. School.
	" Kasiswar	...	15-3	Nawab's High School, Murshedabad.
	" Kiranchandra	...	17-9	Narail H. C. E. School.
	" Kumudnath	...	14-6	Pabna Zila School.
	" Lalbihari	...	18-6	Jagatballabhpur H. C. E. School.
550	" Mahimachandra	...	18	Jagannath Collegiate School.
	" Manoranjan	...	13	Sarnamay's H. C. E. School, Ulipur.
	" Mukundanath	...	16	Dinajpur Zila School.
	" Paramesprasauna	...	14-9	Dacca National School.
	" Purnendu	...	15	Mahes H. E. School.
	" Raghunath	...	16-3	Ravenshaw Collegiate School, Katik.
	" Rajendramohan	...	16	Rowile H. School.
	" Rakhaladas	...	17-2	Barasat Government School.
	" Rakhalraj	...	20	Gar Bownipur H. C. E. School.
	" Rasbihari	...	17-6	Ghatal H. C. E. School.
560	" Saradakanta	...	14-1	Bogra Zila School.
	" Sudhangsukumar	...	15-6	Hare School.
	Raychaudhuri, Sibadas	...	16	Baripur H. C. E. School.
	" Umacharan	...	14-2	Dacca National School.
	Reyazuddin	...	21-3	Ajmere Government College.
	Ross, A. B.	...	16-1	St. Peter's College, Agra.
	Rustomjee, C. H. M.	...	15-6	Doveton College.
	Saheb Rai	...	23	Sultanpur Zila School.
	Sakhawat Hossain	...	17-3	Patna City Zila School.
	Samanta, Radhacharan	...	18	Searsale H. E. School.
570	Sambhu Prasada	...	16	Bankipur T. K. Ghosh's Academy
	Sankhua, Daityariprasad	...	17-6	Balasore Zila School.
	Sanyal, Baradakanta	...	15-4	Bhagalpur Zila School.
	" Girischandra	...	19-6	Puthia H. E. School.
	" Krishnabandhu	...	17-5	Uttarpara School.
	Sarju Parshad	...	18-7	Bareilly High School.
	Sarkar, Akshaykumar	...	16-10	Oxford Mission School.
	" Binodbihari	...	15	Free Church Institution, Chinsurah.
	" Jyotindramohan	...	16	Dacca National School.
	" Saratchandra	...	14-3	Dinajpur Zila School.
580	" Saratkumar	...	16-5	Hindu School.
	" Sasisekhhar	...	16-5	Rajshahye Collegiate School.
	" Satyacharan	...	20	Mahisadal H. E. School.
	" Sureschandra	...	16-6	Krishnagar Collegiate School.
	" Sureschandra	...	15-5	Birbhurn School.
	Sarma, Chandrakumar	...	20	Sylhet National School.
	" Rajkisor	...	18	Cachar High School.
	Sen, Abaninath	...	18	Dacca National School.
	" Abhaycharan	...	19	Ditto.

	Sen, Chandrakumar	...	19-3	Sylhet Government High School.
590	" Haranchandra	...	17	Hindu School.
	" Harimanikya	...	17	Dacca National School.
	" Janardanhari	...	15	Noakhali Zila School.
	" Kalimohan	...	17	Dacca Pogose School.
	" Kaminikumud	...	16	Chittagong Collegiate School.
	" Kodarnath	...	17-11	Brajmohan Institution, Barisal.
	" Kshirodhal	...	13-1	Hindu School.
	" Nisichandra	...	20	Chittagong Municipal School.
	" Prankrishna	...	16	Noakhali Zila School.
	" Ramchandra	...	16-6	Dinajpur Zila School.
600	" Saradakanta	...	16-7	Burdwan Municipal School.
	" Saratchandra, No. I	...	14	Barisal Zila School.
	" Saratchandra, No. II	...	14	Ditto.
	" Sasibhushan	...	17-6	Bankipur T. K. Ghosh's Academy.
	" Syamacharan	...	18	Dacca National School.
	" Tattveskamal	...	15-9	Jenkin's School, Cooch Behar.
	Sengupta, Chandrakumar	...	18	Chittagong Municipal School.
	" Krishnakumar	...	13	Santosh Jahnabi School.
	" Nagendranath	...	17	Ranaghat H. A. V. School.
	Shakespeare, J. C.	...	14-8	St. Francis de Sales' School, Nagpur.
610	Shamblunmarayan Varma	...	18	Allahabad Government High School.
	Shamsul Husun	...	20-9	Jabalpur Collegiate School.
	Shankar Lall, No. I	...	18-4	Meerut Government High School.
	Shankar Lall, No. II	...	18	Ditto.
	Shelverton, T.	...	16-9	Private Student.
	Shiam Narayan	...	19	Hardoi High School.
	Shiva Sahaylall	...	20-7	Patna Collegiate School.
	Shumbhoo Dayal	...	19-3	Barabanki High School.
	Shway Hpaw Oo	...	18-9	Akyah Government High School.
	Shwe Mya	...	20-10	Rangoon College.
620	Sil, Nandalal	...	15-1	Hume's High School, Etawah.
	" Nityalal	...	16	Hare School.
	Singh, Karher	...	17	Muttra High School.
	" Sheo Nandan	...	17	Chupra Zila School.
	" Shew Shankar	...	20	Pertabgarh High School.
	Sinha, Bishnuprasad	...	21	Rajshahye Collegiate School.
	" Gadadhar	...	16-2	Benares Collegiate School.
	" Karunasindhu	...	17-8	Lakshmanath H. O. E. School.
	" Lakshminiprasad	...	19-2	Kendrapara H. E. School.
	" Natubhar	...	17	Bankura Zila School.
630	" Rajankanta	...	16-2	Kandi School.
	Siv Pratap Narayan	...	15-6	Arrah Zila School.
	Siv Singh	...	20	Bareilly High School.
	S. M. Habibur Rohomun	...	16	Free Church Institution, Calcutta.
	Sobhakur, Kshetranath	...	17-5	Hindu School.
	Som, Saratchandra	...	16-8	Commillah Zila School.
	Subhan Karim	...	22-7	Patna Collegiate School.
	Sundar Narain Mushran	...	20	Private Student.
	Suraj Bakhsh	...	18-2	Fyzabad Government High School.
	Sur, Kamadaprasad	...	16-7	Hindu School.
640	Suryya Deva Narayan	...	17	Mukerji's Seminary, Mozufferpur.
	Syed Abdul Ghapi	...	17-6	Jampur Government High School.
	Syed Abdul Jabbar	...	17	Haluganj High School.
	Syed Ali Ahmed	...	16	M. A. O. College, Aligarh.
	Syed Mahammad Zahurul Haq	...	14	Calcutta Madrasa.
	Syed Mahammad Yusuf Ahmed	...	16-3	M. A. A. School, Patna.
	Tagore, Sudhin'ranath	...	15-6	Metropolitan Institution.
	Telluckdhari Lall	...	17-2	St. Xavier's College.
	Templeton, J. H.	...	16-7	Rangoon College.
	Tewari, Ramanandan	...	17	Balia School.
650	Tha Gywai	...	16-1	Rangoon College.
	Thakur Prasad	...	18	Sultanpur Zila School.
	" Premisankar	...	19	Jabalpur Collegiate School.
	Thorpe, A.	...	16-3	Lahore Boys' High School.
	Tikaram	...	18-3	Bareilly High School.
	Ujagir Lal	...	17-3	Arrah Zila School.
	Upadhyay, Brijkisor	...	18	Mukerji's Seminary, Mozufferpur.
	Vidya Parshad	...	19	Aligarh, Government High School.
	Vidyadhar Shridhar Joshee	...	16-9	Free Church Institution, Nagpur.
	Vijaya Anand	...	17	L. M. Collegiate School, Benares.
660	Vishnu Prakash	...	18-2	Hardoi High School.
	Wade, I. P.	...	18-6	Lahore Boys' High School.

	Wallace, Mary	...	...	Convent School, Rangoon.
	Waman Vithal Kane	...	16	City School, Nagpur
	Wasi Ahmed	...	19-7	Putna Collegiate School.
	Winterscale, J. C.	...	16 9	La Martinière College.
	Wise, Janet	...	...	Doveton Institution.
	Xavier, E. C.	...	15-10	Ravenshaw Collegiate School, Katak.
668	Zamin Ali	...	16-4	Hughli Collegiate School.

## THIRD DIVISION.

*In Alphabetical Order.*

	Abdul Aziz	...	17-4	Sylhet National School.
	Abdul Gani	...	20-2	Ludhiana Mission School.
	Abdul Goni	...	21	Free Church Institution, Calcutta.
	Abodhbihari Lal	...	18	Bhagalpur Zila School.
	Abul Muzaffar Muhammad Ataur Rahman	...	15	Albany Institution.
	Acharyya, Jyotishchandra	...	13	Gauhati High School.
	Aftab Ahmad Khan Ahmadi	...	17-10	M. A. O. College, Aligarh.
	Afzalur Bohoman	...	20	Dacca Pogose School.
10	Akbar Husain Khan	...	18	M. A. O. College, Aligarh.
	Ali Haidar	...	16-8	Barcilly High School.
	Ambica Prasad	...	16	Chapra Zila School
	Amin Akshaykumar	...	22-8	Private Student.
	Ananta Prasad	...	18	Bhagalpur Zila School.
	Avadh Beharilal Mathur	...	17-4	Moradabad Government High School.
	Badri Pershad	...	22	Sultanpur Zila School.
	Bagehi, Abinuschandra	...	16	Rajshahye Collegiate School.
	" Girijakanta	...	18-1	Jalpaiguri Zila School.
	" Uneschandra	...	21	Parjana Mukundanath School.
20	Baksi, Kritichandra	...	18	Pandra H. E. School.
	Balaji Jairam Chhancy	...	17	City School Nagpur.
	Balkrishna Govind Devaikaar	...	18	Free Church Institution, Nagpur.
	Balkrishna Wasudeo	...	18	Ditto ditto.
	Bandyopadhyay, Asokjiban	...	14-11	M. A. O. College, Aligarh.
	" Asutosh	...	18	Boinchi B. L. Institution
	" Bamacharan	...	14-4	Free Church Institution, Chinsurah.
	" Banwaribhushan	...	17-10	Banwarabad H. C. E. School.
	" Baradaprasad	...	15-3	Konnagar H. C. E. School
	" Bhubaneswar	...	14	Serajganj H. E. School.
30	" Jibankrishna	...	15	Bali, Rivers Thomson School
	" Jogeschandra	...	16	Barisal Zila School.
	" Jogindranath	...	17	Bhagalpur Zila School.
	" Kirtichandra	...	20	Ruplal Raghunath School.
	" Lallahari	...	16-4	Metropolitan Instn., S. Branch.
	" Mannathuath	...	17-8	Khulna Zila School.
	" Matilal	...	18-2	New Indian School.
	" Natabihari	...	18 4	Ditto
	" Pannalal	...	18	Midnapur Collegiate School.
	" Prabhatchandra	...	16	Sanskrit Collegiate School.
40	" Prandhan	...	16-2	Sibpur H. C. E. School.
	" Rajendrachandra	...	17-4	Jagannath Collegiate School.
	" Rajkumar	...	16	Nabadwip Hindu School
	" Saradaprasad	...	16	South Suburban School, Bhowanipur.
	" Saratchandra	...	19	Narayanganj H. C. E. School.
	" Saratchandra	...	17-6	Shahjehanpur High School.
	" Saratkumar	...	16-4	Hardoi High School
	" Sasibhushan	...	18	Nowgong Cantonment School.
	" Sripati	...	14-8	Nawab's High School, Murshedabad.
	Banka Vihari	...	16	Gya Zila School.
50	Bans Gopal	...	20	Hume's High School, Etawa.
	Bapu Waman	...	16	Jubbulpur Collegiate School.
	Banasiprasad	...	18	Monghyr Zila School.
	Baruya, Mathuramohan	...	17-5	Gauhati High School.
	Basu, Adharchandra	...	18-3	Bishenpur H. E. School.
	" Amalananda	...	15	Dacca National School
	" Chandramadhab	...	18	Free Church Institution, Chinsurah.
	" Girischandra	...	15-5	Serajganj H. E. School.
	" Ramannmohan	...	21-1	Jenkin's School, Cooch Behar.
	" Sasibhushan	...	15	Albert Collegiate School.
60	Beni Madho Lal	...	14	Gazipur Mission High School.
	Bhagwan Prasad Varma	...	21-4	Allahabad Government High School.
	Bhar, Bhubanicharan	...	17	Chandernagar School.



	Bhar, Saratchandra	...	17	Metropolitan Institution.
	Bhattacharyya, Dwijendra	...	17-8	Hare School.
	" Manmathanath	...	15-6	Uttarpara School.
	" Rasikachandra	..	18	Dacca Pogose School.
	" Saratchandra	..	14	Narai H. E. School.
	" Udaykanta	..	15	Ripon College.
	" Upendranath	...	18	Allahabad Government High School
79	Bhaumik, Gagacharan	..	18	Rangpur Zila School
	" Mahendrachandra	...	17	Dacca National School.
	Bid, Sasibhushan	...	17-6	Metropolitan Institution
	Bihari Lal	...	18-3	Moradabad Government High School.
	Bindeshree Pershad	..	17-3	Dinapur Aided School.
	Bireshwarnath	..	19	Balarampur Lyall Collegiate School
	Biswas, Dwarkanath	...	18-3	Chittagong Collegiate School.
	" Linalal	...	20	Ripon College.
	" Narendrakrishna	..	15	Lusghara School.
	Bonny, F.	...	14-5	St. Francis de Sales' School.
80	Brahmaniker, Parachandra Krishna	...	19-5	Indore Madrasa.
	Chakrabarti, Akshaykumar	...	18	Bhastara School.
	" Bipinbihari	...	17	Albert Collegiate School.
	" Brindachandra	...	18	Commillah Zila School.
	" Chandrakumar	...	16-2	Chittagong Collegiate School.
	" Dinanath	...	16	Chatmohar Sanibhunanath School.
	" Gokulechran	...	15	Dacca National School.
	" Gopalchandra	...	15	Rajshahye Collegiate School.
	" Lalitmohan	..	19-6	Dacca National School.
	" Sarachandra	..	16	Sanskrit Collegiate School.
90	" Srischandra	...	15-6	Metropolitan Institution.
	" Syamacharan	...	17-4	Chittagong Collegiate School.
	Chander Pal Singh	...	19-2	M. A. O. College, Aligarh
	Chattopadhyay, Adharanath	...	15-4	Barasat Government School.
	" Ambujkumar	...	15-3	Hare School.
	" Bholanath	...	16-2	Metropolitan Institution.
	" Binodkumar	..	17-3	Howrah Bible H. C. E. School.
	" Debendranath	...	17	Searsale H. E. School.
	" Harischandra	...	15-10	Mirzapur Government High School
	" Hemkamal	...	15-3	Dacca Pogose School.
100	" Karunamay	...	17	Burdwan Raj Collegiate School.
	" Narayanchandra	...	18-9	Ariadaha H. E. School.
	" Narayandas	...	15-8	Bali, Rivers Thompson School.
	" Pratapchandra	..	18	Lauhajang H. C. E. School.
	" Purnachandra	...	19-4	Kandi School.
	" Ramratap	..	16	Bankura Zila School.
	" Sitalechandra	...	17	A. P. Mission School, Allahabad.
	" Sinarayan	..	13	Free Church Institution, Chinsurah.
	" Upendranath	..	20	P. Gopinathpur School.
	Claudhuri, Anandakumar	...	14	L. M. Collegiate School, Benares.
110	" Harendrachandra	...	20	Sylhet Government High School
	" Hridaynath	..	20-6	Graham School, Tangail.
	" Nagendranath	...	16	Metropolitan Institution.
	" Padmakumar	...	17	General Assembly's Institution.
	" Priyanath	...	18	Kutwa H. E. School.
	Chhajjoo Singh	...	18	Meerut Government High School.
	Chhotay Lal	...	20	Private Student.
	Chunni Lal	..	19	Bareilly High School.
	Das, Akshaykumar	...	16	Free Church Institution, Chinsurah.
	" Baidyanath	...	16-3	Town School, Midnapur.
120	" Dalimchandra	...	17-5	Tejpur High School.
	" Durgacharan	...	17-5	Kandi School.
	" Harkishen	...	19-6	Agra Collegiate School.
	" Hridaychandra	...	17-4	Habiganj High School.
	" Iwarachandra	...	15	Hare School.
	" Jagadananda	...	20	Sylhet National School.
	" Jagamohan	...	21	Ditto.
	" Jaygopal	..	6	Barasat Government School.
	" Jaykrishna	..	18	Agra Collegiate School.
	" Kanailal	...	16-8	Narai H. E. School.
130	" Lalimohan	..	16-8	Balasure Zila School
	" Maheswar	...	19-2	Barpeta H. E. School.
	" Madhusudan	...	18-7	Town School, Midnapur.
	" Nabinchandra	..	18-3	Dacca National School.
	" Nikunjabihari	...	16-4	Barisal Zila School.

	Das, Padmaram	...	14-4	Gauhati High School.
	„ Saratsankar	...	15	Metropolitan Institution.
	„ Sayamchand	...	18	Ravenshaw Collegiate School, Katak.
	Dasgupta, Baradacharan	...	15 3	Dacca Collegiate School.
	„ Jagadbandhu	...	17	Brajmohan Institution, Barisal.
140	„ Nagendranath	...	14	Kaha H. E. School.
	Datta, Annadacharan	...	15	Patiya H. E. School.
	„ Aswinikumar	...	15	Metropolitan Institution.
	„ Banacharan	...	18	Dacca Pogose School.
	„ Binodbihari	...	19-6	Kalaskati H. E. School.
	„ Guracharan	...	17	Rangpur Zila School.
	„ Jyotindranath	...	17	Ravenshaw Collegiate School, Katak.
	„ Mahesachandra	...	16-8	Dacca Collegiate School.
	„ Nagendrachandra	...	15	Cachar High School.
	„ Nisikanta	...	15-11	Dacca National School.
150	„ Nrisinhachandra	...	16-7	Free Church Institution, Calcutta
	„ Pulinbihari	...	16	Teacher.
	„ Saradaprasad	...	19	Ghatal H. C. E. School.
	„ Rajanikanta	...	20	Jagannath Collegiate School.
	„ Surendra	...	14-4	Sibpur H. C. E. School.
	De, Girisechandra	...	16-10	L. M. School, Midnapur.
	„ Gopalchandra	...	19	Harinabhi A. S. School.
	„ Haricharan	...	15-3	Free Church Institution, Chinsurah.
	„ Mahimechandra	...	18-4	Sylhet Government High School.
	„ Mukundlal	...	17-6	Serajganj H. E. School.
160	„ Nabinechandra	...	17-11	Kisorganj H. E. School.
	„ Rasiklal	...	14-3	Kuchikol Radhaballabh Institution
	„ Tinkari	...	17-3	Hindu School.
	Deb, Mahimlal	...	16	Meerut C. M. High School.
	„ Ramachandra	...	20-4	Sylhet Government High School.
	Debipershad Pandit	...	19-4	Canning College
	Donald, R.	...	18-2	Bishop Cotton School, Simla.
	Dubai, Ajodhyaprasad	...	21	Hume's High School, Etawa.
	Dube, Brindaban	...	18-9	Gazipur Mission High School.
	„ Mangalam	...	15-5	Benares Collegiate School.
170	Ganesh Vithal Bhut	...	21-1	Free Church Institution, Nagpur
	Ganga Nath Jha	...	13-7	Darbhanga Raj School.
	Gangaprasad	...	16-8	Dumraon Maharaja's School.
	Gangopadhyay, Kalidas	...	17-8	Birbhumi School.
	„ Mukhanlal	...	13	Kuchikol Radhaballabh Institution.
	„ Saratchandra	...	14-4	Muragacha H. C. E. School
	„ Srikantha	...	17-6	Hindu School.
	„ Srinath	...	17	Jagannath Collegiate School
	Gargari, Satischandra	...	17	Chandernagar School.
	Ghose, Minna	...	.....	Anritsar Alexandra School.
180	Ghosh, Abinashchandra	...	15-6	General Assembly's Institution
	„ Annadacharan	...	20	Dacca National School.
	„ Asutosh	...	18	Burdwan Raj Collegiate School
	„ Debendranath	...	18	Ahlahabad Government High School.
	„ Gopalchandra	...	15-4	Berhampur Collegiate School.
	„ Haricharan	...	18-3	Mozufferpur Zila School.
	„ Harlal	...	17	Calcutta Institution.
	„ Jnanendranath	...	16	Hugli Branch School.
	„ Jogindrachandra	...	14-5	Barisal Zila School.
	„ Jogindranath	...	17	Dacca National School
190	„ Kaliprasanna	...	17	Do.
	„ Nandalal	...	16-4	Oriental Seminary
	„ Rajendranath	...	17	Mymensingh Institution
	„ Ramanimohan	...	16-10	Kandi School.
	„ Saratchandra	...	16	South Sutanulcan School, Bhawanipur.
	„ Satischandra	...	15-8	Dacca Pogose School.
	Ghoshal, Jajneswar	...	19-5	Ariachal H. E. School.
	„ Ramchandra	...	19	Kankala H. C. E. School
	Girijadyal	...	20-11	Lakhimpur Govt. High School
	Goppi, Dwarikanath	...	15	Nowgong High School.
200	Goswami, Bhupati	...	18-5	Khanakul K. Institution.
	„ Ramanimohan	...	17-6	Do.
	„ Upendragopal	...	17-8	Jangipur H. E. School.
	Govind Vishnu Chitale	...	17-6	Jabalpur Collegiate School.
	Guha, Mahananda	...	20	Dacca National School.
	„ Nutanachandra	...	21	Chittauging Collegiate School.
	„ Satischandra	...	17	Mymensingh Zila School.
	Guin, Narayanachandra	...	16	Sodepur H. E. School.

	Gupta, Bimala	...	...	Eden Female School, Dacca.
	" Kaminikanta	...	16	Free Church Institution, Calcutta.
	" Rasamay	...	18-8	Brajamohan Institution, Barisal.
210	Hajra, Gurudas	...	16-9	Dacca National School
	" Raghunandan	...	16	Patrasaer H. E. School.
	Hamilton, G.	...	18-5	St. Xavier's College.
	Harakh Prasad	...	20 6	Teacher.
	Hargu Lal	...	18	Ambala Mission High School.
	Hari Walratund Munje	...	22-4	Private Student.
	Har Narayan Prasad	...	19	Allahabad Kayastha Pathshala.
	Har Prasad	...	15-9	Agra Collegiate School
	Harprasad Agnihotry	...	15-7	Jabalpur Collegiate School.
	Hazaree Sah	...	16	Mukerjee's Seminary, Mozufferpur.
220	Imtiyaz Ahmud	...	19	Pertapgarh High School.
	Jagadip Sahay	...	16	Gya Zila School.
	Jagannath Saran	...	14	Chapra Academy.
	Jai Lal Sah Chakurayat	...	22-7	Teacher.
	Jiyalal Tewari	...	18-9	Jabalpur Collegiate School.
	Jeswant Rao	...	22 3	Farakabad Mission High School.
	Kailasnath Kanuru	...	18-7-21	Agra Collegiate School.
	Kar, Mathurachandra	...	20-5	Sylhet Government High School.
	" Syamacharan	...	15-5	Howrah Govt. School.
	Khaja, M. Ismail	...	16 2	Patna Collegiate School.
230	Kosal Kishore Bhargav	...	20	M. A. O. College, Aligarh.
	Krishna Sahai	...	19	Unao High School.
	Kumar, Barham Narayan	...	16	Matihari Zila School.
	Kunwar, Bahadur Lal	...	15-6	Benares Collegiate School.
	Lajwanti Rallia Ram	...	...	Anritsar Alexandra School.
	Lakshminarayan	...	18	Gya Zila School.
	Lala Mritunjay Lal	...	16-3	Birbhum School.
	Lalita Prsada No. I	...	17-10	Benares Collegiate School.
	Lalita Prsada No. II	...	16-5	Ditto.
	Liladhar Purshad	...	20	Chapra Zila School.
240	Mahabir Prasad	...	17	Victoria School, Gazipur.
	Mahadeva Datta	...	20-8	Arrah Town School.
	Maharaj Krishna	...	17-1	Fyzabad Government High School.
	Maheo Uddin Ahmed	...	15	Behar National Institution
	Mahmood Ali, P.S.	...	15	M. A. O. College, Aligarh.
	Maiti, Gobindprasad	...	18	Contai H. E. School.
	Maitra, Satishchandra	...	19-6	Ripon College.
	" Umes-chandra	...	17-3	Bogra Zila School.
	Majumdar, Baantakumar	...	17-2	Dacca Collegiate School.
	" Charukrishna	...	17	Hindu School
250	Mahr J.	...	16-6	St. Fidelis's School.
	Mallik, Bhupendrachandra	...	15	Hughli Collegiate School.
	" Maniklal	...	15	Ditto.
	" Nirmalchandra	...	16-1	Narail H. E. School.
	" Phamlal	...	16	Hughli Collegiate School.
	Mandal, Chintamani	...	20	Searsole H. E. School.
	" Madhusudan	...	17 3	Bishenpur H. E. School.
	" Sisirkanta	...	16	Barisal H. C. E. School.
	Maroti, Probhakar Lothey	...	22	City School, Nagpur.
	Mitra, Bijaykumar	...	15-1	Metropolitan Institution S. Branch.
260	" Gopalchandra	...	16	Hare School.
	" Kalidas	...	17-2	Benares Collegiate School.
	" Krishnapada	...	17	Metropolitan Institution,
	" Mugendralal	...	18	City Collegiate School.
	" Nandalal	...	17-5	Konnagar H. E. School
	" Nripendranath	...	16-1	Metropolitan Institution B. Branch.
	" Srischandra	...	18-8	Barabanki High School
	Muhammad Ishaq	...	14-9	Calcutta Madrasa.
	Muhammad Faruq	...	21	Seoni Mission School.
	Muhammad Jalaluddin	...	18-4	Moradabad Government High School
270	Muhammad Sarfaraz Ali	...	20-10	Fyzabad Govt. High School
	Mukhopadhyay, Anukulchandra	...	16	Hughli Collegiate School
	" Brajendranath	...	16	Krishnagar Collegiate School.
	" Charuchandra	...	16	Ranchi Zila School.
	" Charuchandra	...	17	Hare School.
	" Haranachandra	...	18	L. M. S. Institution, Bhowanipour.
	" Haridas	...	18	Usoba Mondlye School
	" Jogindranath	...	15	Albert Collegiate School
	" Jogindranath No. I	...	15	Metropolitan Institution.
	" Jyotindralal	...	17	Chandanga H. E. School

280	Mukhopadhyay, Kaliprasanna	16-3	Saduhati H. E. School.
	" Krishnadhyan	15-4	Howrah Bible H. E. School.
	" Kshetrapada	14-10	Town School, Midnapur.
	" Natabar	15	Kuchlakol Radhaballabh, Institution.
	" Narendranath	17-4	Nibodia H. E. School.
	" Pannalal	17	Aryan Institution, Calcutta.
	" Prakaschandra	17-3	Madrasa-i-Anwaria.
	" Ramdas	17-2	Banawaribad H. E. School.
	" Saratkumar	17	Dehra Dun Training School.
	" Sasibhushan	18-8	Gobardanga H. E. School.
290	" Sasibhushan	17	Kandi School.
	" Sitalchandra	17	Allahabad Government High School.
	" Sripaticandan	19	L. M. School, Midnapur.
	" Tarapada	15	Simla High School.
	Murphy, J. H.	17-4	St. George's School, Mussoorie.
	Naha, Iswarechandra	18	Jagannath Collegiate School.
	Naik, Jaydeb	17-4	Piyarimohan Academy, Katak.
	" Radhamadhab	18-1	Ditto
	Nanabhoy Nourajee Burjorjee	16-3	Rangoon College.
	Nandi, Amulyacharan	19-3	University College.
300	" Nabadwipchandra	17	Jagannath Collegiate School.
	Narayan Bhat	17	Gya Zila School.
	Pakrasi, Prasannakumar	16-2	Hare School.
	Pal, Hemchandra	17-5	Serajgunj H. E. School.
	" Janakinath	17-3	Kumarkhali H. E. School.
	" Kisorimohan	19	Ripon College.
	" Mathuranath	17	Santosh Jahnabi School.
	Palit, Matangicharan	16-1	Burdwan Raj Collegiate School.
	" Narendranath	18	Albert Collegiate School.
	Panda, Narendranath	19	Ghatal H. E. School.
310	Pande, Ramkumar	17	Benares Collegiate School.
	Pandit, Bahari Lal Nahra	18-7	Ambala Mission High School.
	" Uttam Nath	19-6	Residency, College Indore.
	Pathak, Bijayram	20-3	Behar H. C. E. School.
	Patanaik, Banamali	16-8	Puri Zila School.
	" Satyabadi	18-5	Piyarimohan Academy, Katak.
	Pramanik, Pratapchandra	18-7	University College.
	Prayag Dutt	18	Unao High School.
	Prayag Das Katara	20-5	Allahabad Government High School.
	Purnachandra	17-6	L. M. Collegiate School Benares.
320	Pyaray Lal Agnihotri	17-4	Allahabad Government High School.
	Raghunath Rao K.	18	Jabalpur Collegiate School.
	Rajaram Apajee	20	Free Church Institution, Nagpur.
	Rajkhowa Indradhar	19	Debrugarh High School.
	Rajnarain	17-3	Bareilly High School.
	Ramchand	18	Allahabad Government High School.
	Randhir Prashad	17-2	Ranchi Zila School.
	Rungholam Lal	17	Chupra Zila School.
	Ram Kishnu	16-6	Ludhiana Mission School.
	Ramkrishna Bishnu Bhagwat	18-2	Jabalpur Collegiate School.
330	Rashid Husan	17	Moradabad Government High School.
	Ray, Abinasecantra	15	Hare School.
	" Annadaprasad	17	Hindu School.
	" Anubakrishna	15-3	South Suburban School, Bhowanipur.
	" Chandraakisor	15	Commillah Zila School.
	" Gopalechandra	18	Gar Bhowampur School.
	" Indrakhur	16-4	Birbhum School.
	" Jaadindranath	17-4	Rajshahye Collegiate School.
	" Juanchandra	19	Jagannath Collegiate School.
	" Jyotindramohan	16	Kutwa H. E. School.
340	" Kalkankar	17	Bankura Zila School.
	" Kaliprasanna	16-7	Rajshahye Collegiate School.
	" Krishnanath	16-6	Seal's Free College.
	" Pratapchandra	19	Bhagalpur Zila School.
	" Satyendranath	16-2	Pirozpur H. E. School.
	" Suryyakumar	17	Town School, Midnapur.
	" Tarasundar	17	Pubna Zila School.
	Roy Zoda Numaylal Varma	16	M. A. O. College, Aligarh.
	Saha, Harendranath	17-10	Dighapatia H. E. School.
	Sahg Ram	17-3	Canning College.
350	Sanyal, Durgadas	17-3	Berhampur Collegiate School.
	Kalidochan	17	Chatraohar Sambhunath School.
	Kisorimohan	19-2	Rajshahye Collegiate School.

	Sarkar, Asutosh	...	16	Purnia Zila School.
	„ Baradasankar	...	17-5	Rajshahye Collegiate School.
	„ Jagadiswar	...	19	Burdwan Raj Collegiate School.
	„ Kaliprasanna	...	16-3	Rajshahye Collegiate School.
	„ Manmathanath	...	15	Krishnagar A. V. School.
	„ Narayanachandra	...	16-6	Jirat Chandrakona H. E. School.
	„ Saratchandra	...	18	Midnapur Collegiate School.
360	„ Satinath	...	18	Chuadanga H. E. School.
	„ Upendranath	...	15	Metropolitan Institution.
	Sayyad Wajih Uddin	...	20	Bareilly High School.
	Sen, Bimalaprasanna	...	14	Metropolitan Institution.
	„ Hemchandra	...	14-6	Hindu School.
	„ Lalitmohan	...	14	Ditto.
	„ Manmathanath	...	14	Metropolitan Institution.
	„ Matilal	...	16	Sodpur School.
	„ Prakritiprasanna	...	17-5	Albert Collegiate School.
	„ Sureschandra	...	16	Oriental Seminary.
370	Sengupta, Bhubaneswar	...	16	Kalia H. E. School.
	„ Debendranath	...	16	Jessore Zila School.
	„ Indranarayan	...	16-6	Birbhum School.
	„ Mahendrachandra	...	19-3	Nabadwip Hindu School.
	„ Rasbihari	...	17	Bagihat H. E. School.
	Set, Praphullachandra	...	16	Metropolitan Institution.
	Shaik Baboo Zau	...	19-9	Howrah Bible H. C. E. School.
	Sheikh Bisarat Ulla	...	15-6	Nawab's High School, Murshedabad.
	Sheo Prasad Agnihotri	...	16-7	Jabalpur Collegiate School.
	Shew Parshad	...	18	Bareilly High School.
380	Shiva Burt Lal Varma	...	17-11	Allahabad Government High School.
	Shiv Chand	...	25-7	Teacher.
	Shiva Mongai Ray	...	17	Gazipur Mission High School.
	Shiva Ram	...	23-9	Teacher.
	Shunker Singh	...	18-2	Meerut Government High School.
	Shyam Lal	...	16	Chaura Zila School.
	Sinha, Baijnath	...	17	Balia School.
	„ Brijkumar	...	17-8	Teacher.
	„ Indranarayan	...	16-8	Kandi School.
	„ Jogindranarayan	...	18-11	Uttarpara School.
390	„ Kedarnath	...	16-1	Mozufferpur Zila School.
	„ Tarinicharan	...	16	L. M. S. School, Khagra.
	Sitla Sahay	...	19	Pertabgarh High School.
	Syed Abdul Sattar	...	19	Sylhet Government High School.
	Syed Mahmud Raza	...	17-2	Canning College.
	Tagore, Balendranath	...	15-3	Hare School.
	Thakurdas	...	19-9	Benares Collegiate School.
	Thakur, Kedarnath	...	18	Pandra H. E. School.
	Thakur Prasad	...	17	Arrah Town School.
	Tripathi, Brajamohan	...	16-2	Ranchi Zila School.
400	Vishnoo Gopal Naik	...	16	Jabalpur Collegiate School.
	Viswas Rao Bhaway	...	19	Ditto ditto.
	Wasudeo Ramchandra Halwi	...	15	Ditto ditto.
	Wasudeo Vithal Limaye	...	15-10	City School, Nagpur.
	Wyankatesh Seoram Bhalerao	...	17-3	Ditto ditto.
	Zainuddin Ahmed	...	18	Bhagulpur Zila School.

SENATE HOUSE,  
The 17th May 1886.

W. GRIFFITHS,  
Registrar.



**Statement of the Affairs of the Bank of Bengal for the week ending 25th May 1886.**

LIABILITIES.				#	a.	p.	ASSETS.				#	a.	p.
Capital paid-up . . . . .				2,00,00,000	0	0	Government Securities . . . . .				63,43,780	2	0
Reserve Fund . . . . .				41,56,684	15	0	Other authorized Investments . . . . .				48,13,776	4	0
Public Deposits at Head Office . . . . .	#	a.	p.	} 2,44,61,576	4	2	Loans on Government and other authorized Securities . . . . .				1,14,98,180	5	4
Public Deposits at Branches . . . . .	1,30,74,917	4	9				Accounts of Credit on Government and other authorized Securities . . . . .				79,92,635	14	5
Other Deposits at Head Office and Branches . . . . .	1,13,86,658	15	5				Bills discounted and purchased . . . . .				2,53,97,392	9	8
Bank Post Bills, &c. . . . .				3,01,22,802	13	2	Balances with other Banks . . . . .				9,61,891	13	2
Sundries . . . . .				3,66,427	14	2	Bullion . . . . .				13,577	3	7
				10,14,589	12	10	Dead Stock . . . . .				11,41,237	6	6
							Stamps . . . . .				9,710	3	6
							Sundries . . . . .				6,52,382	11	3
											5,88,29,564	9	5
							Cash and Currency Notes at Head Office . . . . .	#	a.	p.	} 2,21,92,517	1	11
							Cash and Currency Notes at Branches . . . . .	93,25,274	11	8			
								1,28,67,242	6	3			
<b>RUPES</b>				<b>8,10,22,081</b>	<b>11</b>	<b>4</b>	<b>RUPES</b>				<b>8,10,22,081</b>	<b>11</b>	<b>4</b>

BANK OF BENGAL,  
Calcutta, 21<sup>st</sup> May 1886.

J. GORDON,  
*Chief Acctt. & Dy. Secy.*

Rate for Demand Loans 6 per cent.  
Percentage 39.02

By Order of the Directors,  
W. D. CRUICKSHANK,  
*Offg. Secretary & Treasurer.*

TELEGRAPH DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 10th May 1886.*

**No. 4.**—Mr. C. F. H. Maclean, Assistant Superintendent, 1st Grade, is allowed furlough for six months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 3rd May 1886.

*The 21st May 1886.*

**No. 5.**—Mr. P. V. Luke, C I E., Superintendent, 3rd Grade, is allowed furlough for nine months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 23rd April 1886.

*The 22nd May 1850.*

**No. 6.**—Mr A. D. Hall, Assistant Superintendent, 1st Grade, is allowed furlough for twelve months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 14th April 1886.

A. J. LEPOC CAPPEL,

*Director General of Telegraphs in India.*

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

## NOTIFICATION.

*Indore Residency, the 21st May 1886.*

**No. 2008.**—The privilege leave granted in this Office Notification No. 1818, dated the 7th instant, to Captain E. S. Masters, Adjutant, Bhopal Battalion, has been extended to 17th June 1886.

By Order

F. L. PETRE,

*1st Asst. Agent to the Govr. Genl.*

*for Central India.*

AGENT TO THE GOVERNOR  
GENERAL, RAJPUTANA.

**NOTIFICATION.**

*Ahu, the 10th May 1886.*

**No. 1180 G.**—Lieutenant C. Hutton Dawson, Officiating Adjutant, Erinupura Irregular Force, is granted thirty-two days' privilege leave, with effect from the 22nd May 1886, or such subsequent date as he may avail himself of the same.

By Order,

HUGH DALY,

for 1st Asst. to the Agent to the Govr. Genl.,

*Kriptana.*

CHIEF COMMISSIONER OF AJMERE-  
MERWARA.

## NOTIFICATIONS.

*Mount Abu, the 19th May 1886.*

**No. 526-351.**—Under the provisions of Section 7, Act X of 1870 (Land Acquisition), the Chief Commissioner of Ajmere-Merwara is pleased to direct that whenever any land subject to his jurisdiction shall have been declared under the Act to be needed for a public purpose or for a company, the Commissioner of Ajmere-Merwara may direct the Collector to take order for the acquisition of such land.

*The 22nd May 1886.*

**No. 541-589.**—The Chief Commissioner is pleased to authorize the exercise by all Excise Officers in Ajmere-Merwara, not inferior in rank to a Sub-Inspector, of the powers described in Section 14, Act I of 1878<sup>1</sup> (Opium Act).

By Order,

HUGH DALY,

for 1st Asst. to the Agent to the Govr Genl.



## DIRECTOR GENERAL OF RAILWAYS.

## NOTIFICATIONS.—ESTABLISHMENT.

*Simla, the 20th May 1886.*

**No. 47.**—With reference to Public Works Department Notification No. 131, dated 14th May 1886, Mr. J. W. A. McNair, Class III of the Superior Revenue Establishment of State Railways, Stores Department, is posted to the Bilaspur-Etawah Railway.

**No. 48.**—Mr. J. W. Wilson, Class IV of the Superior Revenue Establishment of State Railways, Stores Department, is granted furlough in India for twelve months, with effect from the forenoon of 10th May 1886.

P. S. STANTON, *Colonel, R.E.,*  
*Director General of Railways.*

*Report of a Deserter or Absentee without leave from the 2nd Battalion, The Queen's Royal West Surrey Regiment of Infantry, dated at Fort William, Calcutta, this 21st day of May 1886.*

Number, Rank, and Name, <b>No. W. S.—347, Private</b> <b>James Jeffery.</b>	Place of residence for last 12 months before enlistment, Peckham, London, Surrey.
Age,—26 years 5 months.	Marks,—Scar, centre of forehead, scar, right temple, scar, left thigh, scar, left shin, two moles on back.
Size,—5 feet 5 inches.	Trade,—Labourer
Colour of—	Regimentals or plain clothes,—Regimentals, white clothing
Complexion, dark; Hair, dark brown; Eyes, grey.	REMARKS.—Was on pass till 4 A.M., 18th May 1886.
Date of Desertion,—18th May 1886.	Under 4 years' service.
Place of Absence,—Fort William, Calcutta.	
Date of Enlistment,—14th November 1882.	
At what Place Enlisted,—Guildford, Surrey.	
Parish and County in which Born,—Peckham, London; Surrey.	

W. J. HOLT, *Lieut.-Colonel,*  
*Comd'g 2nd Batta., The Queen's R. W. Surrey Regt.*

## Statement of Silver Balance in the Calcutta Mint for the week ending 26th May 1886.

Value of silver held in the Mint on account of the Currency Department on the evening of the 19th May 1886	₹	₹
Value of Government silver in the Mint on the same date	2,59,931	
	8,78,154	11,37,785
<b>ADD—</b>		
Silver received by the Mint during the week on account of the Currency Department	2,49,957	
Ditto ditto Government	250	2,50,213
<b>DEDUCT—</b>		
New coin paid to Reserve Treasury during the week	2,51,000	13,87,998
Petty items issued for miscellaneous purposes	...	2,51,000
Balance on the evening of the 26th May 1886	...	11,36,998
The Balance comprises—		
Silver held on account of the Currency Department	2,54,798	
Ditto ditto Government	8,82,290	11,36,998
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	39,927	
Ditto ditto Government	55,85,350	56,25,277

A. W. BAIRD, *Major, R.E.,*  
*Offg. Master of the Mint.*

CALCUTTA MINT,  
the 27th May 1886.

## CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

## Allahabad Circle.

## NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
7	D 17—87351	50	Bhawan Das Manohar Das, Benares.
8	D 20—62750	100	Mrs. S. J. DaCosta, Allahabad.
	" —68'35	100	

ALLAHABAD,  
The 26th May 1886.

H. J. BRERFTON,  
*Asst. Accountant Genl.,*  
*In charge of Paper Currency Office.*

## Lahore Circle.

## NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
8	F 20—94144*	100	Revd. F. Hildephonsus, Catholic Chaplain, Amballa.

\* Belonging to Agency No. 3, Umballa.

LAHORE,  
The 25th May 1886.

W. H. FERGERTON,  
*for Deputy Commissioner of Currency.*

## Madras Circle.

## NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
4	B 96—97834	100	N. Muhammad Sahib, Rowther
	" —97837	100	& Co., Kotagiri.

FORT ST. GEORGE,  
The 17th May 1886.

C. HALL,  
*Chief Superintendent,*  
*In charge of Paper Currency Dept.*

## FOR SALE AT THE PATNA OPIUM FACTORY SAW MILLS, GOOLZARBAUGH.

Two Armstrong's patent dovetailing machines adapted for cabinet makers and builders and packing-case makers.

They are of one inch pitch capable of dovetailing planking 15 inches wide and 1½ inches thick and will cut the dovetails at the rate of 20 feet of planking per minute.

Each machine is arranged for cutting ordinary and blind dovetails and dovetails on the angle and is easy to work. The discs being set to the proper angle, the board is fastened on the travelling table by a cramp which on being set in motion travels along the front face of the saws.

The machines are similar in construction to the one exhibited by Messrs. Robinson and Sons of Rachdale, England, at the Calcutta Exhibition of 1883-84.

Each machine cost £106 12s. 8d.

Landing in Calcutta plus }  
for carriage to Patna. } R43-13-0

These machines are perfectly new and are sold merely because they are not of the required specifications.

Offers are invited.

Apply to DR. H. WHITWELL,

Principal Assistant to Opium  
Agent, Benar, Patna

## POST OFFICE.

### NOTIFICATIONS.

Simla, the 6th May 1886.

With immediate effect, parcels will be received at any Indian Post Office for transmission *via* the United Kingdom to the Barbadoes and the Leeward Islands (Antigua, Dominica, Montserrat, Nevis, St. Kitts and Tortola)

2. The rate of postage for parcels addressed to the places named above will be one rupee per pound.

3. The limit of weight for such parcels will be seven pounds.

4. The conditions as to size, contents, value, customs declarations and manner of posting generally will be the same as those prescribed for parcels addressed to the United Kingdom and intended for delivery through the British Post Office.

L. G. WAIT,

Asst. Director General of the Post Office of India.

### Unclaimed letters held in the Calcutta General Post Office on 25th May 1886.

Adels, Mrs. C. L.	Groovy, G.	Reid, Miss L.
Allen & Co., W. H.	Mavonides, Themistocle	Schulze, W.
Drake, R.	Morton, Mrs. A.	Toussaint, H.
Fletcher, Mrs.	Pawer, J. O.	Wakusson, Messrs. A. C.

### Letters marked "Care of Post Office."

Angeli, Sig. D.	Goodfry, J. B.	Pace, J. B.
Barnes, G. J.	Goodall, Miss	Percy, A.
Barnett, Mr. James.	Gow, J. F.	Peterson, Dr. Geo.
Bates, J. N.	Grant, Mrs. M.	Phillips, W. G. St. A.
Biggs, Mon. F.	Griffith, Norris.	Powell, J. O.
Bowen, P. N.	Guerrier, H. J.	Preston, R. C. Campbell
Bowers, S.	Guyday, Mr.	Pyle, Mrs. C. L.
B. R.	Harrison, Mrs. G.	Randall, F.
Bush, C.	Hutton, H. Col.	Remington, Capt. F. A.
Capel, Lt.-Col.	Inman, Capt. C.	Rishworth, B. J.
Caws, Capt. A. E.	Inman, James	R. M. L. Miss
C. B. H.	J. M. Mc.	Rose, G. W.
Clarke, F. G.	Jelton, J. J. D.	Saiten, Miss M.
Cohen, Mr.	Jenkins, P. B.	Schmid, Otto.
Crawford, J.	Kelly, Miss G.	Sharpe, Capt. A.
Desai, H. T.	K. T. M.	Shaw, H. J.
Dimmock, Basil.	Kirkbride, J.	Simdwood, Geo.
D'Mello, Jose	Knight, Capt. M. J.	Smart, Mrs. R. B.
Dodd, C. B. N.	Lea, Jay	Smith, Harry St. C.
Dowling, D. G. A.	Lemaitre, A.	Sole, Rev. A. B.
D'Rotario, Miss J.	M. O.	Speer, A. I.
Drury, Surgeon F. J.	Macquon, T.	Stimulus, Walter.
Dufour, Madam.	Manfield, J. J.	Stone, Mrs. T.
Dukes, Mrs.	McDonald, Miss.	Storey, A.
Dundas, Mrs.	McLaughlin, John.	Straw, Mrs. R.
Dunbar, J. H.	Miller, Capt. John C.	Swingler, Mrs. C.
Eaton, Percy H.	Munich, Mr.	Todd, H. P.
Entwistle, R.	Murphy, Giuseppe.	Touzel, Rev. C. J. C.
Fez, Lt. Col.	Morris, Paul.	Walker, P. C.
Fox, R. C. W.	Murphy, H.	Ward, Lieut. B. R.
Gayer, A. H.	Noyes, Mrs. L.	Wesendorf, Henry.
Gilbert, Mrs. M.	Olsen, J.	Wilson, Mrs. Mark.

### Registered Letters.

Anderson, James.	Grogan, H. C.	Ross, A.
DeGruyther, L.	Guchner, H. J.	

### Unclaimed Letters held in the Barrackpore Post Office on the 17th May 1886

Agar, H.	Fowell, Capt. W.	Pitch, J.
Arsakel, M.	Hart, E. H.	Pearson, Re. A. C.
Banerjee, Gopalbunder	Hay, W.	Riddell, W.
Barnett, Lt.	Holmes, E. A.	Smith, W.
Charter, Sub-Conductor	Lindale, L.	Thomas, Major C. F.
Crossman, J.	Nichols, J.	Todd, Mrs.
Doyle, A. C.	Owen, M. S.	Towbert, C. H.

G. BARTON GROVES,

Offg. Presidency Postmaster, Calcutta.

The 29th May 1886.

It is hereby notified for general information that the following Mail Despatches to Ceylon will be made from the Calcutta General Post Office during June 1886.—

DATE OF CLOSING.	ROUTE.
5th June 1886*	By Star Line Private Vessel
8th June 1886	By P. & O. Steamer from Bombay.
9th June 1886*	By B. I. S. N. Co.'s Private Vessel.
9th June 1886	By P. & O. Steamer from Calcutta.
13th June 1886	By French Steamer.
16th June 1886*	By B. I. S. N. Co.'s Private Vessel.
22nd June 1886	By P. & O. Steamer from Bombay
23rd June 1886	By P. & O. Steamer from Calcutta.

\* These dates are subject to alteration in the event of departure of the vessel being delayed.

N.B.—The Letter Box will close at 7 P.M. precisely, after which hour letters fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover will be received up to 7-30 P.M.

The rate of postage on letters conveyed by private vessels is two (2) annas per ½ oz. (pre-payment compulsory).

The postage on letters conveyed by the P. & O. and French Steamers is three (3) annas per ½ oz. (pre-payment optional).

The 29th May 1886.

### SEA AND FOREIGN MAILS

Mails for	Date of closing at Calcutta.	Route by which despatched.
1886.		
Egypt, Europe, America, Cape Colonies through United Kingdom	29th May	Per P. & O. Str. from Bombay.
Ditto ditto ditto	5th June	Ditto.
Ditto Book Post and Pattern Packets	14th "	Ditto.
Mauritius, Malé (Seychelles) Mayotte, Nos. Be, and Reunion	29th May	Ditto.
Zanzibar, Mozambique, and East Coast of Africa generally, Delagoa Bay, Natal and Cape Colonies by B. I. Steamers from Aden to Zanzibar and thence by the Castle Mail Packet	12th June	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankol (Suma), Philippines Islands, China and Japan	5th "	Ditto.
Australia, New Zealand and Tasmania	8th "	Ditto.
Madras and Colombo	9th "	Per P. & O. Str. to Nepal.
Straits and Hong-Kong	7th "	Per Str. <i>Wan-ang</i>
Rangoon and Moussam	2nd "	Per Str. <i>Africa</i>
Akyal, Kyauk Phyo, and Rangoon	2nd "	Per Str. <i>Cocoma</i>
Port Blair and Camorta	3rd "	Per Str. <i>Maria</i>
Straits and Hong-Kong	29th May	Per Str. <i>Japan</i> .

N.B.—The Letter Box will close at 7 P.M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover, will be received up to 7-30 P.M.

G. BARTON GROVES,

Offg. Presidency Post Master.

### GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for quinine, and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanic Garden, Calcutta, *for cash only*, at the following rates—per four-ounce tin, *Rs. 7-8*; per eight-ounce tin, *Rs. 8-8*; per pound tin, *Rs. 10-8*. The general public can be supplied by the Superintendent, Botanic Garden, *for cash only*, at the under-noted rates—per four-ounce tin, *Rs. 5-8*; per eight-ounce tin, *Rs. 10-8*; per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight-ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

## گورنمنٹ سنکونا فبري فيوج

یہ دوا کوئینائین کا خوب قائم مقام ہی اور کلکتہ کے بوٹانکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری واسطے سرکاری کام اور خیرات کے اور سوائے ان کے کو کوئی ایک مشہد بیس پونڈ خرید لینے سے بقیہ نقد حسب نرخ ذیل خرید کر سکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا سولہ روپیہ آٹھ آنہ

اور عوام الناس بوٹانکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ ذیل خرید کر سکتے ہیں یعنی نرخ چار اونس کے تین کا پانچ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا دس روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا بیس روپیہ

یہ دوا کلکتہ کے بڑے بڑے ولایتی اور دیسی دوا خانوں میں بکتی ہی ماسوائے قیصری مذکورہ بالا نے محصول ڈاک چار اونس کے تین کا آٹھ آنہ ; اور ایک پونڈ کے تین کا بارہ آنہ

## CRYSTALLYNE CINCHONA FEBRIFUGE.

A new and improved preparation made at the Government Factory from Red Cinchona Bark. This is a more perfect substitute for Quinine than the ordinary uncrystallized Febrifuge. It can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds and upwards* at a time, from the Superintendent, Royal Botanic Garden, Seebpore, near Calcutta, for *cash only*, at the following rates: per four-ounce tin, Rs 6-8; per eight-ounce tin, Rs 12-8; per pound tin, Rs 24. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, Rs 8-8; per eight-ounce tin, Rs 16-8; per pound tin, Rs 32. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates.

## کرسٹلین سنکونا دوائی بخار

لال سنکونا دوا کی ایک نئی اور عمدہ دوا گورنمنٹ واکٹری میں اور سبکی سے معیولی سے عاف کی ہوئی دوائی بخار سے کوئین کے لئے یہ بہت خوب قائم مقام ہی اور سبب روز محصول ڈاک کے تین کا آٹھ آنہ ; اور ایک پونڈ کے تین کا سولہ روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا بیس روپیہ آٹھ آنہ ; اور ایک پونڈ کے تین کا دس روپیہ آٹھ آنہ ; اور ایک پونڈ کے تین کا بیس روپیہ آٹھ آنہ

اور عام لوگوں کو بوٹانکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے نقد اس بہار پر مل سکتا ہی یعنی چار اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا سولہ روپیہ آٹھ آنہ اور ایک پونڈ کے تین کا سولہ روپیہ آٹھ آنہ کلکتہ کے بڑے بڑے ولایتی اور دیسی دوا خانوں میں بکتی ہی محصول ڈاک چار اونس کے تین کا آٹھ آنہ ; اور ایک پونڈ کے تین کا بارہ آنہ علاوہ اور ایسی ہوتی نرخ سے ہی

## METEOROLOGICAL PUBLICATIONS FOR SALE.

At the Meteorological Office, No. 5, Russell Street; also at Messrs. Thacker, Spink & Co., at the prices specified below.—

- Report on the Meteorology of India in 1875, 4to, 89 pages text, 107 pages tables, 3 charts. Rs.
- Report on the Meteorology of India in 1876, 4to, 97 pages text, 340 pages tables, 3 charts. Rs.
- Report on the Meteorology of India in 1877, 4to, 103 pages text, 375 pages tables, 3 charts. Rs.
- Report on the Meteorology of India in 1882, 4to, 152 pages text, 208 pages tables, 8 charts. Rs.
- Report on the Meteorology of India in 1883, 4to, 150 pages text, 305 pages tables, 6 charts. Rs.
- Report on the Meteorology of India in 1884, 4to, 153 pages text, 305 pages tables, 6 charts. Rs.
- Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 1 plate. Rs.
- Indian Meteorological Memoirs, Vol. I, Part II, 4to, 63 pages, 4 plates. Rs.
- Indian Meteorological Memoirs, Vol. I, Part III, 4to, 86 pages, 1 plate. Rs.
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- Indian Meteorological Memoirs, Vol. I, Part VI, 4to, 62 pages. Rs.
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- Indian Meteorological Memoirs, Vol. II, Part IV, 4to, 232 pages, 27 plates. Rs.
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- Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to, 87 pages, 4 plates. Rs.
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- Rainfall Chart of India showing the average annual distribution of rainfall (in colours). 8a.
- Rainfall Map of India (in two sheets, scale 64 miles to one inch), showing the annual distribution of rainfall (in colours). Rs.
- Register of Original Observations of six stations in India for each of the years 1870 to 1884, corrected and reduced. Each year, Rs.
- The Indian Meteorologist's Vade Mecum, Part I [Instructions to Observers]. Rs.
- The Indian Meteorologist's Vade Mecum, Part II [The Meteorology of India]. Rs.
- Tables for the Reduction of Meteorological Observations in India. Rs.

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Vol. XIX. Dacca.

Vol. XX. Furreedpore.

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Vol. XXIII. Tipperah.

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# The Gazette of India.

PUBLISHED BY AUTHORITY

CALCUTTA, SATURDAY, MAY 29, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### HINDU FAMILY ANNUITY FUND.

*Abstract Statement of the Audited Accounts of the Hindu Family Annuity Fund for the Quarter ended 30th June 1885.*

Receipts	Amount	Disbursements	Amount
	<i>R a p.</i>		<i>R a p.</i>
Subscription . . . . .	6,880 7 6	Annuity . . . . .	1,153 0 0
Entrance Fees . . . . .	37 0 0	Establishment . . . . .	314 14 3
Interest . . . . .	3,257 12 5	Miscellaneous . . . . .	232 1 1
Miscellaneous . . . . .	0 10 0	Valuation of Assets and Liabilities . . . . .	634 11 6
Deposits . . . . .	134 1 3	Government of India . . . . .	10,587 0 5
Government of India Amount withdrawn . . . . .	2,532 0 0	Deposits . . . . .	370 2 0
Advances Recoverable . . . . .	432 3 2	Interest on Security Deposit . . . . .	10 10 0
Opening Cash Balance . . . . .	378 13 0	Closing Cash Balance . . . . .	359 8 6
<b>TOTAL R</b>	<b>13,661 15 0</b>	<b>TOTAL R</b>	<b>13,661 15 0</b>

Published by order of the Directors agreeably to Rule 75

GOBIND CHUNDER SEAL,  
DOORGA DOSS BOSE,  
*Auditors.*

RAMAPRASANNA GHOSH, M.A., B.L.,  
*Secretary*

THE HINDU FAMILY ANNUITY FUND OFFICE,  
CALCUTTA.  
*The 16th May 1886*

### PROMISSORY NOTES.

#### Lost.

The Government Promissory Note No. 224397 of the 4 per cent. of 1865, for ₹100, standing in the name of Bama Churn Mitter, the proprietor, by whom it was never endorsed to

any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

BAMA CHURN MITTER,  
*Plender, Small Cause Court.*

**Lost or Stolen.**

The lower half of Government Promissory Note No. 052357, of the 4½ per cent. of 1879 portion, for ₹2,000, originally standing in the name of Russick Lall Ghose, and last endorsed to Russick Lall Ghose, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

TARA PROSAD CHATTERJEE,

*Treasury Officer, Burdwan.*

BURDWAN COLLECTORATE,

*The 19th May 1886.*

**Stolen.**

The upper half of the Government Promissory Note, No. 174407, of the 4 per cent. loan of 1st May 1865, for ₹500, originally standing in the name of the Bank of Madras, and lastly endorsed by Mr. Rajagopala Chary to V. Thavasumuthu Nadar, the proprietor, by whom it was never endorsed to any other person, was stolen with the proprietor's writing-box, which contained it, on the night of 1st October 1885, from the Abkary Office at Trivandrum. The transfer endorsements are only on the upper half of the Promissory Note and not on the lower half. Payment of the above note and of the interest thereupon have been in consequence stopped at the Loan Office, and application is about to be made to Government for the issue of a duplicate note in favour of the proprietor.

V. THAVASUMUTHU NADAR,

*Abkary Contractor, residing at Porayar,  
near Tranquebar.*

QUILON,

*The 25th October 1885.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 23. }

SIMLA, SATURDAY, JUNE 5, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## CONTENTS.

**PART I.**—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations.

**PART II.**—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers, Postal, Telegraph, and Commissariat Notices.

**PART III.**—Advertisements and Notices by private individuals and Corporations.

**PART IV.**—Acts of the Governor-General's Council assented to by the Governor-General.

*Nothing for publication.*

**PART V.**—Bills introduced into the Council of the Governor-General for making Laws and Regulations, or published under Rule 2.—

The Indian Bankruptcy Bill, 1886.

SUPPLEMENT No. 23.

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### HOME DEPARTMENT.

#### NOTIFICATIONS.—ESTABLISHMENTS.

*Simla, the 29th May, 1886.*

**No. 173.**—A vacancy having occurred in the office of an Ordinary Member of the Council of the Governor-General of India by the death of the Honourable Major-General Thomas Elliott Hughes, C.I.E., R.A., and no person provisionally appointed to succeed being present on the spot, the Governor-General of India in Council has been pleased, under the provisions of the Statute 24 and 25 Vic., Cap. 67, Section 27, to appoint COLONEL OLIVER RICHARDSON NEWMARCH, Bengal Staff Corps, Officiating Secretary to the Government of India in the Military Department, to be a temporary Member of the Council of the Governor-General of India. COLONEL NEWMARCH has this day taken his seat in Council under the usual salute.

*The 31st May, 1886.*

**No. 177.**—*Appointment.*—Lieutenant L. E. Elliott, 29th Regiment, Punjab Infantry, to be an Assistant Commissioner of the 4th Grade in Burma.

*The 1st June, 1886.*

**No. 181.**—The services of Mr. H. St. G. Tucker, C.S., Deputy Commissioner of the 3rd Grade in the Punjab, are placed at the disposal of the Foreign Department, with effect from the afternoon of the 3rd ultimo.

*The 2nd June, 1886.*

**No. 185.**—Mr. G. J. S. Hodgkinson, C.S., Commissioner of the Irrawaddy Division in British Burma, is placed on special duty at Rangoon.

**No. 186.**—Mr. W. de Courcy Ireland, B.A., LL.D., Deputy Commissioner of the 1st Grade, is appointed to officiate as Commissioner of the Irrawaddy Division, &c. Mr. G. J. S. Hodgkinson.

#### EXAMINATIONS.

*The 2nd June, 1886.*

**No. 18.**—Mr. E. Lawrence, of the Bombay Civil Service, having obtained a Degree of Honor in Persian, in the 1st Division, has been presented with the authorized donation of Rs. 4,000.

#### MEDICAL.

*The 31st May, 1886.*

**No. 221.**—The services of Surgeon J. F. MacLaren, M.B., in Medical charge of the 12th Bengal Cavalry, are placed temporarily at the disposal of the Government of the North-Western Provinces and Oudh.

*The 4th June, 1886.*

**No. 228.**—For paragraph 6 of Home Department Notification No. 150, dated 15th March, 1880, substitute the following:—

“6. In all Provinces for which a separate Sanitary Commissioner is sanctioned, the Sanitary

Department will remain distinct from, and not subordinate to, the Medical Department; and in selection for such posts, knowledge and experience as a Sanitary Officer will be specially considered. The Sanitary Commissioners of these Provinces shall no longer, in virtue of their appointments as such, have the rank and privileges of Deputy Surgeon General. This rule will apply to all officers appointed as Sanitary Commissioners after the 19th March, 1886, the date of receipt of the Secretary of State's Despatch No. 37 Military, dated London, 25th February, 1886. As a compensation for the withdrawal from Sanitary Commissioners of the rank and privileges of a Deputy Surgeon General, Her Majesty's Government have sanctioned the annual grant of four extra pensions of £100 each to senior officers of the Indian Medical Department in the proportion of two for the Bengal and one each for the Madras and Bombay Medical Services. The conditions attaching to the grant of these pensions will be published as a Special India Army Circular by the Military Department."

## JUDICIAL.

*The 31st May, 1886.*

**No. 720.**—Whereas the district referred to in Home Department Notification No. 1203, dated 23rd September, 1874, as the Upper Godavari District of the Central Provinces has been abolished and the territory forming the same has been constituted a subdivision, known as the Sironcha Tahsil of the Chanda District of the Nagpur Division of the same Provinces; and whereas it is therefore expedient to amend the said Notification, and for the purposes thereof to place the said Tahsil, along with the rest of the Nagpur Division, under the jurisdiction of the High Court at Bombay, the Governor-General in Council is pleased, in exercise of the powers conferred by the Statute 28 & 29 Vic., c. 15, s. 3, to cancel the words "Upper Godavari District of the Central Provinces" in the said Notification, and to authorise and empower the High Court at Bombay to exercise original and appellate criminal jurisdiction over European British subjects of Her Majesty within the territory formerly comprised in the Upper Godavari District, and now forming the Sironcha Tahsil of the Chanda District of the Nagpur Division of the Central Provinces.

## POLICE.

*The 3rd June, 1886.*

**No. 276.**—The services of Mr. H. G. Wilkins, District Superintendent of Police, Bengal, are replaced at the disposal of the Government of Bengal, with effect from the date on which he assumes charge of the duties of the Deputy Commissioner of Police, Calcutta.

## PORT BLAIR.

*The 31st May, 1886.*

**No. 323.**—Mr. H. Godwin-Austen, Extra Assistant Superintendent, 1st Class, Port Blair and the Nicobars, is granted leave on private affairs for six months, with effect from the 19th proximo, or any subsequent date on which he may avail himself of it.

**No. 324.**—Mr. M. V. Portman, Extra Assistant Superintendent, 2nd Class, Port Blair and the

Nicobars, is appointed to officiate as Extra Assistant Superintendent, 1st Class, during the absence on leave of Mr. H. Godwin-Austen, or until further orders.

## ECCLESIASTICAL.

*The 31st May, 1886.*

**No. 146.**—The Reverend K. E. Barrow, M.A., a Junior Chaplain on the Bengal Ecclesiastical Establishment, to be a Senior Chaplain, with effect from the 24th instant.

## PATENTS.

*The 31st May, 1886.*

**No. 647.**—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

**No. 154 of 1885.**—William Johnson, Hat manufacturer, of Nos. 1, 2 and 3, Sackville Street, and No. 40, Piccadilly, in the County of Middlesex, England, for improvements in ventilating hats and helmets.

**No. 167 of 1885.**—Charles Allan Jones, of Hatherley Court, Gloucester, England, Solicitor, for improvements in folding tables, music stands or desks, or stand of a similar nature.

**No. 49 of 1886.**—Louis Sepulchre, of Herstal-lez-Liege, in the Province of Liege and Kingdom of Belgium, manufacturer, for improvements in lamps for burning mineral oils, applicable also to gas burners.

A. P. MACDONNELL,

*Offg. Secretary to the Government of India.*

## REVENUE AND AGRICULTURAL DEPARTMENT.

## NOTIFICATIONS.—SURVEYS.

*Simla, the 4th June, 1886.*

**No. 494—83 S.—Erratum.**—In Notification No. 449—83 S., dated 21st May, 1886, for "5th instant," read "27th April, 1886."

## EMIGRATION.

*The 3rd June, 1886.*

**No. 164—246 E.**—In exercise of the power conferred by Section 16, sub-section (2), of the Indian Emigration Act, 1883, the Governor-General in Council is pleased to direct that the authority of the Protector of Emigrants for the Port of Calcutta shall extend to the territories under the administration of the Lieutenant-Governors of Bengal, the North-Western Provinces, and the Punjab, and the Chief Commissioners of Oudh and the Central Provinces, respectively.

C. J. LYALL,

*Offg. Secretary to the Government of India.*

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**STAR OF INDIA.**

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**NOTIFICATION.**

*Simla, the 29th May, 1886.*

*No. 27 S.I.*

Her Majesty the Queen and Empress of India has been graciously pleased to make the following appointments to the Most Exalted Order of the Star of India:—

*To be Knights Commanders.*

The Honorable Theodore Cracraft Hope, C.S.I., C.I.E., (Barrister-at-Law), Member of the Council of the Governor-General of India.

Charles Edward Bernard, Esq., C.S.I., Bengal Civil Service, Chief Commissioner of Burma.

Nawab Khwaja Abdul Ghani, C.S.I., of Dacca.

William Chichele Plowden, Esq., F.S.S., late of the Bengal Civil Service (Retired).

*To be Companions.*

William George Pedder, Esq., Secretary of the Revenue, Statistics and Commerce Department, India Office.

Alexander Mackenzie, Esq., B.A., Bengal Civil Service, Secretary to the Government of India, Home Department.

Charles Bradley Pritchard, Esq., Bombay Civil Service, Commissioner of Customs, Salt, Opium and Abkari, Bombay.

By Order of the Grand Master,

H. M. DURAND,

*Secretary to the Most Exalted Order of the  
Star of India.*

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**INDIAN EMPIRE.**

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**NOTIFICATION.**

*Simla, the 29th May, 1886.*

*No. 28 I.E.*

Her Majesty the Queen and Empress of India has been pleased to appoint the undermentioned gentlemen, who by their services have merited the Royal favour, to be Companions of the Order of the Indian Empire:—

Surgeon-General Michael Cudmore Furnell, M.D., Indian Medical Service, Surgeon-General with the Government of Madras.

Seth Lachhman Das, of Muttra

Edward Spence Symes, Esq., Bengal Civil Service, Secretary to the Chief Commissioner of Burma.

Rao Bahadur Ranchhod Lal Chhotalal, President of the Ahmedabad Municipality.

Deputy Surgeon-General Alexander Morison Dallas, Indian Medical Service, Inspector-General of Civil Hospitals, Punjab.

Frederick Charles Kennedy, Esq., Manager of the Irrawaddy Flotilla Company, Limited, Burma.

By Order of the Grand Master,

H. M. DURAND,

*Secretary to the Order of the Indian Empire.*

## FOREIGN DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 29th May, 1886.**No. 1755 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Maharaj Kumari Radeshwari Kishori Kuar, of Tikari, in the District of Gya, Bengal, the title of "Maharani," as a personal distinction.

*No. 1756 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Kumar Rameshwar Singh, of Durbhunga, the title of "Raja Bahadur," as a personal distinction.

*No. 1757 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Kumar Rajendra Narayan Roy Chowdry, Zamindar of Bhowal, in the District of Dacca, Bengal, the title of "Raja Bahadur," as a personal distinction.

*No. 1758 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Rai Mela Ram, of Lahore, the title of "Rai Bahadur," as a personal distinction.

*No. 1759 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Lalla Umrao Singh, Assistant Superintendent, Railway Mail Service, the title of "Rai Bahadur," as a personal distinction.

*No. 1760 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Babu Mohesh Chandra Chakravarti, of Harisankarpore, in the District of Jessore, Bengal, the title of "Rai Bahadur," as a personal distinction.

*No. 1761 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Rao Sahib Balaji Krishna Bendigeri, late Diwan of Savanur, in the Bombay Presidency, the title of "Rao Bahadur," as a personal distinction.

*No. 1762 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Mr. Narayan Sakharam Fadnis, Chairman of the Bench of Honorary Magistrates for the town of Satara and a member of the Municipal and Local Boards of Satara, the title of "Rao Bahadur," as a personal distinction.

*No. 1763 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Babu Durga Prasad, Talukdar and Honorary Magistrate, Gorakhpur, North-Western Provinces, the title of "Rai Bahadur," as a personal distinction.

*No. 1764 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Maulvie Muhammad Ali Khan, of Dinagepore, in the Rajshahye Division, Bengal, the title of "Khan Bahadur," as a personal distinction.

*No. 1765 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Shaikh Altaf Hosein, Rais of Lucknow, Landholder and Honorary Magistrate, Cawnpore, the title of "Khan Bahadur," as a personal distinction.

*No. 1766 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Mr. Rustomjee Jamsjee Ashburner, late Treasurer of the Bombay Currency Office, the title of "Khan Bahadur," as a personal distinction.

*No. 1767 I.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Mr. Rustonji Mameckji, late 1st Grade Clerk, Presidency Pay Office, Bombay, the title of "Khan Sahib," as a personal distinction.

*No. 1062 E.*

His Excellency the Viceroy and Governor-General is pleased to confer upon Bhagwan Das, Commissariat Contractor and Banker, Rangoon, the title of "Rai Bahadur," as a personal distinction.

*No. 1063 E.*

His Excellency the Viceroy and Governor-General is pleased to confer upon the gentlemen mentioned below the title of "Kyet thaye zaung Shwe Salwè Ya Min," as a personal distinction:—

Maung Ba Wa, 2nd Judge of the Rangoon Small Cause Court

Maung Po, Extra Assistant Commissioner, Insein.

Maung Po Hmyin, Honorary Magistrate and Municipal Commissioner, Rangoon.

## GENERAL.

*The 2nd June, 1886.*

**No. 1107 G.**—The Governor-General in Council is pleased to recognize the appointment of Mr. B. Achille, as Acting Consul for Italy at Bombay, during the absence of Mr. F. Bozzoni.

*The 3rd June, 1886.*

**No. 1116 G.**—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Mr. R. A. Lowndes, as Consular Agent for the United States of America at Akyab, *vice* Mr. C. Gardner.

## INTERNAL.

*The 2nd June, 1886.*

**No. 1815 I.**—Major S. H. Yule, Commanding at Sipri, is vested with the powers of a Magistrate of the 3rd Class, as described in Sections 32 and 33 of the Code of Criminal Procedure, to be exercised within the limits of the Sipri Cantonment.

*The 3rd June, 1886.*

**No. 1334 I.**—In exercise of the power conferred by Section 9 of the Indian Christian Marriage Act, 1872, the Governor-General in Council is pleased to license the Reverend T. E. F. Morton, Pastor of the Methodist Episcopal Church at Amere, to grant certificates of marriage between Native Christians in the Native States of the Rajputana Agency.

H. M. DURAND,

*Secretary to the Government of India.*

## FRONTIER.

*Lahore, the 13th May, 1886.*

**No. 566.**—In exercise of the powers conferred by Section 3 of the Scheduled Districts Act, 1874, the Lieutenant-Governor of the Punjab is pleased, with the previous sanction of the Governor-General in Council, to declare Act XX of 1863 (to enable the Government to divest itself of the management of Religious Endowments) to be in force in the following Scheduled Districts of the Punjab, namely,—

Hazara, Peshawar, Kohat, Bannu, Dera Ismail Khan and Dera Ghazi Khan.

W. M. YOUNG,

*Secretary to the Government of the Punjab.*



## DEPARTMENT OF FINANCE AND COMMERCE.

## NOTIFICATIONS.

## ACCOUNTS AND FINANCE.

Simla, the 2nd June, 1886.

**No. 1178.**—*Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.*  
**April 1886.** (Lakhs of Rupees.)

	IN APRIL		END OF		WHOLE YEAR.	
	1886-87.	1885-86	1886-87	1885-86	Prelim. 1886-87	Actuals, Preliminary 1885-86
[For the explanation of these heads, see <i>Tables of India</i> , dated 22nd December, 1883, Part I, page 407.]						
<b>Civil Revenue.</b>						
Land Revenue (including Land Revenue due to Irrigation)	1,61	1,70			23,32	23,15
Opium	82	71			6,23	8,05
Salt	57	55			6,30	6,34
Stamps	33	31			3,00	3,00
Excise	31	31			1,14	1,15
Provincial Rates	20	23			2,01	2,03
Customs	13	13			1,17	1,20
Assessed Taxes	2	7			1,34	50
Forest (Mitra and Bombay only)	2	2			42	44
Registration	2	2			31	31
Tributes from Native States	5	5			71	71
Other Civil Revenue	23	20			3,70	3,40
<b>TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT: GROSS</b>	<b>4,00</b>	<b>4,45</b>			<b>56,83</b>	<b>55,79</b>
<b>Civil Expenditure.</b>						
Interest on Ordinary Debt and that on Productive Public Works	32	30			3,82	3,81
Opium	97	1,09			2,05	3,95
Other Civil Expenditure	1,75	1,67			22,15	22,25
<b>TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT: GROSS</b>	<b>3,04</b>	<b>3,12</b>			<b>28,02</b>	<b>29,11</b>
<b>Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.</b>						
[The figures comprising Revenue, Expenditure, and Debt and Remittance Transactions.]						
Post Office (Net: + Receipts more, Receipts less, than issue)	+ 37				+ 40	+ 80
Forest, Telegraph, Marine (Net as above)	- 2	- 9			- 1	- 33
Guaranteed and Subsidized Railway (Net as above)	+ 52	+ 57			+ 4,07	+ 4,95
Do Repayment of surplus profits, &c.					- 42	- 45
Military Receipts	+ 7	+ 6			+ 83	+ 1,06
Military Issue	- 1,10	- 1,51			- 12,90	- 14,72
Public Works Department						
State Railway Receipts	+ 47	+ 30				+ 4,18
State Railway Issue	- 67	- 54			- 2,35	- 5,88
East Indian Railway Receipts	+ 40	+ 39			+ 2,80	+ 4,18
East Indian Railway Issue	- 10	- 8				- 1,35
Ordnance Branch Receipts	+ 13	+ 9				+ 1,60
Ordnance Branch Issue	- 61	- 70			- 5,44	- 7,53
<b>TOTAL NON-CIVIL DEPARTMENTS</b>	<b>- 47</b>	<b>- 1,51</b>			<b>- 13,02</b>	<b>- 13,51</b>
<b>Civil Debt and Remittance Transactions.</b>						
Permanent Debt (Net: + Receipts more, Receipts less, than issue)					- 2	- 6
Mint Coinage and Bullion Advances (Net as above)	+ 5	+ 10				+ 17
Exchange Adjustment Account	34	25			4,55	2,30
Council Budget and Publicity: Telegraphical Receipts	- 1,24	- 1,60			- 13,33	- 11,17
Other Debt and Remittance Transactions	43	4			+ 1,73	+ 25
<b>TOTAL DEBT AND REMITTANCE TRANSACTIONS</b>	<b>1,06</b>	<b>1,32</b>			<b>- 10,67</b>	<b>- 13,17</b>
<b>GRAND TOTAL RECEIPTS AND ISSUES</b>	<b>1,10</b>	<b>- 2,03</b>			<b>- 1,78</b>	<b>+ 20</b>
Opening Cash Balance in Treasuries and Presidency Banks	12,74	12,54			12,40	12,54
Closing Cash Balance in Treasuries and Presidency Banks	11,61	10,51			10,62	12,74

## LEAVE AND APPOINTMENTS.

*The 4th June, 1886.*

**No. 1170.**—The services of Surgeon-Major H. E. Busteed having been replaced at the disposal of the Government of Madras, in view to his retirement from the public service, and Surgeon-Major J. Scully having been appointed as Assay Master, Calcutta Mint, Surgeon-Major H. E. Busteed made over, and Surgeon-Major J. Scully received, charge of that appointment after noon on the 28th May, 1886.

**No. 1182.**—Mr. W. T. Piercy, Assistant Accountant-General, Bengal, having returned from privilege leave, received charge of his office, from Mr. C. G. Vansittart, before noon on the 21st May, 1886, and Mr. Vansittart resumed charge of his duties as Assistant Comptroller General, Paper Currency Office, before noon on 22nd May, 1886.

**No. 1102.**—Mr. T. W. Rawlins, Accountant-General and Commissioner of Paper Currency, Bombay, having been granted privilege leave for three months, and the following appointments having been made during his absence—

(1) Mr. A. F. Cox appointed to officiate as Accountant-General and Commissioner of Paper Currency, Bombay,

and

(2) Mr. C. E. Crawley to officiate as Deputy Accountant-General, Bombay—

Mr. Rawlins made over, and Mr. Cox received, charge of the offices of Accountant-General and Commissioner of Paper Currency, Bombay, and Mr. Crawley received charge of the office of Deputy Accountant-General, Bombay, from Mr. Cox after noon on the 21st May, 1886.

**No. 1204.**—Surgeon F. C. Reeves having been appointed to officiate as Deputy Assay Master, Calcutta Mint, received charge of that office before noon on the 31st May, 1886.

**No. 1211.**—The following grade promotions among the officers of the Account Department during the month of May, 1886, are notified—

With effect from the 10th May, 1886, in consequence of the departure of Mr. H. F. Clogstoun on privilege leave—

Mr. E. W. Kellner to officiate as Accountant-General, Class II.

Mr. W. Donald to officiate as Accountant-General, Class III.

Mr. F. De H. Larpent to officiate as Enrolled Officer, Class II.

Mr. H. S. Groves to officiate as Enrolled Officer, Class III.

Moung Hla Oung to officiate as Enrolled Officer, Class IV.

With effect from the 22nd May, 1886, in consequence of the departure of Mr. T. W. Rawlins on privilege leave—

Mr. H. F. Clogstoun (on privilege leave) and Mr. E. J. Sinkinson to officiate as Accountant-General, Class I.

Mr. A. F. Cox to officiate as Accountant-General, Class II.

Mr. T. H. S. Biddulph (on privilege leave) and Mr. C. J. Rivett-Carnie to officiate as Enrolled Officer, Class II.

Mr. C. E. Crawley to officiate as Enrolled Officer, Class III.

Mr. A. H. Anthony (on privilege leave) and Mr. C. G. Vansittart to officiate as Enrolled Officer, Class IV.

## CODES.

*The 2nd June, 1886.***No. 1128.**

## CIVIL LEAVE CODE.

PAGE 104.

Section 127.

Rule 6.

Insert the following after "Engineer" in the first line of this Rule:—

"or an Examiner."

D. M. BARBOUR,

*Secretary to the Government of India.*

## MILITARY DEPARTMENT.

*Simla, the 29th May, 1886.*

## APPOINTMENTS.

**No. 360.**—PERSONAL STAFF—

The Viceroy and Governor-General has been pleased to make the following appointments on His Excellency's Personal Staff—

*To be Honorary Surgeons.*

Brigade-Surgeon W. Temple, M.B., V.C., Medical Staff.

Brigade-Surgeon J. A. Scott, Medical Staff.

*The 4th June, 1886.*

## APPOINTMENTS.

**No. 361.**—With reference to G. G. O. No. 188 of 1885, the Governor-General in Council is pleased to appoint Colonel R. C. Low, C.B., Bengal Cavalry, to the command of the 1st Brigade in Upper Burma, *vice* Brigadier-General G. C. Hoddington, Madras S. C., nominated to the command of a Brigade in the Madras Presidency. Dated 29th May, 1886.

**No. 362.**—BRIGADE—

With reference to G. G. O. No. 189 of 1886, Colonel R. C. Low, C.B., Bengal Cavalry, to have the temporary rank of Brigadier-General (2nd Class) whilst commanding a Brigade of the Field Force in Upper Burma.

**No. 363.**—ADJUTANT-GENERAL'S DEPARTMENT—

Captain J. E. Mann, Bengal S. C., Wing Officer, 5th Punjab Infantry, Punjab Frontier Force, to be a Deputy-Assistant Adjutant General for Muketty, *vice* Major G. W. Rogers, who vacates the appointment on being appointed Commandant of the 2nd Battalion, 1st Goorkha Regiment. Dated 15th May, 1886.

**No. 364.**—COMMISSARIAT DEPARTMENT—

Lieutenant-Colonel S. Beckett, C.B., Assistant Commissary-General for Transport, 3rd Class, to be Assistant-Commissary-General for Transport, 2nd Class;

Major G. H. Elliott, Assistant-Commissary-General for Transport, 4th Class, and officiating Assistant-Commissary-General for Transport, 3rd Class, to be Assistant-Commissary-General for Transport, 3rd Class.

Major S. D. Turnbull, Sub-Assistant-Commissary-General for Transport, 1st Class, to be Assistant-Commissary-General for Transport, 4th Class;—

Captain E. K. E. Spence, Sub-Assistant-Commissary-General for Transport, 2nd Class, and officiating Assistant-Commissary-General for Transport, 4th Class, to be Sub-Assistant-Commissary-General for Transport, 1st Class;—

with effect from 21st May, 1886, *vice* Lieutenant-Colonel D. L. R. F. Woodbridge, Assistant Commissary-General for Transport, 2nd Class, transferred to the Adjutant General's Department.

#### No. 365.—MILITARY SECRETARIAT—

Lieutenant-Colonel E. H. H. Collen, Bengal S. C., Deputy Secretary and officiating Accountant-General, Military Department, to officiate as Secretary to the Government of India, Military Department, *vice* Colonel O. R. Newmarch, appointed to act as an Ordinary Member of the Council of the Governor-General of India. Dated 29th May, 1886.

#### No. 366.—NATIVE ARMY—

*12th Bengal Cavalry.*

The following direct appointment is made, with effect from date of joining:—

Gopil Singh to be Jemadar, on probation, to fill an existing vacancy.

#### No. 367.—STATE CORPS—

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Secretary of State for India:—

Lieutenant Algernon George Peyton, East Surrey Regiment, Squadron Officer, 9th Bengal Lancers, — 25th April, 1886.

Lieutenant Marland Cooper, 1st Volunteer Regiment, Squadron Officer, 16th Bengal Lancers, — 13th October, 1884.

Lieutenant Alexander Augustus Elphinstone Campbell, Derbyshire Regiment, Wing Officer, 27th Bengal Infantry, — 23rd November, 1884.

Lieutenant John Munroe Smith, Norfolk Regiment, Company Wing Officer, 5th Goonda Regiment, — 25th March, 1885.

#### FURLOUGH AND LEAVE.

No. 368.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Colonel R. M. Smith, R.E., (m. c.) for six months.

Captain F. W. St. G. Wolchman, Bengal S. C., (m. c.) for four months.

No. 369.—Deputy-Assistant-Commissary and Honorary Lieutenant T. Lee, Commissariat Department, Transport Branch, is granted leave in India (m. c.) for 183 days, under rule XXV of the regulations of 1868, with effect from the 25th March, 1886.

#### LONDON GAZETTE.

No. 370.—The following extract is published for general information:—

"*London Gazette*," dated the 4th May, 1886, page 2129.

"WAR OFFICE;

*Pall Mall*; 4th May, 1886.

#### MEMORANDA.

\* \* \* \*

Deputy-Commissary and Honorary-Captain John McDermott, Bengal Establishment, to have the honorary rank of Major on retirement. Dated 2nd August, 1885.

Deputy-Assistant-Commissary Alfred Wiffen, Bombay Establishment, to have the honorary rank of Lieutenant. Dated 20th February, 1886."

#### PROMOTIONS.

No. 371.—The following promotions are made, subject to Her Majesty's approval:—

*To be Colonel in the Army.*

Lieutenant Colonel Charles Chester Sargeant, Madras S. C., — 31st May, 1886.

*Bengal Staff Corps.*

*To be Major.*

Captain Anneley John Garrett, — 29th May, 1886.

#### No. 372.—COMMISSARIAT DEPARTMENT—

Conductor Andrew Lattle to be Deputy-Assistant-Commissary, for services with the Afghan Boundary Commission, with effect from this date, subject to the provisions of Clause 48, India Army Circulars, 1884.

#### No. 373.—NATIVE ARMY—

*14th Bengal Infantry.*

Havildar Narayan Singh to be Jemadar, *vice* Jemadar Natha Singh, transferred to the Burmah Police, with effect from the 1st April, 1886.

*39th Bengal Infantry.*

Subadar Oum'd Ali, Bahadur, to be Subadar-Major, *vice* Subadar-Major Dhanni Ram, invalided, with effect from the 1st May, 1886.

#### No. 374.—VOLUNTEER CORPS—

*Gonkati Rifles.*

Lieutenant Archibald Jerdon Mein to be Captain-Commandant.

#### MILITARY WORKS DEPARTMENT.

#### APPOINTMENTS.

No. 375.—In G. G. O. No. 294 of 1886, omit the words "sub. *pro tem.*," after the words Superintending Engineer, Class II.

#### PROMOTIONS.

No. 376.—With reference to G. G. O. No. 297 of 1886, the temporary promotion of Captain H. Appleton, R.E., to Executive Engineer, 4th Grade, is antedated to 7th January, 1886.

**No. 377.**—The following promotions are made in the Engineer Establishment of the Military Works Department, with effect from the dates specified:—

Names.	From	To	Nature of promotion	With effect from
Captain J. E. Dickie, R.E.	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	Temporary	3rd Mar., 1886.
Captain H. Barnett, R.E.	Assistant Engineer, 1st Grade	Executive Engineer, 4th Grade.	Temporary	4th Mar., 1886.
Major A. E. Ward, Bengal E. C.	Executive Engineer, 1st Grade, sub <i>pro tem</i> .	Executive Engineer, 1st Grade.	Permanent	13th April, 1886.
Captain S. Grant, R.E.	Executive Engineer, 2nd Grade, sub <i>pro tem</i> .	Executive Engineer, 2nd Grade.	Permanent	13th April, 1886.
Captain H. Finnis, R.E.	Executive Engineer, 4th Grade.	Executive Engineer, 3rd Grade.	Permanent	13th April, 1886.
Captain F. B. G. D'Aguilar, R.E.	Executive Engineer, 2nd Grade.	Executive Engineer, 1st Grade.	Sub <i>pro tem</i> .	13th April, 1886.
Captain E. Glennie, R.E.	Executive Engineer, 3rd Grade.	Executive Engineer, 2nd Grade.	Sub <i>pro tem</i> .	13th April, 1886.
Lieutenant A. D. G. Shelley, R.E.	Assistant Engineer, 2nd Grade.	Assistant Engineer, 1st Grade.	Permanent	16th April, 1886.

### MARINE DEPARTMENT.

#### APPOINTMENTS.

**No. 26.**—Captain E. H. Fenn, Storekeeper, Bombay Dockyard, to be Port Officer, Akyab.

Captain J. S. Barrett, officiating Accountant, Kaddapore Dockyard, to be Storekeeper, Bombay Dockyard.

#### FURLOUGH AND LEAVE.

**No. 27.**—Captain P. J. Lellie, H. M.'s Indian Marine, Assistant Surveyor, 2nd Class, Marine

Survey of India, is granted furlough out of India for one year, under rule 1 of Marine Circular No. 16 of 1884.

#### RESIGNATIONS.

**No. 28.**—Mr. C. E. I. Monblanc, 3rd Grade Officer, H. M.'s Indian Marine, is permitted to resign the service.

E. H. H. COLLEN, *Lieut.-Colonel*,

*Offg. Secretary to the Government of India.*

### MILITARY DEPARTMENT.

#### NOTIFICATION.

*Simla, the 4th June, 1886.*

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned commissioned officers, on the dates specified, were received in the Military Department between the 22nd May and the 4th June, 1886.

Corps.	Rank and Names.	Date of Death.	Place of Death.	Date of Intestate.	Remarks.
Durham Light Infantry (Probationer for the Bengal Staff Corps).	Lieutenant J. P. MacCurtie	1st May, 1886.	In Upper Punjab.	...	
East Surrey Regiment	Lieutenant T. Grant	10th May, 1886.	Near Pondicherry, Madras.	...	

E. H. H. COLLEN, *Lieut.-Colonel*,

*Offg. Secretary to the Government of India.*

### PUBLIC WORKS DEPARTMENT.

#### NOTIFICATIONS.

*Simla, the 31st May, 1886.*

**No. 141.**—Mr. W. F. O'Donoghue is appointed Government Examiner of the Accounts of the Southern Mahratta Railway Company from the 1st May, 1886.

*The 2nd June, 1886.*

**No. 142.**—Mr. C. S. Harris is appointed to Class IV of the Superior Revenue Establish-

ment of State Railways, Stores Department, with effect from the 1st April, 1886.

Mr. Harris' services are placed at the disposal of the Director General of Railways.

**No. 143.**—The following is published for general information:—

The fifth authorized Edition of Volume I, Public Works Department Code, revised and corrected to 1st January, 1886, is now ready and available for issue, and copies can be obtained on application to the Superintendent, Government Printing, Calcutta.

Local authorities will receive, in the first instance, the number of copies indented for. If further demands arise, the Superintendent, Government Printing, Calcutta, should be addressed direct.

Copies for the personal use of the Officers of the Department, and copies required by the public, may be obtained from the Superintendent, Government Printing, on payment of Rs. 3 (packing and postage 6 annas) for ordinary copies, and Rs. 3-12 (packing and postage 10 annas) for interleaved copies.

*The 3rd June, 1886.*

**No. 144.**—Mr. G. A. James, Accountant, 1st Grade and Honorary Assistant Examiner, North-Western Provinces and Oudh, is appointed to officiate as Deputy Examiner of Telegraph Accounts.

#### TELEGRAPH.

*The 4th June, 1886.*

**No. 145.**—The Governor-General in Council is pleased, under the provisions of section 7, Act XIII of 1885, entitled "The Telegraph Act," to order the following Rules and Rates for Foreign Telegrams to have effect from the 1st July, 1886.—

#### RULES AND RATES

*for*

#### FOREIGN TELEGRAMS.

##### *General.*

**Rule 1.** The Government of India accepts no responsibility whatsoever in respect of Foreign Telegrams.

I.—Telegrams exchanged with places beyond Indian limits are subject to the regulations of the International Telegraph Convention for the time being in force.

##### CONTROL.

**Rule 2.** The Government of India reserves to itself the right of stopping any private telegrams which may appear dangerous to the security of the State, or may be contrary to the laws of the country, to public order or decency.

I.—Any intermediate Administration may stop the transmission of such a telegram on condition of immediately advising the Administration to which the original sending station belongs.

##### ACCEPTANCE OF TELEGRAMS.

**Rule 3.** Foreign telegrams are classified as follows—

##### *1st.*—State or Government Telegrams.

I.—State telegrams can only be accepted from such officials as are specially authorized to telegraph beyond Indian limits.

II.—Telegrams from Consular Agents can only be accepted as State telegrams when they are addressed to a Government Official of one of the States contracting to the International Convention, and relate to the service of such contracting State.

##### *2nd.*—Private Telegrams.

**Rule 4.** Foreign telegrams may be written in ordinary language, in Code language, or in Cipher.

I.—Telegrams in Ordinary language must offer an intelligible sense throughout, in one of the languages admitted for international telegraphic correspondence by the contracting States, or in Latin.

II.—Telegrams in Code language (*i.e.*, those made up of words having each an *intrinsu* meaning though not offering an intelligible sense throughout) must consist of recognized words of the German, English, Spanish, French, Italian, Dutch, Portuguese or Latin languages; any Code telegram may contain words taken from all or any of the above-mentioned languages. Proper names of every description are inadmissible in a Code telegram. (See also Rule 20, I.)

III.—Private Cipher telegrams must be composed of Arabic figures; groups of letters not forming words (except Trade Marks and letters added to figures to form ordinal numbers) cannot be accepted. State Cipher telegrams may be composed of figure or letter cipher.

**Rule 5.** Foreign telegrams must be legibly written in the Roman character or in Arabic numerals.

I.—The text of the telegram (if any) must be preceded by the address, which by previous arrangement between the addressee and the telegraph office, may be written in Code or abbreviated form. (See Rule 26, I.) In the absence of such an arrangement the address must contain all the information necessary to ensure the delivery of the telegram at its destination. The address of private telegrams ought always to be sufficiently clear to prevent the necessity for search or enquiry; for large towns it should comprise the name of the street and the number of the house, or, in default of these particulars, the profession of the addressee or some such information; for small towns the name of the addressee ought, if possible, to be accompanied by information sufficient to guide the office of delivery in case of any alteration in signalling the addressee's name. It is essential that the name of the country of destination be mentioned whenever any doubt on the subject is possible. Telegrams, the addresses of which do not contain these particulars, are nevertheless transmitted, but in all cases the sender must bear the consequences of insufficiency of address.

The address of a telegram to be conveyed beyond the telegraph lines is written as in the following example:—

"M. Muller, *Johannisthal, express (or post) Berlin.*" The name of the terminal telegraph office being always written last.

Every address must contain at least two words: the first representing the name of the addressee, the second indicating the name of the telegraph office of destination.

II.—It is optional with the sender to confine his telegram to the two words given in the address, *i.e.*, the telegram need not contain either text or name of the sender.

III.—Every telegram must be authenticated by the true signature of the sender; the sender of a private telegram can always be called upon to prove that the signature attached to it is genuine. Every interlineation, reticence, erasure, or addition of words, must be authenticated by the sender of a telegram or his representative.

#### SPECIAL FACILITIES.

**Rule 6.** The sender of a foreign telegram can give instructions relative to its delivery, acknowledgment, collation (*i.e.*, repetition), prepaid reply, &c.

I.—Such instructions must be written immediately before the address, and in French.

II.—If given in abbreviated form as under, they will be counted and charged for each as one word:—

French.	Abbreviated form.	English meaning.
Poste recommandée	PR.	Registered, postage prepaid.
Expres payé	NP.	Express charges prepaid.
Accusé de reception	CR.	Acknowledgment prepaid.
Telegramme collationné	TC.	Collation (repetition) prepaid.
Réponse payée	RP.	Reply paid.
Telegramme à faire suivre	FS.	Telegram to follow.
Telegramme remis ouvert	RO.	Telegram to be delivered open.

**Rule 7.** The sender can prescribe, free of charge, the route he wishes a foreign telegram to follow.

I.—The route to be followed should be indicated in writing on the telegram form in the space provided for the purpose.

II.—When the sender prescribes the route to be followed, his wishes are complied with, unless the route indicated be interrupted, in which case no objection can be raised to the selection of an alternative route.

III.—When no route is specified, the telegram is sent by the least expensive one. (See Rule 19.)

**Rule 8.** The sender can, on proving his identity, stop, if in time, the transmission of a foreign telegram.

I.—When the sender withdraws or stops his telegram before transmission has been commenced, the charges are returned to him after deducting a fee of 4 annas.

II.—If the telegram has been already transmitted, the sender's only means of cancelling it is by a *paid* (private) telegram addressed to the terminal office.

III.—The sender must pay also for a reply, if he desires to be informed by telegraph in what manner his request has been acted upon.

IV.—An office which receives a telegram requesting the suppression of another telegram, previously received, informs the original sending office by post in what manner the request has been acted upon, unless the sender has prepaid a reply by telegraph.

**Rule 9.** The sender of a foreign telegram can prepay the reply which he requests his correspondent to send. The amount deposited for the reply must not exceed the cost of an ordinary telegram of 30 words by the same route.

I.—If the sender writes before the address of the telegram and pays for the instruction "*Réponse payée*," or "R. P." (See *Rule 6, II*) it is assumed that a reply of 10 words is desired. Should the number of words for which a reply is prepaid be greater or less than ten, the sender must add to the instruction the number of words, thus:—"R. P. 15" (two words) or "*Réponse payée 15*" (three words).

II.—When a reply is prepaid, the office of delivery furnishes the addressee with an 'order' or 'pass,' current for six weeks only, authorizing the free despatch of a telegram to any destination up to the amount prepaid; if the addressee of a telegram received in India makes no use of this 'order,' he may, within six weeks of its receipt, send it to the *Government Telegraph Check Office, Calcutta*, with an application for refund of the amount which it represents.

III.—If the original telegram cannot be delivered within 8 days, or if the receiver formally refuses the order for the reply, the office of delivery informs the sender by a telegram, which indicates the cause of non-delivery and takes the place of the reply.

**Rule 10.** The sender of a foreign telegram can require that it be *collated* or *repeated*.

I.—To ensure a telegram being *repeated*, the word "*collationné*" or "T. C." (See *Rule 6, II*) should be written immediately before the address. In this case the different offices concerned in its transmission repeat it integrally, to ensure its correctness.

II.—The charge for repetition is equal to one-fourth the charge for the telegram.

**Rule 11.** The sender of a foreign telegram can require that a notice shall be telegraphed to him of the hour of its delivery.

I.—In order to obtain such an "acknowledgment," the sender should write the words "*Accuser réception*" or "C. R." (See *Rule 6, II*) immediately before the address.

II.—If the telegram cannot be delivered, the terminal office intimates the fact and the reason by a *notice* telegram. The return telegram paid for by the sender is afterwards transmitted, either on delivery of the telegram, should that be found possible, or at the expiration of 24 hours in the contrary event.

III.—The charge for an "acknowledgment" is that for a simple telegram of 10 words by the same route as that followed by the original telegram.

**Rule 12.** The sender of a foreign telegram can require that it shall be delivered open.

I.—To ensure a telegram being delivered at a given address without a cover, the sender should write the words "*Résumé ouvert*" or "R. O." (See *Rule 6, II*) immediately before the address.

**Rule 13.** The sender of a foreign telegram can require that it shall follow the addressee to different addresses, if necessary, *within the limits of Europe*.

I.—To ensure a telegram so following the addressee, the notice "*Faire Suivre*" or "F. S." (See *Rule 6, II*) should be written immediately before the address, in which case the terminal office, after presenting it at the address given, transmits it immediately, if requisite, to any new address supplied at the residence of the addressee. If no new address is supplied, the telegram is kept in the office and its non-delivery reported. If the telegram be retransmitted, and the second office cannot find the addressee, the telegram is retained by that office.

II.—If the notice "*Faire Suivre*" is accompanied by successive addresses, the telegram is successively transmitted to each, if necessary, and the last office transmits it in accordance with the regulations of the preceding paragraph.

III.—The charge for a telegram "*Faire Suivre*" to be levied from the sender is simply the charge to the first terminal office, all the addresses entering into the number of words charged for. The supplementary charge is recovered from the addressee.

**Rule 14.** Any person, by explaining the necessity, can request that foreign telegrams, which may arrive at a telegraph office to be delivered to him within the radius of delivery of that office, be re-transmitted, in conformity with the conditions of the preceding paragraphs to the address which he furnishes; this request must be made in writing.

**Rule 15.** The sender or the addressee of a foreign telegram can require the Telegraph Office to obtain repetition of such words as may appear to him to be doubtful.\*

I.—In the case of the sender, he must, within 72 hours of the despatch of his telegram, deposit the cost of a telegram containing the words he wishes to be repeated, as well as the cost of a reply, should he require one.

II.—In the case of the addressee, he must, within 72 hours of receipt of the telegram, deposit the cost of a telegram calling for repetition of the doubtful words, and the cost of the reply.

III.—The sums so deposited will be refunded in full on application to the *Government Telegraph Check Office, Calcutta*, should the repetition show that the word or words so repeated had originally been incorrectly transmitted.

IV.—If, however, the repetition should show that one or more of the words, repetition of which had been demanded, had not, in the first instance, been incorrectly transmitted, the cost of the additional number of words necessitated by such unnecessary repetition, both in the call for repetition and in the reply, will not be refunded.

V.—Every rectifying and completing telegram and generally every communication exchanged between two Telegraph Offices at the request of either the sender or receiver, relative to a telegram already transmitted or in course of transmission, is classed, treated and charged for as a private telegram.

**Rule 16.** Foreign telegrams may be multiple, that is, addressed to several persons in the same place, or to the same person at several residences in the same place.

I.—In the first case, each copy of the telegram bears only its own address, unless the sender requests the contrary, in which case the request must be entered after the address, and will be charged for.

II.—A telegram addressed to several persons in the same locality, or to one person at several places of residence in the same locality (whether with or without transmission by post), is charged for as a single telegram; but a copying fee of 4 annas per 100 words, plus 4 annas for the excess, is charged for each destination after the first.

III.—Multiple telegrams cannot be accepted for places in the United States.

**Rule 17.** In applying the preceding rules, the facilities given to the public for prepayment of replies or acknowledgments, collation (*i.e.*, repetition) of telegrams, telegrams to follow or multiple telegrams can be combined, subject to the conditions of Rule 6, with the exception that a "Multiple Telegram" cannot also be "Reply Paid" (RP.).

#### PAYMENT.

**Rule 18.** The charges on foreign telegrams are prepaid by the sender.

I.—The following are, however, exceptions, and are recovered from the receiver:

1st.—The charge for telegrams sent from sea by semaphore.

2nd.—The supplementary charge for onward transmission of telegrams "*à faire Suivre*" (*Faire Suivre*).

3rd.—The expense of transport beyond the telegraph lines by quicker means than the post in States where such service is organized.

\* Under this rule no refunds are made for any rectifying or completing telegram exchanged direct between the sender and receiver.





IV.—If, in consequence of inaccuracy or insufficiency of address, or the absence or refusal of the addressee, the expenses of a special messenger are not paid on arrival, the costs incurred are specified in the advice of non-delivery or refusal, and are recoverable from the sender.

V.—On payment of a fee of ten rupees per annum, or of fifty rupees for all time, any person expecting to receive telegrams may register an abbreviated address at any Government Telegraph Office. (See also Rule 5, I.)

VI.—Every telegram which has to be transmitted to its destination by post, or deposited "*poste restante*" is posted as an unregistered letter by the office of delivery, without extra charge either to the sender or addressee, except in the following cases:—

(a). Telegrams which have to be transmitted to destination by sea post, either in consequence of interruption to a submarine line, or by reason of being addressed to a country not connected with the International Telegraph system, are subject to a charge for postage payable by the sender.\*

(b). Telegrams transmitted to an office situated near a frontier, to be delivered by post in the neighbouring territory, are posted as unpaid letters, and the postage is payable by the addressee.

(c). Telegrams which it is desired should be delivered by inland post, or deposited "*poste restante*" as registered letters, are subject to a charge of 4 annas, payable by the sender: such telegrams should bear the official instructions "*poste recommandée*" or "*P.R.*" (See Rule 6, I.)

#### RECORDS.

**Rule 27.** The sender or addressee after proving his identity, or the authorized attorney of either, has a right to be furnished with certified true copies of foreign telegrams sent or received by him.

I.—This right is contingent on the exact date and description of the telegram to which the request refers, being mentioned, and ceases after the expiration of 18 months from the date of the telegram, as the originals and copies of telegrams are only preserved for that period.

II.—For every such copy, a fee of 4 annas per 100 words, or fraction of 100 words, is payable.

#### REFUNDS.

**Rule 28.** The sender of a foreign telegram may claim a refund from the administration to which he tendered it, of the full cost of—

1st.—*Any* telegram which has suffered a serious delay in transmission.

I.—In case of delay, the claim for reimbursement is absolute if the telegram did not reach its destination sooner than it would have done by post, or if the delay exceeds 6 days.

II.—In case of interruption on a submarine line the sender of any telegram has a right to a refund of the portion of the charge belonging to the distance not traversed, deduction being made, if necessary, of the expense incurred in sending the telegram by any other mode of transport.

2ndly.—*Any* telegram which has not been delivered.

I.—In the case of non-delivery it must be shown to have resulted from the fault of the Telegraph Service: no refund is claimable if the address be mislaid. (See Rule 5, I.)

II.—The charges on telegrams stopped in transit under the operation of Rule 2 are returned to the sender.

3rdly.—Words lost in the transmission of an '*uncollated*' (i.e., not a repeated) telegram.

I.—Unless the omission shall have been rectified under the facilities offered by Rule 15.

4thly.—A '*collated*' (repeated) telegram which in consequence of errors in its transmission has manifestly been unable to fulfil its object.

I.—No refund is given for errors made in transmission of '*uncollated*' telegrams.

**Rule 29.** Every claim for a refund in respect of a foreign telegram should be made under penalty of rejection, within six months of the date of the telegram, and should be addressed to the Check Office, Government Telegraph Department, Calcutta.

I.—Claims for refund should be supported as follows:—In case of non-delivery by a written statement from the terminal office or addressee, and proof of the registration of the address.

\* On telegrams from India addressed to places out of India, which are to be posted from an Indian sea port to a destination, the sender also prepays a postage and registration fee of 8 annas.

if the latter was an abbreviated one: in case of mutilation or delay, by the copy actually delivered to the addressee and by a certificate stating that in consequence of the errors complained of, the telegram failed to fulfil its object. The particular errors which led to the result should also be specially mentioned.

II.—When a claim is admitted to be well founded by the Administration in fault the refund is made to the sender by the Check Office.

III.—If the sender does not reside in the country when he deposited his telegram for transmission, he can have his claim forwarded to the original Administration through the medium of another Administration. In this case, if it becomes evident on investigation that the claim is well founded, the latter is deputed to make the refund.

IV.—A complaint regarding a telegram received in India may, if the addressee chooses, be addressed to the Government Telegraph Check Office, Calcutta, which, if possible, disposes of it; otherwise, it is returned to be presented at the Office of Origin.

V.—Complaints are not forwarded when the fault complained of does not give the sender a claim to refund, or has resulted from an omission or irregularity on his part.

VI.—The refund rules apply only to the cost of the actual telegram, lost, delayed, or mutilated, and not to the cost of any further correspondence caused or rendered useless by such loss, delay, or mutilation.

VII.—Except in the case of the exception mentioned in Rule 15, III, the refund rules do not apply to telegrams which pass over the lines of States which have not joined the International Convention or of other Administrations which do not observe its regulations.

**No. 146.**—The Governor General in Council is pleased, under the provisions of Section 7, Act XIII of 1885, entitled "The Telegraph Act," to order the following Rules and Rates for Inland Telegrams to have effect from the 1st July, 1886.—

#### RULES AND RATES FOR INLAND TELEGRAMS.

##### GENERAL.

**Rule 1.**—The accuracy of telegrams is not guaranteed, and the sender and receiver must accept all risks arising from non-delivery, errors, or delays.

**Rule 2.**—Telegraph Offices in India are distinguished as follows:—

(a) Government Telegraph Offices—

These include the Telegraph Departmental Offices and Postal combined Offices.

(b) Railway Telegraph Offices—

These include State Railway Offices and Railway Offices not the property of the State which are licensed for working under section 4, Act XIII of 1885. Under this head are also included Telegraph Offices on Canals.

I.—Telegrams are accepted at all Government Telegraph Offices during the hours they are open for business according to their classification notified in the list of offices published in the Telegraph Guide.

II.—Telegraph Offices of the 1st class are open day and night.

III.—Telegraph Offices of the 2nd class are open 14 hours daily, or from 7 A.M. to 9 P.M. (local time), except on Sundays, Christmas-day, New Year's-day, Good Friday, and the Queen's Birthday, when they are open only from 7 to 9 A.M. and from 1 to 5 P.M. These hours are subject to modification to suit local requirements.

IV.—Telegraph Offices of the 3rd class are open about seven hours daily, and usually from 10 A.M. to 5 P.M. (local time), except on Sunday, Christmas-day, New Year's-day, Good Friday, and the Queen's Birthday, when they are open only from 7 to 1 A.M. and 1 to 6 P.M. These hours are subject to modification to suit local requirements.

V.—In cases of life and death or of extraordinary emergency, an 'urgent' telegram can be sent from any office at any time.

VI.—Railway Telegraph Offices accept telegrams at such hours as they may be open for business, but always subject to the necessities of Railway traffic.

**Rule 3.**—Telegrams are accepted at all Post Offices.

I.—Post Offices in Telegraph connection with Telegraph Offices are called "Postal combined Offices."

II.—Post Offices, not in Telegraph connection with Telegraph Offices, receive Telegrams and dispatch them by post to a Telegraph Office and are called "Postal Receiving Offices." Such Telegrams are sent "registered" and "postage free" by first post.

**Rule 4.**—Telegrams may also be posted to the nearest Telegraph Office, together with telegraph or postage stamps sufficient for their payment, and in this case a receipt for the amount will be returned post free to the sender.

I.—In the case of a telegram sent by post to a Telegraph Office, the sender must enclose telegraph stamps; the excess charge will be recovered from the addressee.

**Rule 5.**—A telegram can be sent from any Government Telegraph Office to any Railway Telegraph Office, or vice versa, without additional charge.

**Rule 6.**—Telegrams can be addressed to places where there are no Telegraph Offices.

I.—In such cases the sender must state from what Telegraph Office delivery is to be made.

*Example.*—"To Sheikhatta, Post, Bhubar."

The extra words "Post Bhubar" form part of the address and are therefore sent free of charge.

II.—No charge will be made for ordinary *Indian Post* or registration on a telegram addressed to a place in India where there is no Telegraph Office, but in the case of telegrams which have to be posted in India to places beyond Indian limits, or to a foreign land, is charged to cover the postage and registration fees.

**Rule 7.**—All telegrams must be legibly written in the Roman character or in Arabic numerals. Subject to the above limitation, telegrams may be sent in the vernacular, or any foreign language, or in cipher if written in Arabic numerals.

I.—Telegrams may be sent by post to all Telegraph and Post Offices.

II.—At Telegraph and Post Offices, in places other than the postal combined Offices, telegrams may be sent by post to any place in India, and to any place in the world, and the sender must enclose telegraph stamps sufficient to cover the charges for the telegram and for the postage and registration fees.

III.—The body of the telegram must be preceded by the address, and must be legible.

IV.—The telegram must be legible and must be delivered by the sender at the time of posting.

V.—The sender of a telegram must be prepared to pay the charges for the telegram, and must be prepared to pay the charges for the postage and registration fees.

VI.—Every telegram must be signed by the sender, or by a person authorized by the sender to sign for him.

**Rule 8.**—No telegram or telegrams of more than five hundred words can be sent at any one time by any private individual or firm, and no telegram by the same individual or firm till after the lapse of three hours, unless the telegraph lines be free of all other traffic.

**Rule 9.**—Telegraph offices are required to refuse to transmit a telegram which may be of a decidedly objectionable or alarming character. Should the character of a telegram be open to doubt, the matter shall be referred to a Secretary to Government, if the telegram be tendered at a seat of Government, or to the chief civil or military officer if tendered at another place.

**CHARGES.**

**Rule 10.**—There are 3 classes of telegrams, urgent, ordinary, deferred, and the following are the rates of charge for State and Private telegrams between any two offices in India:—

	Urgent.		Ordinary.		Deferred.	
	R.	A.	R.	A.	R.	A.
First 8 words or groups of 4 letters	2	0	1	0	0	8
Each additional word or group of 4 letters	0	4	0	2	0	1

I.—Urgent telegrams are sent by first transmission and have the right of priority over ordinary telegrams, and of special delivery at destination.

II.—Ordinary telegrams are sent by first transmission after urgent telegrams, and are delivered by messengers between day-break and dusk at destination.

III.—Deferred telegrams are transmitted when the lines are closed at dusk and carried by telegrams, and are usually delivered by post.

IV.—No charge is made for the transmission of the address.

V.—The address in telegrams must be from and to which the telegram is to be dispatched, the actual names or designations of the sender and addressee, and the latter's address. No other words can be transmitted unless paid for as part of the body of the message, and Telegraph offices are authorized to omit from the address any word which is not essential to the correct delivery of the telegram.

VI.—If the sender of a telegram desires his own address to be telegraphed, it must be paid for.

VII.—The address must contain all the information necessary to ensure the delivery of the telegram at its destination, and the sender in all cases supports the consequences of insufficiency of address. After the telegram is once despatched, it cannot be cancelled, completed, nor rectified, except by the despatch of a fresh paid telegram.

VIII.—With the exception specified in clause XIV of this rule, all charges on telegrams must be prepaid in the following manner:—

(a) At Government Telegraph Departmental Offices in telegraph stamps only.

(b) At Postal combined Offices in telegraph stamps or postage stamps at the option of the sender.

(c) At Postal Receiving Offices in telegraph stamps or postage stamps or in cash at the option of the sender.

(d) At Railway Telegraph Offices in telegraph stamps or in cash at the option of the sender.

(e) Telegrams sent by post to any Telegraph Office from a place where there is no Telegraph Office may be paid for in telegraph stamps or postage stamps.

IX.—Telegrams may be dispatched by the sender, the object being that the sender should be responsible for the correctness of the address, and the sender must be prepared to pay the charges for the telegram and for the postage and registration fees.

X.—The stamps of telegrams sent by the sender to telegraph offices must be paid for in telegraph stamps, and the stamps of telegrams sent by the sender to telegraph offices must be paid for in telegraph stamps, and the stamps of telegrams sent by the sender to telegraph offices must be paid for in telegraph stamps.

XI.—Telegrams sent by the sender to telegraph offices must be paid for in telegraph stamps, and the stamps of telegrams sent by the sender to telegraph offices must be paid for in telegraph stamps.

XII.—Telegrams sent by the sender to telegraph offices must be paid for in telegraph stamps, and the stamps of telegrams sent by the sender to telegraph offices must be paid for in telegraph stamps.

XIII.—Telegrams sent by the sender to telegraph offices must be paid for in telegraph stamps, and the stamps of telegrams sent by the sender to telegraph offices must be paid for in telegraph stamps.

XIV.—Telegrams are sent "bearing" from sea-ports when received for despatch by mail carriers or other vessels; bearing telegrams, whether "prepaid" or "bearing", will be transmitted until the name of the vessel from which they are received is known at the Telegraph Office. Bearing telegrams will not be delivered to the addressees until full payment has been obtained.

**APPLICATION OF CHARGES.**

**Rule 11.**—The maximum length of a word is fixed at six syllables. The excess is counted as a word.

**Rule 12.**—Telegrams must not contain any unusual combinations, abbreviations, or constructions.



## REPETITION.

**Rule 20.**—The sender of any telegram can, by writing the word "Repetition" after the text of his telegram (but separated from it), require that it be repeated; the charge for repeating is equal to one-fourth the charge for the message.

- I.—In this case the different offices employed in its transmission repeat it back to each other.
- II.—A repeated telegram is indicated by the word "repeated," which, to insure the greatest economy, is telegraphed (free) both in the original instructions and as the first word of the text of the telegram.

## OPEN DELIVERY.

**Rule 21.**—If the sender desires his telegram to be delivered open, he is to write the words "Deliver open" after the text of his telegram (but separated from it).

## CANCELLATION.

**Rule 22.**—If the sender of an inland telegram wishes to cancel it before transmission has commenced, he can do so; but the charges upon it will not be returned when once the stamps are obliterated.

- I.—If the telegram, in course of transmission, or has already been despatched, it can only be cancelled by a paid telegram from the sender to the terminal office.
- II.—If, in addition, the sender wishes to be intimated by telegraph in what manner his post has been acted upon, he must deposit the cost of the return telegram.

## CERTIFIED COPIES.

**Rule 23.**—The sender and receiver have a right to be furnished with certified copies of any telegrams sent or received by them. A fee of four annas per hundred words or fraction of one hundred words is payable for every copy furnished.

- I.—Within three days of despatch or receipt copies can be given by the Telegraph Office concerned, but after that period applications for copies must be made to the Telegraph Check Office, Calcutta.
- II.—Applications for copies must be made within four months of the date of the telegram. At the expiration of that period originals and copies of all telegrams are destroyed.

## PRESERVATION.

**Rule 24.**—Application may be made by an interested party to the Government Telegraph Check Office for the preservation of specified telegrams exchanged between other persons on the ground of pending or contemplated judicial proceedings. Such application must be made within four months of the dates of the telegrams, and such telegrams will then be preserved for a further period of four months, at the expiration of which time they will, in default of a renewed application, be destroyed.

- I.—It must be understood that the duty of the Telegraph Department in the matter is confined to making the search and preserving the telegrams if found. No information as to the result of the search will be furnished, and any telegrams answering the description given which may be found will only be produced on the order of a competent court of law or other competent authority.

**Rule 25.**—Should the particulars furnished be insufficient to enable the Check Office to at once trace the telegrams, applied for under either Rule 23 or Rule 24, the cost of searching for

them must be deposited by the applicant. A fee of one rupee is charged for searching through the telegrams of any Telegraph Office for one day; thus, if it be required to examine the telegrams of two Telegraph Offices over a period of five days, the searching fee will be ten rupees.

## DELIVERY.

**Rule 26.**—Telegrams are delivered free of charge within five miles of a Telegraph Office. "Deferred" telegrams are usually delivered through the Post Office of the place of destination.

- I.—Beyond the free delivery radius distance telegrams will be sent by post with charge, or by such other means as the sender may arrange and pay for.
- II.—Should the addressee of a telegram have left the place to which it is addressed, it will, if returned unopened with definite instructions as to the new address, be retransmitted without extra charge.
- III.—The messenger who delivers a telegram may be entrusted with the reply, provided he be not detained for this purpose more than five minutes. The text of the reply having been given to the messenger, and the amount paid to him, should be mentioned on the receipt given for the original telegram.

## REGISTERED ADDRESSES.

**Rule 27.**—Any firm or individual expecting to receive inland or foreign telegrams can register an abbreviated address at the Government Telegraph Office from which such telegrams have to be delivered. The fee for registration of each abbreviated address is Rs. 10 per annum, payable in advance on the 1st January in each year, or Rs. 5 for all time with a fine of Rs. 5 for every change of address.

- I.—Abbreviated addresses are considered confidential.
- II.—No abbreviated address can be accepted which has already been registered locally by another firm or individual.
- III.—The Government Telegraph Department accepts no responsibility in respect of the delivery of any telegram having an abbreviated address if such address has not been registered.

## REFUNDS.

**Rule 28.**—If an 'ordinary' or 'urgent' private telegram be not delivered, or be subjected to serious delay through the fault of any Telegraph Administration in India, the whole charge made for it will be returned to the sender.

**Rule 29.**—If an 'ordinary' or 'urgent' private telegram be delivered wholly or partially in an unintelligible state, a refund will be made only when the extra charge for 'repetition' has been paid by the sender.

**Rule 30.**—No refund will under any circumstances be made for a State telegram of any class or for a 'deferred' private telegram.

- I.—Applications for refunds, as to all complaints respecting telegrams, should be addressed to the Telegraph Check Office, Calcutta. Such claims for refund must be made within one month from the date of the telegram; but this period is extended to two months in the case of a 'repeated' telegram, or of a telegram for which a 'Reply' or an 'Advice of Delivery' has been prepaid.
- II.—When no doubt exists as to an overcharge having been made on an inland telegram by the mistake of an official at any Telegraph Office, such overcharge is to be at once refunded by such Office.

## CLEAR LINE TELEGRAMS.

**Rule 31.**—On emergent occasions of great importance, the public functionaries named below have the power to 'clear the line,' that is, to suspend the receipt and despatch of all messages until the one for which the line is 'cleared' is passed on:—

- (1) The Governor General of India.
- (2) The Governors of Madras and Bombay.
- (3) Commanders-in-Chief, India, Madras, and Bombay.
- (4) Lieutenant-Governors of Bengal and the Punjab, Lieutenant-Governor of North-Western Provinces and Chief Commissioner of Oudh.
- (5) Secretaries to the Government of India.
- (6) Secretaries to the Governments of Madras, Bombay, Bengal, North-Western Provinces, and Punjab.
- (7) Chief Commissioners of the Central Provinces, British Burma, and Assam.
- (8) Agents to the Governor General, Rajputana, Central India, and Baluchistan.
- (9) Commissioners of Sind and Peshawar.
- (10) The Residents at Hyderabad (Decan) and Mysore.
- (11) The Maharaja of Patiala, from the Patiala Office only.
- (12) Director General of Telegraphs in India.

The telegrams so sent are, however, to be paid for as other State 'urgent' telegrams.

## PRESS TELEGRAMS.

**Rule 32.**—The following are the rates charged for press telegrams:—

	First 32 words or groups of three figures	Every 4 additional words or group of three figures.	Remarks.
	Rs. A.	Rs. A.	
<b>Urgent—</b>	2 0	0 4	Between any two Government Telegraph Offices in India.
<b>Ordinary—</b>	1 0	0 2	
<b>Deferred—</b>	0 8	0 1	

**Rule 33.**—A press telegram to be accepted at press rates must fulfil the following conditions:—

- I.—It must be addressed to a newspaper, the name of which is contained in the Telegraph Department list of registered newspapers. (Applications for the registration of newspapers should be made on forms to be obtained at Government Telegraph Department Signal offices.)

II.—It must be addressed to the newspaper in accordance with its registered title and to the town at which the newspaper is registered as being printed and published.

III.—It must, except as provided hereafter in condition (V), contain only intelligence which is clearly intended for publication in the strict sense of the term, and must not contain commercial news of any kind.

IV.—It must be written in the English language.

V.—It may also be a telegram sent from or to the newspaper by its registered title (but not in the name of the editor, publisher, manager, or any other person) to or from its correspondents or employes on the subject of a telegram published or to be published or to an official of the Government Telegraph Department on matters of press business.

VI.—If a press telegram be addressed to the editor, publisher, manager, or any other person connected with the newspaper by name or person, it is chargeable at the full inland rates (see condition II).

VII.—Whenever demanded, a copy of every newspaper in which a press telegram is published must be furnished to the telegraph office, from which that press telegram was delivered.

VIII.—A single press telegram must not exceed 256 words (8 units of charge). Long news messages must be broken up into separate telegrams, all of which must be numbered and each of which, except the last, must contain the words "more to follow." These words and the numbers are to be written by the sender in the space left in the telegram form for "official instructions," and they will not be charged for.

**Example.**—A long news message of 1,000 words would require at least 4 telegrams numbered, in the space set apart of "official instructions," 1, 2, 3 and 4, and numbers 1, 2, 3 would also bear the words "more to follow" in the official instructions.

**Rule 34.**—The Press Telegram rates apply only to telegrams which satisfy all the conditions of Rule 33, and any subsequent claim made by the Government Telegraph Department for the difference between press and full inland rates must be satisfied immediately on demand.

**Rule 35.**—Press Telegrams may be accepted "Bearing" from correspondents, provided that any newspaper, which may desire the facility, obtain previous special sanction from the Director General of Telegraphs.

**Rule 36.**—The Press Telegram Rules do not apply to Railway Telegraph systems.

W. S. TREVOR, Colonel,  
Secretary to the Government of India.





# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JUNE 5, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th May, 1886, and was referred to a Select Committee—

NO. 6 OF 1886.

### THE INDIAN BANKRUPTCY BILL, 1886.

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*A Bill to Amend and consolidate the Law of Bankruptcy and Insolvency in British India.*

WHEREAS it is expedient to amend and consolidate the law relating to bankruptcy and insolvency; It is hereby enacted as follows:—

*Preliminary.*

Short title, extent and commencement.

- 1. (1) This Act may be cited as the Indian Bankruptcy Act, 1886.

(2) It shall extend to the whole of British India, and shall apply to all British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, whether in the service of the Government of India or otherwise, and to all Native Indian subjects of Her Majesty in any place beyond the limits of British India.

(3) It shall, except as by this section otherwise provided, come into force on such date as the Governor-General in Council may, by notification in the official Gazette, fix in this behalf, which date is in this Act referred to as the commencement of this Act.

(4) Any power conferred by this Act to make rules may be exercised at any time after the passing of this Act; but a rule so made shall not take effect till the commencement of this Act.

## PART I.

## PROCEEDINGS FROM ACT OF BANKRUPTCY TO DISCHARGE.

*Acts of Bankruptcy.*

- 2. (1) A debtor commits an act of bankruptcy in each of the following cases:—

- (a) if in British India or elsewhere he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally;
- (b) if in British India or elsewhere he makes a fraudulent conveyance, gift, delivery or transfer of his property, or of any part thereof;
- (c) if in British India or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon, which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged bankrupt;
- (d) if with intent to defeat or delay his creditors he does any of the following things, namely, departs out of British India, or,

*The Indian Bankruptcy Bill, 1886.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 3-6.)*

being out of British India, remains out of British India, or departs from his dwelling-house, or otherwise absents himself, or begins to keep house, or closes his place of business, or suffers himself to be arrested or taken in execution for a debt not due, or submits collusively or fraudulently to an adverse decree, or procures himself, or his property, moveable or immoveable, to be attached or taken in execution;

- (e) if he files in the Court a declaration of his inability to pay his debts or presents a bankruptcy petition against himself;
- (f) if he gives notice that he has suspended, or that he is about to suspend, payment of his debts;
- (g) if he makes to any of his creditors an offer of a composition in satisfaction of any of his debts, or a proposal for a scheme of arrangement of his affairs;
- (h) if he is imprisoned in execution of a decree or order of a Civil Court for a longer period than twenty-one days for making default in payment of a sum of money.

*Receiving Order.*

3. Subject to the conditions specified in this Act, if a debtor has committed an act of bankruptcy, the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order, in this Act called a receiving order, for the protection of the estate.

4. (1) The Court shall not have jurisdiction to make a receiving order unless—

- (a) the debtor is, at the time of the presentation of the bankruptcy petition, in prison within the local limits of the jurisdiction of the Court, under an order of a Civil Court, for making default in payment of a sum of money; or
- (b) the debtor, or, if he is a member of a firm, his partner or one of his partners, has, within a year before the date of the presentation of the bankruptcy petition, ordinarily resided or had a dwelling-house or place of business within those limits;

Provided as follows:—

- (i) in any case where an application for declaring a debtor insolvent has been made under section 344 of the Code of Civil Procedure to any Court subordinate to the Court, and the Court is of opinion that the proceedings may be more advantageously conducted before itself and under this Act, the Court, on the application of the debtor or of any of his creditors, or of its own motion, may withdraw the proceedings from the subordinate Court, if competent so to do under its Letters Patent or section 25 of the Code of Civil Procedure, and may then make a receiving order under this Act in supersession of all or any of the proceedings which may have been previously taken under the said Code;
- (ii) the Court may in any prescribed class of cases make a receiving order on a bankruptcy petition notwithstanding the restrictions imposed by clauses (a) and (b) of this sub-section.

(2) The application of the provisions of this Act to a case withdrawn under proviso (i) to sub-section (1) shall be subject to such modifications, if any, of those provisions as may be prescribed.

5. (1) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

- (a) the debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to the several petitioning creditors, amounts to five hundred rupees; and
- (b) the debt is a liquidated sum, payable either immediately or at some certain future time; and
- (c) the act of bankruptcy on which the petition is grounded has occurred within three months before the presentation of the petition.

(2) If the petitioning creditor is a secured creditor, he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated, in the same manner as if he were an unsecured creditor.

6. (1) A creditor's petition shall be verified by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and be served in the prescribed manner.

(2) At the hearing the Court shall require proof of—

- (a) the debt of the petitioning creditor,
- (b) the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, some one of the alleged acts of bankruptcy, and,
- (c) if the debtor does not appear, the service of the petition;

and, if satisfied with the proof, may make a receiving order in pursuance of the petition.

(3) If the Court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts, or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(4) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court, on such security (if any) being given as the Court may require for payment to the petitioner of any debt which may be established against the debtor in due course of law, and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be required for trial of the question relating to the debt.

(5) Where proceedings are stayed, the Court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make a receiving order on the petition of some other creditor, and shall thereupon dismiss,

[11 & 12 Vic.,  
c. 21, s. 9.]

[L. R. 13  
Q. B. D. C. A.  
471, and  
Law Journal,  
September  
21st, 1885.]

[46 & 47 Vic.,  
c. 52, s. 6.]

[46 & 47 Vic.,  
c. 52, s. 6 (1),  
subsec (d).]

IV of 1882

of 1882.

[11 & 12 Vic.  
c. 21, ss. 8 &  
9.  
46 & 47 Vic.,  
c. 52, s. 6.]

[11 & 12 Vic.,  
c. 21, s. 10.]

[46 & 47 Vic.,  
c. 52, s. 7.]

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on such terms as it thinks just, the petition on which proceedings have been stayed as aforesaid.

(6) A creditor's petition shall not, after presentment, be withdrawn without the leave of the Court.

11 & 12 Vic.,  
21, s. 5  
6 & 47 Vic.,  
52, s. 8.] **7. (1)** A debtor's petition shall allege that the debtor is unable to pay his debts, and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts; and, if the debtor proves that he is entitled to present the petition, the Court shall thereupon make a receiving order, unless, in its opinion, the proceedings ought to have been taken before some other Court having jurisdiction under this Act.

(2) A debtor's petition shall not, after presentment, be withdrawn without the leave of the Court.

11 & 12 Vic.,  
21, ss. 13 &  
9  
6 & 47 Vic.,  
52, s. 9.] **8. (1)** On the making of a receiving order the official assignee shall be thereby constituted receiver of the property of the debtor, and the debtor, if in prison, shall be released, and thereafter, except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any suit or other legal proceeding unless with the leave of the Court and on such terms as the Court may impose.

(2) But this section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed.

11 & 12 Vic.,  
21, s. 19,  
46 & 47 Vic.,  
52, s. 10.] **9. (1)** The Court may, if it is shown to be necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition and before a receiving order is made, appoint the official assignee to be interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

(2) The Court may at any time after the presentation of a bankruptcy petition stay any suit or other legal proceeding pending before any Judge or Judges of the Court or in any other Court in British India against the property or person of the debtor, and any Court in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just.

[46 & 47 Vic.,  
52, s. 11.] **10.** Where the Court makes an order staying any suit or other legal proceeding, or staying proceedings generally, the order may be served by sending a copy thereof, under the seal of the Court, by prepaid letter addressed to the Court before which the proceeding is pending and registered under Part III of the Indian Post

[XIV of 1866.] Office Act, 1866.

[46 & 47 Vic.,  
52, s. 12.] **11. (1)** If in any case the official assignee, having regard to the nature of the debtor's estate or business or to the interests of the

creditors generally, is of opinion that a special manager of the estate or business other than the official assignee ought to be appointed, he may appoint a manager thereof accordingly to act until the property vests in the official assignee, or, if a special assignee is appointed as hereinafter provided, until that appointment takes effect, and to have such powers of the official assignee as may be entrusted to him by the official assignee.

(2) The debtor may be appointed special manager.

(3) The special manager shall give security and furnish accounts in such manner as the official assignee, subject to the control of the Court, may direct, and shall receive such remuneration as the official assignee may, within limits prescribed and subject to that control, determine.

**12.** Notice of every receiving order, stating the name, address and description of the debtor, the date of the order, the Court by which the order is made and the date of the petition, shall be published in the prescribed manner.

**13.** If in any case where a receiving order has been made on a bankruptcy petition it appears to the Court by which the order was made, upon an application by the official assignee, or by any creditor or other person interested, that by reason of the residence of the majority of the creditors in number or value, or the situation of the property of the debtor, in some part of British India or of Her Majesty's dominions elsewhere, beyond the limits within which the Court ordinarily exercises civil jurisdiction, or from any other cause, his estate and effects ought to be administered by some other Court having jurisdiction under this Act or under the Bankruptcy or Insolvency Laws of some other part of Her Majesty's dominions, the Court, after such enquiry as to it may seem fit, may rescind the receiving order and stay all proceedings on, or dismiss, the petition, upon such terms, if any, as the Court may think fit.

*Proceedings consequent on Order.*

**14. (1)** When a receiving order is made against a debtor, he shall prepare a statement of his affairs, and submit to the official assignee a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and showing the particulars of the debtor's assets, debts and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official assignee may require.

(2) The statement shall be so submitted within the following times, namely:

- (i) if the order is made on the petition of the debtor, within seven days from the date of the order;
- (ii) if the order is made on the petition of a creditor, within fourteen days from the date of the order.

But the Court may, in either case, for special reasons, extend the time.

(3) If the debtor fails to comply with the requirements of this section, the official assignee may, at the expense of the estate, cause a statement of affairs to be prepared in manner prescribed,

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and, if the default of the debtor was in the opinion of the Court without reasonable excuse, the Court may, on the application of the official assignee, or of any creditor, adjudge him bankrupt.

(1) Any person stating himself in writing to be a creditor of the bankrupt may, personally or by agent, inspect the statement prepared under sub-section (1) or sub-section (2) at all reasonable times, and take any copy thereof or extract therefrom; but any person untruthfully so stating himself to be a creditor shall be punished, on the complaint of the official assignee, with imprisonment which may extend to three months, or with fine, or with both.

15. The debtor may within the time limited for the submission of the statement of his affairs, or, with the permission of the Court, at any time before he has been adjudged bankrupt, submit to the official assignee a proposal for a composition in satisfaction of the debts due to his creditors or a proposal for a scheme of arrangement of his affairs.

*Public Examination of Debtor.*

16. (1) Where the Court makes a receiving order it shall hold a public examination of the debtor, sitting, on a day to be appointed by the Court, for the examination of the debtor, and the debtor shall attend the day, and shall be examined as to his conduct, dealings and property.

(2) The examination shall be held as soon as conveniently may be after the expiration of the time for the submission of the debtor's statement of affairs.

(3) The Court may adjourn the examination from time to time.

(4) Any creditor who has tendered a proof, or a legal practitioner authorised by him in this behalf, may question the debtor concerning his affairs and the causes of his failure.

(5) The official assignee shall take part in the examination, and for the purpose of may, subject to such directions as may be given by the Court, employ a legal practitioner.

(6) The Court may put such questions to the debtor as it may think expedient.

(7) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him.

(8) Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be open to the inspection of any creditor at all reasonable times.

(9) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but that order shall not preclude the Court from directing a further examination of the debtor as to his conduct, dealings or property whenever it may see fit to do so.

*Composition or Scheme of Arrangement.*

17. (1) Where a debtor has submitted a proposal for a composition in satisfaction of the debts due to his creditors or a proposal for a scheme of arrangement of his affairs, the official assignee

shall, unless the Court otherwise directs, communicate the proposal in manner prescribed to each creditor mentioned in the debtor's statement of affairs, and either summon him to attend a meeting to be held for the consideration of the proposal, or cause a notice to be served on him in manner prescribed requiring him, within a time to be specified in the notice, to notify in writing to the official assignee whether or not he accepts the proposal.

(2) The Court may at any time direct, and one-fourth in value of the creditors mentioned in the debtor's statement of affairs may, within the time specified in the notice served under sub-section (1), by requisition in writing, require that a meeting of the creditors shall be held for the consideration of the proposal.

(3) With respect to the summoning of and proceedings at a meeting convened under this section, or any subsequent meeting of creditors, the rules in the first schedule shall be observed.

(4) Where the official assignee issues a notice under sub-section (1), requiring a creditor to notify whether or not he accepts a proposal, he shall send with the notice a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official assignee may think fit to make.

18. (1) The composition or scheme proposed by the debtor shall not be accepted by the creditors unless—

(a) where a meeting has been convened under the last foregoing section, the creditors who have proved resolve, by special resolution passed at that meeting or an adjournment thereof, that the proposal shall be accepted, or,

(b) where a meeting has not been convened under that section a majority in number representing three-fourths in value of the creditors who have proved notify in writing to the official assignee their acceptance of the proposal.

(2) The composition or scheme shall not be binding on the creditors unless, after its acceptance by them, it is approved by the Court.

(3) The debtor or the official assignee may, after the conclusion of the public examination of the debtor, apply to the Court to approve any composition or scheme which has been accepted by the creditors, and notice of the facts presented for hearing in the application shall be given to each creditor who has proved.

(4) The Court shall, before approving a composition or scheme, hear a report of the official assignee as to the terms of the composition or scheme and as to the conduct of the debtor, and any objection which may be made by or on behalf of any creditor.

(5) If the Court is of opinion that the terms of the composition or scheme are not reasonable, or are not calculated to benefit the general body of creditors, or in any case in which the Court is required under this Act where the debtor is adjudged bankrupt to refuse his discharge, the Court shall, or if any such facts are proved as would under this Act justify the Court in refusing, qualifying or suspending the debtor's discharge, the Court

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may in its discretion, refuse to approve the composition or scheme.

(6) If the Court approves the composition or scheme, the approval shall be testified in the prescribed manner.

(7) A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in bankruptcy.

(8) A certificate of the official assignee that a composition or scheme has been duly accepted and approved shall, in the absence of fraud, be conclusive as to its validity.

(9) The provisions of a composition or scheme under this section may be enforced by the Court on application by any person interested, and an order of the Court made on the application may be executed as if it were a decree.

(10) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court, on satisfactory evidence, that the composition or scheme cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any creditor, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this subsection, any debt provable in other respects, which has been contracted before the date of the adjudication, shall be provable in the bankruptcy.

(11) If, under or in pursuance of a composition or scheme, the official assignee or a special assignee is appointed to administer the debtor's property or manage his business, Part IV or Part V of this Act, as the case may be, and such other portions of the Act as may be prescribed, shall apply to the assignee as if he were an assignee in a bankruptcy, and as if the terms "bankruptcy," "bankrupt" and "order of adjudication" included respectively a composition or scheme of arrangement, a compounding or arranging debtor and an order approving the composition or scheme.

(12) Part III of this Act shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto, the same interpretation being given to the words "assignee," "bankruptcy," "bankrupt" and "order of adjudication" as in the last preceding subsection.

(13) A composition or scheme shall not be approved by the Court unless it provides for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt.

(14) The acceptance by a creditor of a composition or scheme shall not release any person who under this Act would not be released by an order of discharge if the debtor had been adjudged bankrupt.

19. Notwithstanding the acceptance and approval of a composition or scheme, the composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the

debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents to the composition or scheme.

*Adjudication of Bankruptcy.*

20. (1) At the time of making a receiving order, or at any time thereafter, the Court may, on the application of the debtor himself, adjudge him bankrupt. The application may be made orally and without notice.

(2) Where a receiving order is made against a debtor, then, if a composition or scheme is not accepted and approved in pursuance of this Act within fourteen days after the conclusion of the examination of the debtor or such further time as the Court may allow, the Court shall adjudge the debtor bankrupt.

(3) When a debtor is adjudged bankrupt his property shall become divisible among his creditors and shall vest in the official assignee.

(4) Notice of every order adjudging a debtor bankrupt, stating the name, address and description of the bankrupt, the date of the adjudication and the Court by which the adjudication is made, shall be published in the prescribed manner, and the date of the order shall, for the purposes of this Act, be the date of the adjudication.

21. (1) Where a debtor is adjudged bankrupt the creditors may, if they think fit, at any time after the adjudication, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them under the bankruptcy, or for a scheme of arrangement of the bankrupt's affairs: and thereupon the same proceedings shall be taken and the same consequences shall ensue as in the case of a composition or scheme accepted before adjudication.

(2) If the Court approve the composition or scheme, it may make an order annulling the bankruptcy and vesting the property of the bankrupt in him or in such other person as the Court may appoint, on such terms, and subject to such conditions, if any, as the Court may declare.

(3) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any person interested, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this subsection, all debts provable in other respects, which have been contracted before the date of such adjudication shall be provable in the bankruptcy.

*Control over Person and Property of Debtor.*

22. (1) Every debt against a debtor, when a receiving order is made, shall, unless the Court is satisfied that the debtor is prevented by sickness or other sufficient cause, attend any meeting of his creditors which the official assignee may require him to attend, and shall submit to such examination and give such information as the meeting may require.

ss. 33 and  
of this  
Bill.]

ss. 28 (5)  
of this  
Bill.]

ss. 47 Vic.,  
32, s. 19.]

ss. 28 and  
of this  
Bill.]



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(2) He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, wait at such times and places on the official assignee or special manager, execute such powers-of-attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the official assignee or special manager or may be prescribed by general rules, or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the official assignee or special manager, or any creditor or person interested.

(3) He shall, if adjudged bankrupt, aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds amongst his creditors.

(4) If a debtor wilfully fails to perform the duties imposed on him by this section, or to deliver up possession of any part of his property which is divisible amongst his creditors under this Act, and which is for the time being in his possession or under his control, to the official assignee or to any person authorised by the Court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

23. (1) The Court may, by warrant addressed to any police officer or process-server, or to any officer of the Court, cause a debtor to be arrested, and any books, papers, money and goods in his possession to be seized, and him and them to be lawfully kept as prescribed until such time as the Court may order, under the following circumstances:—

(a) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he has concealed or is about to conceal with a view of avoiding or evading or defeating any such petition, or that he is neglecting examination in respect of his property, or of otherwise avoiding or evading or defeating any proceedings in bankruptcy against him;

(b) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he is about to remove his property with a view of preventing or delaying process now being taken of it by the official assignee, or that there is probable reason for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings which might be of use to his creditors in the course of his bankruptcy;

(c) if, after service of a bankruptcy petition on him, or after a receiving order is made against him, he removes any property in his possession above the value of fifty rupees without the leave of the official assignee;

(d) if, without good cause shown, he fails to attend any examination ordered by the Court.

(2) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of this Act relating to fraudulent preferences.

24. Where a receiving order is made against a debtor, the Court, on the application of the official assignee, may, from time to time, order that for such time, not exceeding three months, as the Court thinks fit, post letters and telegrams addressed to the debtor at any place or places mentioned in the order for re-direction shall be re-directed, sent or delivered by the Postal and Telegraph authorities in British India to the official assignee, or otherwise as the Court directs; and the same shall be done accordingly.

25. (1) The Court may, on the application of the official assignee, or of any creditor who has proved his debt, at any time after a receiving order has been made against a debtor, summon before it the debtor or any person known or suspected to have in his possession any property belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property; and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant, cause him to be apprehended and brought up for examination.

(3) The Court may examine on oath, either by word of mouth or by written interrogatories, any person brought before it concerning the debtor, his dealings or property.

(4) If on the examination of any such person it appears to the Court that he is indebted to the debtor, the Court may, on the application of the official assignee, order him to pay to the official assignee, at such time and in such manner as to the Court seems expedient, the amount in which he is indebted, or any part thereof, either in full discharge of the whole amount or not, as the Court thinks fit, with or without costs of the examination.

(5) If on the examination of any such person it appears to the Court that he has in his possession any property belonging to the debtor, the Court may, on the application of the official assignee, order him to deliver to the official assignee that property, or any part thereof, at such time, in such manner and on such terms as to the Court may seem just.

*Discharge of Bankrupt.*

26. (1) A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until



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the public examination of the bankrupt is concluded. The application shall be heard in open Court.

(2) On the hearing of the application the Court shall take into consideration a report of the official assignee as to the bankrupt's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his after-acquired property:

1 & 12 Vic., 21, ss. 50  
51.]  
LV of 1860. Provided that the Court shall refuse the discharge in all cases where the bankrupt has committed any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, and shall, on proof of any of the facts hereinafter mentioned, either refuse the order, or suspend the operation of the order for a specified time, or grant an order of discharge subject to such conditions as aforesaid.

(3) The facts hereinbefore referred to are—

- (a) that the bankrupt, if a trader, has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy or within such shorter period immediately preceding that event as the Court may deem reasonable in the circumstances of the case;
- (b) that the bankrupt has continued to trade after knowing himself to be insolvent;
- (c) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it;
- (d) that the bankrupt has brought on his bankruptcy by rash and hazardous speculations or unjustifiable extravagance in living;
- (e) that the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any suit or other legal proceeding properly brought against him;
- (f) that the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they become due, given an undue preference to any of his creditors;
- (g) that the bankrupt has on any previous occasion been adjudged bankrupt or made under any enactment in force in any part of Her Majesty's dominions a composition or arrangement with his creditors;
- (h) that the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4) For the purposes of this section the report of the official assignee shall be *prima facie* evidence of the statements therein contained.

(5) Notice of the appointment by the Court of the day for hearing the application for discharge shall be published in the prescribed manner and sent one month at least before the day so appointed to each creditor who has proved, and the Court may hear the official assignee, and may

also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it may think fit.

(6) The Court may, in making an order of discharge, pass a decree against the debtor in favour of the official assignee for any balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge; but in that case the decree shall not be executed without leave of the Court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available for payment of his debts. [11 & 12 Vic. c. 21, ss. 86.]

(7) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the official assignee may require in the realization and distribution of such of his property as is vested in the official assignee, and if he fails to do so he shall be guilty of a contempt of Court; and the Court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done subsequent to the discharge, but before its revocation. [11 & 12 Vic. c. 21, s. 58.]

(8) Where the Court refuses the discharge of the bankrupt, it may, after such time and in such circumstances as may be authorised by general rules, permit him to renew his application for an order of discharge.

27. In either of the following cases, that is to say:— [46 & 47 Vic. c. 52, s. 29.]

(1) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement, or

(2) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife),

if the settlor is adjudged bankrupt or compounds or arranges with his creditors, and it appears to the Court that the settlement, covenant or contract was made in order to defeat or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court may refuse or suspend an order of discharge or grant an order subject to conditions or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

28. (1) An order of discharge shall not release the bankrupt from any debt on a recognisance, or from any debt with which the bankrupt may be chargeable at the suit of the Crown or of any person for any offence against an enactment relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail-bond entered into for the appearance of any person prosecuted for any such offence; and the bankrupt shall not be discharged from these excepted debts unless the Government certify in writing its consent to his being discharged therefrom. [11 & 12 Vic. c. 21, ss. 86, 87.]

[46 & 47 Vic. c. 52, s. 30.]

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(Part II.—Disqualifications of Bankrupt.—Part III.—Administration of  
Property.—Sections 29-32.)

(2) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, or from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party.

(3) An order of discharge shall release the bankrupt from all other debts provable in bankruptcy.

(4) An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein; and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

(5) An order of discharge shall not release any person who at the date of the receiving order was a partner or co-trustee with the bankrupt or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him.

## PART II.

### DISQUALIFICATIONS OF BANKRUPT.

29. (1) Where a debtor is adjudged bankrupt, the disqualifications of him shall, subject to the provisions of this section, be disqualified for—

- (a) being appointed or acting as a Member of any Legislative Council constituted under the Indian Councils Act, 1861;
- (b) being appointed or acting as a Justice of the Peace, Judge or Magistrate;
- (c) being appointed or acting as a member of any local authority.

(2) The disqualifications to which a bankrupt is subject under this section shall be removed and cease if and when—

- (a) the adjudication of bankruptcy against him is annulled; or
- (b) he obtains from the Court his discharge with a certificate to the effect that his bankruptcy was caused by misfortune without any misconduct on his part.

The Court may grant or withhold the certificate as it thinks fit, but a refusal of the certificate may be subject to appeal.

(3) If a person is adjudged bankrupt whilst holding the office of Member of a Legislative Council, Justice of the Peace, Judge, Magistrate, or member of a local authority, his office shall thereupon become vacant.

## PART III.

### ADMINISTRATION OF PROPERTY.

#### *Proof of Debts.*

30. (1) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise or breach of trust shall not be provable in bankruptcy.

(2) A person having notice of any act of bankruptcy available against the debtor shall not prove under the receiving order for any debt or liability

contracted by the debtor subsequently to the date of his so having notice.

(3) Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the receiving order, or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order, shall be deemed to be debts provable in bankruptcy.

(4) An estimate shall be made by the official assignee of the value of any debt or liability provable as aforesaid which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value. [11 & 12 Vic. c. 21, s. 48.]

(5) Any person aggrieved by any estimate made by the official assignee as aforesaid may appeal to the Court.

(6) If, in the opinion of the Court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy.

(7) If, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed before the Court itself, and may give all necessary directions for this purpose, and the amount of the value when assessed shall be deemed to be a debt provable in bankruptcy.

(8) "Liability" shall for the purposes of this Act include any compensation for work or labour done, and any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether the breach does or does not occur, or is or is not likely to occur or capable of occurring before the discharge of the debtor, and generally it shall include any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of, money, or money's worth, whether the payment is, as respects amount, fixed or unliquidated; as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation, capable of being ascertained by fixed rules, or as matter of opinion.

31. Where there have been mutual credits, mutual debts or other mutual dealings between a debtor against whom a receiving order is made under this Act and any other person, proving or claiming to prove a debt under the receiving order, an account shall be taken by, or under the orders of, the Court of what is due from the one party to the other in respect of those mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a debtor in any case where he had at the time of giving credit to the debtor notice of an act of bankruptcy committed by the debtor and available against him. [11 & 12 Vic. c. 21, s. 39. 46 & 47 Vic. c. 52, s. 38.]

32. With respect to the mode of proving debts, the right of proof by secured and other creditors, the rules as to proof of debts.

*The Indian Bankruptcy Bill, 1886.*  
(Part III.—Administration of Property.—Sections 33-37.)

proofs, and the other matters referred to in the second schedule, the rules in that schedule shall be observed.

47 Vic.,  
s. 40.] **33. (1)** In the distribution of the property of a bankrupt there shall be paid in priority to all other debts—

(a) all revenue, taxes, cesses and rates, whether payable to Her Majesty, to any local authority or otherwise, due from the bankrupt at the date of the receiving order, and having become due and payable within twelve months next before that date;

12 Vic.,  
s. 46.] (b) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding five hundred rupees for each clerk or servant; and

(c) all wages of any labourer or workman, not exceeding five hundred rupees for each, whether payable for time or piece-work, in respect of services rendered to the bankrupt during four months before the date of the receiving order.

(2) The foregoing debts shall rank equally among themselves, and shall be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions among themselves.

IX of  
s. 262.] (3) In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts, and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates, it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate, it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

(4) Subject to the provisions of this Act, all debts proved in the bankruptcy shall be paid *pari passu*.

(5) If there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the receiving order at the rate of six per centum per annum on all debts proved in the bankruptcy.

47 Vic.,  
s. 41.] **34. (1)** Where at the time of the presentation of the bankruptcy petition any person is apprenticed or is an articled clerk to the bankrupt, the adjudication of bankruptcy shall, if either the bankrupt or the apprentice or clerk gives notice in writing to the official assignee to that effect, be a complete discharge of the contract or apprenticeship or articles of agreement; and, if any money has been paid by or on behalf of the apprentice or clerk to the bankrupt as a fee, the official assignee may, on the application of the apprentice or clerk, or of some person on his behalf, pay such sum as the official assignee, subject to an appeal to the Court, thinks reasonable, out of the bankrupt's property, to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the contract or articles before the commencement of the bankruptcy, and to the other circumstances of the case.

(2) Where it appears expedient to the official assignee, he may, on the application of any apprentice or articled clerk to the bankrupt, or any person acting on behalf of the apprentice or articled clerk, instead of acting under the preceding provisions of this section, transfer the contract of apprenticeship or articles of agreement to some other person.

**35. (1)** The landlord or other person to whom [11 & 12 Vic. c. 21, s. 22. 46 & 47 Vic. c. 52, s. 42.] Power to landlord to any rent is due from the bankrupt may, at any time, either before or after the commencement of the bankruptcy, exercise his right of distress (if any) upon the property of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if the distress for rent be levied after the commencement of the bankruptcy it shall be available only for three months' rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

(2) For the purposes of this section the term "order of adjudication" shall be deemed to include an order for the administration of the estate of a deceased person who dies insolvent.

*Property available for Payment of Debts.*

**36.** The bankruptcy of a debtor, whether the relation back of same takes place on the debtor's own petition or upon that of a creditor or creditors, shall be deemed to have relation back to, and to commence at, the time of the act of bankruptcy being committed on which a receiving order is made against him, or, if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to, and to commence at, the time of the first of the acts of bankruptcy proved to have been committed by the bankrupt within three months next preceding the date of the presentation of the bankruptcy petition; but a bankruptcy petition, receiving order or adjudication shall not be rendered invalid by reason of any act of bankruptcy anterior to the debt of the petitioning creditor.

**37** The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:—

(1) property held by the bankrupt on trust for any other person;

(2) the tools (if any) of his trade and the necessary wearing apparel, bedding, and other such necessaries of himself, his wife and children, to a value, exclusive of tools and apparel, and the other things aforesaid, not exceeding two hundred rupees in the whole;

But it shall comprise the following particulars:—

(3) all such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy or may be acquired by or devolve on him before his discharge;

(4) the capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bank-

*The Indian Bankruptcy Bill, 1886.*  
(Part III.—Administration of Property.—Sections 38-43.)

rupt for his own benefit at the commencement of his bankruptcy or before his discharge; and

[11 & 12 Vic.,  
c. 21, s. 23.]

(5) all moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof: Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

*Effect of Bankruptcy on antecedent Transactions.*

Of. Act XIV  
of 1882, s.  
86.  
6 & 47 Vic.,  
c. 52, s. 45.]

38. (1) Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the official assignee, except in respect of assets realized in the course of the execution by sale or otherwise before the date of the receiving order, and before notice of the presentation of any bankruptcy petition by or against the debtor, or of the commission of any available act of bankruptcy by the debtor, has been given to the Court executing the decree.

(2) Nothing in this section shall affect the rights of a mortgagee or incumbrancer of property against which a decree is executed.

16 & 47 Vic.,  
c. 52, s. 46.]

39. (1) Where execution of a decree has issued against any property of a debtor which is saleable in execution, and before the sale thereof notice is given to the Court executing the decree that a receiving order has been made against the debtor, the Court shall, on application, direct the property to be delivered to the official assignee, but the costs of the execution shall be a charge on the property so delivered, and the official assignee may sell the property or an adequate part thereof for the purpose of satisfying the charge.

(2) A person who in good faith purchases the property of a debtor under a sale in execution shall in all cases acquire a good title to it against the official assignee.

16 & 47 Vic.,  
c. 52, s. 47.]

40. (1) Any settlement of property not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settler of property which has accrued to the settler after marriage in right of his wife, shall, if the settler becomes bankrupt within two years after the date of the settlement, be void against the official assignee, and shall if the settler becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the official assignee unless the parties claiming under the settlement can prove that the settler was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement and that the interest of the settler in the property had passed to the trustee of the settlement on the execution thereof.

(2) Any covenant or contract made in consideration of marriage, for the future settlement on or

property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent in possession or remainder, and not being money or property of or in right of his wife, shall on his becoming bankrupt before the money or property has been actually paid or transferred pursuant to the covenant or contract, be void against the official assignee.

(3) "Settlement" shall for the purposes of this section include any conveyance or transfer of property.

41. (1) Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred, and

[11 & 12  
c. 21, s.  
46 & 47  
c. 52, s.]

every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving that creditor a preference over the other creditors, shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the official assignee.

(2) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.

42. Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy on an execution and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate in the case of a bankruptcy—

- (a) any payment of the bankrupt to any of his creditors,
- (b) any payment or delivery to the bankrupt,
- (c) any conveyance or assignment by the bankrupt for valuable consideration, or
- (d) any contract, dealing or transaction by or with the bankrupt for valuable consideration:

Provided that both the following conditions are complied with, namely:—

- (1) the payment, delivery, conveyance, assignment, contract, dealing or transaction, as the case may be, takes place before the date of the receiving order; and
- (2) the person (other than the debtor) to, by or with whom the payment, delivery, conveyance, assignment, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, contract, dealing or transaction, notice of any available act of bankruptcy committed by the bankrupt before that time.

*Realization of Property.*

43. (1) The official assignee shall, as soon as may be, take possession of the deeds, books and documents of the bankrupt, and all other parts of his property capable of manual

Possession of property  
by assignee.

[11 & 12 Vic.,  
c. 21, s. 21.  
16 & 47 Vic.,  
c. 52, s. 50.]

*The Indian Bankruptcy Bill, 1886.*  
(Part III.—Administration of Property.—Sections 44-47.)

(2) The official assignee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed under section 503 of the Code of Civil Procedure, and shall have such of the powers conferable on a receiver under that section as may be prescribed; and the Court may on his application enforce such acquisition or retention accordingly.

(3) Where any part of the property of the bankrupt consists of stock, shares in ships, shares or any other property transferable in the books of any company, office or person, the official assignee may exercise the right to transfer the property to the same extent as the bankrupt might have exercised it if he had not become bankrupt.

(4) Where any part of the property of the bankrupt consists of things in action, those things shall be deemed to have been duly assigned to the official assignee.

(5) Any treasurer or other officer, or any banker, attorney or agent of a bankrupt, shall pay and deliver to the official assignee all money and securities in his possession or power, as such officer, banker, attorney or agent, which he is not by law entitled to retain as against the bankrupt or the official assignee. If he does not, he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the official assignee.

**44.** Any person acting under warrant of the Court may seize any part of the property of a bankrupt in the custody or possession of the bankrupt or of any other person, and with a view to the seizure thereof may break open any house, building or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and, where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place not belonging to him, the Court may, if it thinks fit, grant a search-warrant to any police-officer or officer of the Court, who may execute it according to its tenor.

**45.** (1) Where a bankrupt is an officer of the army or navy or of Her Majesty's Indian marine service, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, the official assignee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as, subject to the provisions of section 266 of the Code of Civil Procedure, the Court, on the application of the official assignee, may, by order under section 268 of that Code, direct.

(2) Where a bankrupt is in the receipt of a salary or income other than as aforesaid, the Court, on the application of the official assignee, shall from time to time, subject to the provisions of section 266 of the said Code and of the Pensions Act, 1871, make such order as it thinks just for the payment of the salary or income, or of any part thereof, to the official assignee, to be applied by him in such manner as the Court may direct.

(3) Nothing in this section shall take away or abridge any power of the chief officer of any public department to dismiss a bankrupt.

**46.** The property of a debtor who has been adjudged bankrupt shall pass from official assignee to official assignee, and shall vest in the official assignee for the time being during his continuance in office, without any conveyance, assignment or transfer whatever.

**47.** (1) Where any part of the property of the bankrupt consists of any tenancy burdened with onerous covenants, of shares or stock in companies, of unprofitable contracts, or of any other property that is unsaleable, or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the official assignee, notwithstanding that he has endeavoured to sell or has taken possession of the property, or exercised any act of ownership in relation thereto, but subject to the provisions of this section, may, by writing signed by him, at any time within three months after the adjudication of bankruptcy, disclaim the property:

Provided that, where any such property has not come to the knowledge of the official assignee within one month after the adjudication, he may disclaim the property at any time within two months after he first became aware thereof.

(2) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interests and liabilities of the bankrupt and his property in or in respect of the property disclaimed, and shall also discharge the official assignee from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of releasing the bankrupt and his property and the official assignee from liability, affect the rights or liabilities of any other person.

(3) The official assignee shall not be entitled to disclaim a tenancy without the leave of the Court, except in any cases which may be prescribed by general rules; and the Court may, before or on granting the leave, require such notices to be given to persons interested, and impose such terms as a condition of granting leave, and make such orders with respect to fixtures, tenant's improvements and other matters arising out of the tenancy, as the Court thinks just.

(4) The official assignee shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to him by any person interested in the property requiring him to decide whether he will disclaim or not, and he has for a period of twenty-eight days after the receipt of the application, or such extended period as may be allowed by the Court, declined or neglected to give notice whether he disclaims the property or not; and, in the case of a contract, if the official assignee, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

(5) The Court may, on the application of any person who is, as against the official assignee, entitled to the benefit or subject to the burden of a contract made with the bankrupt, make an order rescinding the contract on such terms as to payment by or to either party of damages for the non-performance of the contract, or otherwise, as to

*The Indian Bankruptcy Bill, 1886.*  
(Part III.—Administration of Property.—Sections 48-50.)

the Court may seem equitable; and any damages payable under the order to any such person may be proved by him as a debt under the bankruptcy.

(6) The Court may, on application by any person either claiming any interest in any disclaimed property, or being under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the Court thinks just; and, on any such vesting order being made, the property comprised therein shall vest accordingly in the person therein named in that behalf without any conveyance or assignment for the purpose:

Provided always that, where the property disclaimed is a tenancy, the Court shall not make a vesting order in favour of any person claiming under the bankrupt, whether as under-tenant or as mortgagee by demise, except upon the terms of making that person subject to the same liabilities and obligations as the bankrupt was subject to under the tenancy in respect to the property at the date when the bankruptcy petition was filed, and any under-tenant or mortgagee declining to accept a vesting order upon these terms shall be excluded from all interest in and security upon the property; and if there is no person claiming under the bankrupt who is willing to accept an order upon these terms, the Court shall have power to vest the bankrupt's estate and interest in the property in any person bound either personally or in a representative character, and either alone or jointly with the bankrupt, to discharge the tenant's liabilities and obligations, freed and discharged from all estates, incumbrances and interests created therein by the bankrupt.

(7) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the bankrupt to the extent of the injury, and may accordingly prove the same as a debt under the bankruptcy.

48. (1) Subject to the provisions of this Act, Powers of assignee as the official assignee may do to dealing with property and or any of the following things —

- (a) sell all or any part of the property of the bankrupt (including the goodwill of his business, if any), and the book debts due or growing due to him by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels;
- (b) give receipts for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof;
- (c) prove, rank, claim and draw a dividend in respect of any debt due to the bankrupt;
- (d) exercise any powers the capacity to exercise which is vested in the official assignee under this Act, and execute any powers-of-attorney, deeds and other instruments for the purpose of carrying into effect the provisions of this Act;

in tail or other owner of an estate of inheritance less than an estate in fee-simple in the same manner as the bankrupt might have dealt with it.

(2) Any dealing by an official assignee under clause (c) of sub-section (1) with any property to which the bankrupt is before his discharge entitled as in that clause mentioned shall, although the bankrupt be dead at the time of that dealing, be as valid and have the same operation as if the bankrupt were then alive.

49. The official assignee may, subject to any Powers exercisable by general or special orders of assignee subject to orders the Court, do all or any of of Court. the following things:—

- (1) carry on the business of the bankrupt, so far as may be necessary for the beneficial winding up of the same;
- (2) bring, institute or defend any suit or other legal proceeding relating to the property of the bankrupt;
- (3) employ a legal practitioner or other agent to take any proceedings or do any business;
- (4) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as he thinks fit;
- (5) mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;
- (6) refer any dispute to arbitration, and compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, on the receipt of such sums, payable at such times, and generally on such terms as may be agreed on;
- (7) make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy;
- (8) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the official assignee by any person or by the official assignee on any person;
- (9) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

*Distribution of Property.*

50. (1) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the official assignee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

(2) The first dividend, if any, shall be declared



*The Indian Bankruptcy Bill, 1886.*  
(Part IV.—Official Assignees.—Sections 51-58.)

Court that there is sufficient reason for postponing the declaration to a later date.

(3) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and be payable at intervals of not more than six months.

(4) Before declaring a dividend the official assignee shall cause notice of his intention to do so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the bankrupt's statement who has not proved his debt.

(5) When the official assignee has declared a dividend he shall send to each creditor who has proved a notice showing the amount of the dividend and when and how it is payable, and a statement in the prescribed form as to the particulars of the estate.

1 & 47 Vic., 52, s. 59.] **51.** (1) Where one partner of a firm is adjudged bankrupt, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

Joint and separate dividends. When the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

(2) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of the official assignee or any person interested, be declared together; and the expenses of and incident to those dividends shall be fairly apportioned by the official assignee between the joint and separate properties, regard being had to the work done for and to the benefit received by each property.

1 & 12 Vic., 21, s. 43. 1 & 17 Vic., 52, s. 60.] **52.** In the calculation and distribution of a dividend the official assignee shall make provision for debts provable in bankruptcy appearing from the bankrupt's statements, or otherwise, to be due to persons resident in places so distant from the place where the official assignee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and as for debts provable in bankruptcy the subject of claims not yet determined. He shall also make provision for any disputed proofs or claims, and for the expenses necessary for the administration of the estate or otherwise, and, subject to the foregoing provisions, he shall distribute as dividend all money in hand.

46 & 17 Vic., 52, s. 61.] **53.** Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any money for the time being in the hands of the official assignee any dividend or dividends he may have failed to receive before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

46 & 47 Vic., 52, s. 62.] **54.** When the official assignee has realized all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly

protracting the proceedings in bankruptcy, he shall, with the leave of the Court, declare a final dividend; but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified to him, but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the Court within a time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or, if the Court on application by any such claimant grants him further time for establishing his claim, then on the expiration of that further time, the property of the bankrupt shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons.

11 & 12 Vic., 21, s. 45. 16 & 17 Vic., 52, s. 63.] **55.** No suit for a dividend shall be against the official assignee, but if the official assignee refuses to pay any dividend the Court may, if it thinks fit, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.

46 & 47 Vic., 52, s. 64.] **56.** (1) The official assignee may appoint the bankrupt himself to superintend the management of the property of the bankrupt or of any part thereof, or to carry on the trade (if any) of the bankrupt for the benefit of his creditors, and in any other respect to aid in administering the property in such manner and on such terms as the official assignee may direct.

11 & 12 Vic., 21, s. 47.] **(2)** The official assignee may, from time to time, make such allowance as he thinks just to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate, but the Court may reduce any such allowance and limit the time for which it may be made.

46 & 47 Vic., 52, s. 65.] **57.** The bankrupt shall be entitled to any surplus remaining after payment to his creditors, with interest, as by this Act provided, and of the costs, charges and expenses of the proceedings under the bankruptcy petition.

## PART IV.

### OFFICIAL ASSIGNEES.

#### *Appointment and Removal.*

11 & 12 Vic., 21, s. 1. 16 & 17 Vic., 52, s. 66 (1).] **58.** (1) The Chief Justice of each of the High Courts of Judicature at Fort William, Madras and Bombay may from time to time appoint such person as he thinks fit to the office of official assignee of debtors' estates for that Court, and may, with the concurrence of a majority of the other Judges of the Court, remove the person for the time being holding that office for any of the following causes, namely, unwillingness to act, removal from out of the jurisdiction of the Court, incapacity or misconduct.

(2) The Local Government may in like manner appoint such person as it thinks fit to the office of official assignee of debtors' estates for any other Court having bankruptcy jurisdiction under this Act, and may remove the person for the time being holding that office.



*The Indian Bankruptcy Bill, 1886.*  
(Part IV.—Official Assignees.—Sections 59-64.)

(3) Notwithstanding anything in sub-sections (1) and (2), the persons substantively or temporarily holding the office of official assignee immediately before the commencement of this Act in the Courts for the Relief of Insolvent Debtors at Calcutta, Madras and Bombay under the 11 & 12 Vic., cap. 21 (*an Act to consolidate and amend the Laws relating to Insolvent Debtors in India*), and in the Court of the Recorder of Rangoon under that statute as applied by the Burma Courts Act, 1875, shall, without further appointment for that purpose, become the official assignees, substantive or temporary, as the case may be, under this Act in the High Courts at Fort William, Madras and Bombay and in the Court of the Recorder of Rangoon, respectively.

XVII of 1875.

*Duties.*

46 & 47 Vic.,  
52, s. 68.]

59. (1) The duties of an official assignee shall have relation both to the conduct of the debtor and to the administration of his estate.

(2) An official assignee may, for the purpose of affidavits verifying proofs, petitions or other proceedings under this Act administer oaths.

46 & 47 Vic.,  
52, s. 69.]

60. As regards the debtor, it shall be the duty of the official assignee—  
Duties of official assignee as regards the debtor's conduct.

(1) to investigate the conduct of the debtor and to report to the Court, stating whether there is reason to believe that the debtor has committed any act which constitute an offence under this Act or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, or which would justify the Court in refusing, suspending or qualifying an order for his discharge;

LV of 1860.

(2) to make such other reports concerning the conduct of the debtor as the Court may direct or as may be prescribed;

(3) to take such part as may be directed by the Court in the public examination of the debtor; and

(4) to take such part and give such assistance in relation to the prosecution of any fraudulent debtor as the Court may direct or as may be prescribed;

46 & 47 Vic.,  
52, s. 70.]

61. (1) As regards the estate of a debtor it shall be the duty of the official assignee—  
Duties of official assignee as to debtor's estate.

(a) where a special assignee has not been appointed, to act as receiver of the debtor's estate, and, where a special manager has not been appointed, as manager thereof;

(b) to authorise the special manager to raise money or make advances for the purposes of the estate in any case where, in the interests of the creditors, it appears necessary so to do;

(c) to summon and preside at the meeting mentioned in section 17;

(d) to report to the creditors as to any proposal which the debtor has made with respect to the mode of liquidating his affairs;

(e) to advertise the receiving order, the date of the debtor's public examination, and such other matters as it may be necessary to advertise.

(2) For the purpose of his duties as interim receiver or manager the official assignee shall have all of such of the powers conferable on a receiver appointed under section 503 of the Code of Civil Procedure as may be prescribed. [See ss. 11 & 12 Vic. c. 21, s. 19.]

(3) The official assignee shall, account to the Court and pay over all moneys and deal with all securities in such manner as, subject to the provision of this Act, the Court, from time to time, directs. [See s. 61 of this Bill.]

*Remuneration.*

62. (1) The remuneration to be paid to the official assignee shall be fixed by general rules. [11 & 12 Vic. c. 21, s. 19; 46 & 47 Vic. c. 52, s. 72.]

(2) The rules shall express what expenses the remuneration is to cover, and no liability shall attach to the bankrupt's estate, or to the creditors, in respect of any expenses which the remuneration is expressed to cover.

(3) No remuneration whatever beyond that referred to in sub-section (1) shall be received by an official assignee as such.

*Costs.*

63. (1) No payment shall be allowed in the accounts of the official assignee or manager in respect of the performance by any other person of the ordinary duties which are required by this Act or the rules made under this Act to be performed by himself. [46 & 47 Vic. c. 52, s. 73.]

(2) All bills and charges of legal practitioners, managers, accountants, auctioneers, brokers and other persons shall be taxed by the prescribed officer, and no payments in respect thereof shall be allowed in the accounts of the official assignee without leave of the Court given after the bills and charges have been taxed.

(3) Every such person shall, on request by the official assignee (which request the official assignee shall make a sufficient time before declaring a dividend), deliver his bill of costs or charges to the prescribed officer, and if he fails to do so within seven days after receipt of the request, or such further time as the Court, on application, may grant, the official assignee shall declare and distribute the dividend without regard to any claim by him, and thereupon any such claim shall be forfeited as well against the official assignee personally as against the estate.

*Receipts, Payments, Accounts and Audit.*

64. (1) Two accounts, called respectively the Bankruptcy Estates Account and the Bankruptcy Dividends Account, shall be kept by the Court with such Government treasury, and in accordance with such rules, as the Governor General in Council may from time to time prescribe. [11 & 12 Vic. c. 21, s. 21; Ben. Rule 16, 46 & 47 Vic. c. 52, s. 74.]

(2) Subject to those rules, the Bankruptcy Estates Account shall be an account of money held by the Court for estates in bankruptcy, and the Bankruptcy Dividends Account shall be an account of declared dividends remaining unclaimed or undistributed. [New.]

(3) The said accounts shall be opened as soon as may be after the passing of this Act. [46 & 47 Vic. c. 52, s. 163.]

(4) The official assignee shall, in such manner and at such times as the Court, with the sanction

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(Part IV.—Official Assignees.—Sections 65-71.)

of the Governor General in Council, directs, pay the money received by him on account of estates in bankruptcy into the Court for credit to the Bankruptcy Estates Account, and the Court shall furnish him with a certificate of receipt of the money so paid.

[11 & 12 Vic.,  
c. 21, s. 31.] (5) If an official assignee at any time retains for more than ten days a sum exceeding five hundred rupees, or such other sum as the Court in any particular case authorizes him to retain, then, unless he explains the retention to the satisfaction of the Court, he shall pay interest on the amount so retained in excess at the rate of twenty per centum per annum, and shall be liable to pay any expenses occasioned by reason of his default, and to submit to such other consequences as may be prescribed.

(6) All payments out of money standing to the credit of the Bankruptcy Estates Account or the Bankruptcy Dividends Account shall be made by the treasury in the prescribed manner on the order of the prescribed officer.

[46 & 47 Vic.,  
c. 52, s. 75.] 65. An official assignee shall not pay any sums received by him as official assignee into his private banking account.

[46 & 47 Vic.,  
c. 52, s. 76.] 66. (1) Whenever the balance standing to the credit of an estate in the Bankruptcy Estates Account exceeds ten thousand rupees, the Court may order such part thereof as is not required for the time being to answer demands in respect of the estate, or for transfer to the Bankruptcy Dividends Account in respect of dividends declared, to be invested in Government securities.

(2) When the Court has made an order under sub-section (1), it shall notify the order to such officer as the Governor General in Council may appoint in this behalf, and pay over to the officer the sum which it has ordered to be invested or any part thereof as the officer may require, and the officer may invest the said sum or part thereof in Government securities to be placed to the credit of the estate.

(3) Whenever any part of the money so invested is, in the opinion of the Court, required to answer any demands in respect of the estate or for transfer to the Bankruptcy Dividends Account, the Court shall notify to the officer the amount so required, and the officer shall thereupon repay to the Court such sum as may be required to the credit of the estate, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(4) Interest on investments under this section shall be paid to the Bankruptcy Estates Account to the credit of the estate.

[11 & 12 Vic.,  
c. 21, s. 33,  
Ben. Rules,  
39-41,  
46 & 47 Vic.,  
c. 52, s. 78.] 67. (1) Every official assignee shall, at such times as may be prescribed, but not less than twice in each year during his tenure of office, submit to the Court, or as it directs, an account of his receipts and payments as such official assignee.

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a declaration in the prescribed form.

(3) The Court shall cause the accounts so submitted to be audited, by such officer as the Gov-

ernor General in Council may appoint in this behalf, and for the purposes of the audit the official assignee shall furnish the officer with such vouchers and information as the officer may require, and the officer may at any time require the production of and inspect any books or accounts kept by the official assignee.

(4) When any such account has been audited, a copy thereof shall be filed in the Court, and shall be open to the inspection of any creditor, or of the bankrupt, or of any person interested.

68. The official assignee shall, whenever required by any creditor so to do, and on payment by the creditor of the prescribed fee, furnish and transmit to the creditor by post a list of the creditors, showing in the list the amount of the debt due to each of the creditors. [46 & 47  
c. 52, s. 77]

69. The official assignee shall keep, in manner prescribed, proper books, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed; and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent, inspect any such books. [46 & 47  
c. 52, s. 78]

70. (1) Every official assignee shall, from time to time, as may be prescribed, and not less than once in every year, during the continuance of the bankruptcy, submit to the Court a statement showing the proceedings in the bankruptcy up to the date of the statement, containing the prescribed particulars, and made out in the prescribed form. [46 & 47  
c. 52, s. 79]

(2) The Court shall cause the statement so submitted to be examined, and shall call the official assignee to account for any misfeasance, neglect or omission which may appear on the statement or in his accounts or otherwise, and may require the official assignee to make good any loss which the estate of the bankrupt may have sustained by reason of the misfeasance, neglect or omission.

#### *Release*

71. (1) When the official assignee has realized all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly protracting the proceedings in bankruptcy, and distributed a final dividend, if any, or has ceased to act by reason of a composition having been approved, or has resigned, or has vacated or been removed from his office, the Court shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Court, shall take into consideration the report, and any objection which may be urged by any creditor or person interested against the release of the official assignee, and shall either grant or withhold the release accordingly. [46 & 47  
c. 52, s. 80]

(2) Where the release of an official assignee is withheld, the Court may, on the application of any creditor or person interested, make such order as it thinks just, charging the official assignee with the consequences of any act or default which he may have done or made contrary to his duty.

(3) An order of the Court releasing the official assignee shall discharge him from all liability in

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respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as official assignee, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

*Official Name.*

3 & 47 Vic.,  
52, s. 88.] **72.** The official assignee may sue and be sued by the name of "the official assignee of the property of \_\_\_\_\_, a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description, make contracts, enter into any engagements binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

*Vacation of Office on Insolvency.*

4 & 47 Vic.,  
5, s. 85.] **73.** If a receiving order is made against an official assignee, he shall thereby vacate the office of official assignee.

*Control.*

4 & 47 Vic.,  
s. 89.] **74.** (1) Subject to the provisions of this Act, the official assignee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by any resolution of the creditors at a meeting.

Discretionary powers of assignee and control there of

(2) The official assignee may, from time to time, summon meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution at any meeting, or the Court may direct, or whenever requested in writing to do so by one-fourth in value of the creditors.

(3) The official assignee may apply to the Court in manner prescribed for directions in relation to any particular matter arising under the bankruptcy.

(4) Subject to the provisions of this Act, the official assignee shall use his own discretion in the management of the estate and its distribution among the creditors.

47 Vic.,  
s. 90.] **75.** If the bankrupt or any of the creditors, or any other person, is aggrieved by any act or decision of the official assignee, he may apply to the Court, and the Court may confirm, reverse or modify the act or decision complained of, and make such order in the premises as it thinks just.

Appeal to Court against assignee.

47 Vic.,  
s. 91.] **76.** (1) In the event of any official assignee not faithfully performing his duties and duly observing all the requirements imposed on him by any enactment, rules or otherwise, with respect to the performance of his duties, or in the event of any complaint being made to the Court by any creditor in regard thereto, the Court shall enquire into the matter and take such action thereon as may be deemed expedient.

Control of Court over assignee.

(2) The Court may at any time require any official assignee to answer any inquiry made by it in relation to any bankruptcy in which he is

engaged, and may examine him or any other person on oath concerning the bankruptcy.

(3) The Court may also direct a local investigation to be made of the books and vouchers of the official assignee.

PART V.

SPECIAL ASSIGNEES.

**77.** (1) If any creditor desires that any person other than the official assignee be appointed assignee of the bankrupt's estate, he may, at any time after the debtor has been adjudged bankrupt, apply to the Court to summon a meeting of the creditors for the purpose of considering the appointment of a special assignee.

(2) The Court may in any case, and shall if the creditor, or he and other creditors applying with him, represent one-fourth in value of the creditors, cause a meeting to be summoned for that purpose.

(3) At the meeting convened under sub-section (2) the creditors may, by ordinary resolution, appoint a special assignee of the property of the bankrupt.

(4) If a special assignee is appointed, he shall give security in manner prescribed to the satisfaction of the Court; and the Court, if satisfied with the security, shall certify that his appointment has been duly made, unless it disapproves of the appointment on the ground that it has not been made in good faith by a majority in value of the creditors voting, or that the person appointed is not fit to act as assignee, or that his connection with or relation to the bankrupt or his estate or any particular creditor makes it difficult for him to act with impartiality in the interests of the creditors generally.

(5) The appointment of a special assignee shall take effect as from the date of the certificate.

(6) If the Court disapproves of the appointment made at the meeting summoned under sub-section (2), it shall cause a further meeting of the creditors to be summoned for the purpose of appointing some other person to be special assignee.

(7) If either at the meeting summoned under sub-section (2) or at the further meeting summoned under sub-section (6) the creditors do not, by ordinary resolution, appoint a special assignee, or if at the further meeting they make an appointment of which the Court disapproves on any of the grounds mentioned in sub-section (4), the official assignee shall be the assignee throughout the bankruptcy.

(8) Subject to the provisions of this Act with respect to security and the approval of the Court, the creditors, if they think fit, may, by ordinary resolution, appoint more persons than one to the office of special assignee; and, where more persons than one are appointed, the creditors shall declare whether any act required or authorised to be done by the special assignee is to be done by all or any one or more of those persons, all of whom are in this Act included under the term "special assignee," and shall be joint-tenants of the property of the bankrupt with right of survivorship.

(9) Where the Court disapproves of the appointment of any one of more persons than one

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appointed to the office of special assignee, it shall be deemed, subject to the next following sub-section, to disapprove of the appointment of all of them.

(10) Provided, with respect to sub-sections (6), (7), (8) and (9), that, where the creditors resolve to appoint a special assignee, or more persons than one to the office of special assignee, they may appoint one or more persons to be substituted in succession in the place of the person first named, or of one or more of the persons first named, in the event of his or their declining to accept the office of special assignee, or failing to give security, or not being approved of by the Court.

(11) The creditors may, by ordinary resolution, at a meeting specially called for that purpose, of which seven days' notice has been given, remove a special assignee appointed by them, and may, at the same or any subsequent meeting, appoint another person to fill the vacancy as hereinafter provided in the case of a vacancy in the office of special assignee.

(12) If the Court is of opinion that a special assignee appointed by the creditors is guilty of misconduct, or fails to perform his duties under this Act, the Court may remove him from his office.

(13) If a vacancy occurs in the office of special assignee, the creditors at a meeting may appoint a person to fill the vacancy, and thereupon the same proceedings shall be taken as in the case of a first appointment.

(14) The official assignee shall, on the requisition of any creditor, summon a meeting for the purpose of filling any such vacancy.

(15) If the creditors do not within four weeks after the occurrence of a vacancy appoint a person to fill the vacancy, the official assignee shall be the assignee during the remainder of the bankruptcy.

(16) During any vacancy in the office of special assignee the official assignee shall act as assignee.

**78.** Where a special assignee has been appointed under the last foregoing section, the property of the bankrupt shall vest in the special assignee without any conveyance or assignment for the purpose: and, save as provided by any general rules and any general or special orders of the Court, all the foregoing provisions of this Act referring to an official assignee shall, so far as may be, be construed as referring to the special assignee, subject to the following provisions, namely:—

(a) the references to the official assignee in sections 8, 9, 11 and 13 to 15 (both inclusive), section 20, sub-section (3), section 26, sub-sections (2), (4) and (6), sections 58 to 62 (both inclusive), and section 77, apply to the official assignee only;

(b) the special assignee shall not do any of the things mentioned in section 49 without the permission of the Court, or, if the Court so directs, of the prescribed officer, given on an application to the Court or to the prescribed officer, as the case may be, for permission to do the particular thing or things in the specified case or cases stated in the application;

(c) with his application to the Court for leave to declare a final dividend under section 54, the special assignee shall, when he has not realised all the property of the

bankrupt, submit a report by the prescribed officer as to the sufficiency of the grounds for his opinion that he has realised so much of the property of the bankrupt as can be realised without needlessly protracting the proceedings in bankruptcy;

(d) the special assignee shall not, without the [46 & 47 Vic  
previous sanction of the Court, or, if the c. 52, s. 64.] Court so directs, of the prescribed officer, appoint the bankrupt himself to discharge any of the duties mentioned in sub-section (1) of section 56, or make any allowance to the bankrupt under sub-section (2) of that section;

(e) the remuneration, if any, of the special [46 & 47 Vic  
assignee shall be in the nature of a com- c. 52, s. 72.] mission or percentage, of which one part shall be payable on the amount realised, after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend, and it shall be fixed by the creditors, by ordinary resolution, at the meeting at which he is appointed, but may be reduced by the Court, and shall be so adjusted that the expense of administration by a special assignee shall not exceed the expense of administration by the official assignee;

(f) the special assignee shall not, under any [46 & 47 Vic  
circumstances whatever, make any ar- c. 52, s. 72.] rangement for or accept from the bankrupt, or any legal practitioner, auctioneer or any other person that may be employed about the bankruptcy, any gift, remuneration or pecuniary or other consideration or benefit whatever beyond the remuneration fixed by the creditors and payable out of the estate, nor shall he make any arrangement for giving up, or give up, any part of the remuneration payable to him in any capacity, to the bankrupt or to any legal practitioner or other person that may be employed about the bankruptcy;

(g) when no remuneration has been voted to [46 & 47 Vic  
the special assignee, he shall be allowed c. 52, s. 72.] out of the bankrupt's estate such proper costs and expenses incurred by him in or about the proceedings of the bankruptcy as the prescribed officer may allow;

(h) the special assignee shall supply the official [46 & 47 Vic  
assignee with such information, and give c. 52, s. 68.] him such access to, and facilities for inspecting, the bankrupt's books and documents, and generally shall give him such aid, as may be requisite for enabling the official assignee to perform his duties under this Act;

(i) where the special assignee has not previ- [46 & 47 Vic  
ously resigned or vacated or been removed c. 52, s. 83.] from his office, his release under section 71 shall operate as a removal of him from his office;

(j) the vote of the special assignee, or of his [46 & 47 Vic  
partner, clerk, legal practitioner or legal c. 52, s. 88.] practitioner's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the special assignee.

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(Part VI.—Constitution, Procedure and Powers of Court.—Sections 79-87.)

## PART VI.

## CONSTITUTION, PROCEDURE AND POWERS OF COURT.

*Jurisdiction.*

[46 & 47 Vic.,  
c. 52, s. 92.] **79.** (1) The Courts having jurisdiction in bankruptcy under this Act shall be—  
Courts having jurisdiction in bankruptcy.

(a) the High Courts of Judicature at Fort William, Madras and Bombay;

(b) the Court of the Recorder of Rangoon; and

(c) subject to any limitation which the Governor General in Council may impose with respect to the extent of the jurisdiction to be exercised, such other Civil Courts as the Local Government, with the previous sanction of the Governor General in Council, may, from time to time, appoint in this behalf in the territories administered by it.

[New.]

**80.** For the purposes of this Act the local limits of the jurisdiction of the said Courts shall, subject to the provisions of section 4, sub-section (1), be the following, namely:—

(a) the local limits of the jurisdiction of each of the said High Courts of Judicature shall be the local limits for the time being of its ordinary original civil jurisdiction;

(b) the local limits of the jurisdiction of the Court of the Recorder of Rangoon shall comprise the towns of Rangoon, Moulmein, Myah and Bassein;

(c) the local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

[11 & 12  
Vic., c. 21,  
s. 3.  
46 & 17 Vic.,  
c. 52, s. 91(2)] **81.** All matters in respect of which jurisdiction is given by this Act shall, where the Court consists of more Judges than one, be ordinarily transacted and disposed of by or under the direction of one of the Judges of that Court, and the Chief Justice or senior Judge shall, from time to time, assign a Judge for that purpose.

[16 & 17 Vic.,  
c. 52, s. 97(2)] **82.** Any proceedings in bankruptcy pending in any Court appointed by the Local Government of a province under section 79 may, at any time, and at any stage thereof, and either with or without application by any of the parties thereto, be transferred by the High Court of the province to itself or to any Court appointed as aforesaid in the province.

[16 & 17 Vic.,  
c. 52, s. 97,  
(3).] **83.** If any question of law arises in any bankruptcy proceeding in a Court appointed by the Local Government of a province under section 79, and all the parties to the proceeding desire, or one of them and the Judge of the Court desire, to have the question determined in the first instance in the High Court of the province, the Judge shall state the facts, in the form of a special case, for the opinion of that High Court. The special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

**84.** Subject to the provisions of this Act and to general rules, the Judge of a Court exercising jurisdiction in bankruptcy may exercise in chambers the whole or any part of his jurisdiction.

**85.** (1) Subject to general rules limiting the powers conferred by this section, the High Court of Judicature at Fort William, Madras or Bombay may, from time to time, direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, an officer of the Court or Judge of the Presidency Small Cause Court appointed by it in this behalf shall have all or any of the powers in this section mentioned; and any order made or act done by such officer or Judge in the exercise of the said powers shall be deemed the order or act of the High Court.

(2) The powers referred to in sub-section (1) are the following, namely:—

(a) to hear bankruptcy petitions, and to make receiving orders and adjudications thereon;

(b) to hold the public examination of debtors;

(c) to grant orders of discharge;

(d) to approve compositions or schemes of arrangement;

(e) to make interim orders in any case of urgency;

(f) to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers;

(g) to hear and determine any unopposed or *ex parte* application;

(h) to summon and examine any person known or suspected to have in his possession effects of the debtor, or to be indebted to him, or to be capable of giving information respecting the debtor, his dealings or property.

**86.** The Court of the Recorder of Rangoon, and any Court appointed by a Local Government under section 79, shall, for the purposes of its bankruptcy jurisdiction, in addition to its ordinary powers, have all the powers and jurisdiction possessed by any of the said High Courts of Judicature; and the orders of the Court may be enforced accordingly in manner prescribed.

**87.** (1) Subject to the provisions of this Act, every Court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, which may arise in any case of bankruptcy coming within the cognizance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

(2) A Court having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

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(Part VI.—Constitution, Procedure and Powers of Court.—Sections 88-95.)

(3) Where a receiving order has been made in any Court having jurisdiction in bankruptcy under this Act, and that Court consists of more Judges than one, the Judge by whom the order was made, or, where the order was made by an authority empowered in that behalf under section 85, the Judge assigned under section 81 or the transaction and disposal of matters in bankruptcy, shall have power, if he sees fit, without any further consent, to order the transfer of himself of any suit or other proceeding by or against the bankrupt pending before any other Judge or Judges of the Court.

(4) Where default is made by an assignee, debtor or other person in obeying any order or direction given by the Court or by an official assignee or any other officer of the Court under any power conferred by this Act, the Court may, on the application of the official assignee or other duly authorised person, or of its own motion, order the defaulting assignee, debtor or person to comply with the order or direction so given; and the Court may also, if it thinks fit, upon any such application make an immediate order for the committal of the defaulting assignee, debtor or other person:

Provided that the power given by this sub-section shall be deemed to be in addition to and not in substitution for any other right or remedy in respect of the default.

*Appeals.*

**88. (1)** Every Court having jurisdiction in bankruptcy under this Act may review, rescind or vary any order made by it under its bankruptcy jurisdiction.

(2) Orders in bankruptcy matters shall, at the instance of any person aggrieved, be subject to appeal as follows:—

(a) an appeal from an order made by an officer of the Court or Judge of a Presidency Small Cause Court empowered under section 85 shall lie to the Judge assigned under section 81 for the transaction and disposal of matters in bankruptcy;

(b) an appeal from an original order made by a single Judge or Bench of a High Court consisting of more Judges than one shall, if appeals lie to the High Court from orders passed by a single Judge or Bench thereof in exercise of its original civil jurisdiction, lie to the High Court in accordance with the rules applicable to those appeals;

(c) an appeal from an order of the Court of the Recorder of Rangoon shall lie to the Special Court;

(d) an appeal from an order of a Court appointed by a Local Government under section 79, not being a High Court to which clause (b) of this sub-section applies, shall lie, if the Court is not a High Court, to the High Court of the province, and, if the Court is a High Court, as the Governor General in Council may from time to time direct;

(e) no appeal shall be entertained except in conformity with such general rules as may for the time being be in force in relation to the appeal.

*Procedure.*

**89. (1)** Subject to the provisions of this Act and to general rules, the Discretionary powers of the Court. costs of and incidental to any proceeding in Court under this Act shall be in the discretion of the Court.

(2) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it thinks fit to impose.

(3) The Court may at any time amend any written process or proceeding under this Act upon such terms, if any, as it thinks fit to impose.

(4) Where by this Act or by general rules the time for doing any act or thing is limited, the Court may extend the time either before or after the expiration thereof, upon such terms, if any, as the Court thinks fit to impose.

(5) Subject to general rules, the Court may in any matter take the whole or any part of the evidence either *ex parte* or by interrogatories, or upon affidavit, or by commission beyond the limits of British India.

(6) For the purpose of approving a composition or scheme by joint debtors, the Court may, if it thinks fit, and on the report of the official assignee that it is expedient so to do, dispense with the public examination of one of the joint debtors if he is unavoidably prevented from attending the examination by illness or absence abroad.

**90.** Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the Court may consolidate the proceedings or any of them, on such terms as the Court thinks fit.

**91.** Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor is indebted in the amount required by this Act in the case of the petitioning creditor, or may give the carriage of proceedings to the official assignee.

**92.** If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive.

**93.** The Court may, at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court thinks just.

**94.** Any creditor whose debt is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others.

**95.** Where there are more respondents than one to a petition, the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.



*The Indian Bankruptcy Bill, 1886.**(Part VII.—Small Bankruptcies.—Part VIII.—Fraudulent Debtors and Creditors.—Sections 96-102.)*

96. Where a receiving order has been made on property of partners a bankruptcy petition against to be vested in same or by one member of a partnership, any other bankruptcy petition against or by a member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution; and, if an assignee is acting in respect of the property of the first-mentioned member of the partnership, the same assignee shall, unless the Court otherwise directs, act in respect of the property of the last-mentioned member, and the Court may give such directions for consolidating the proceedings under the petitions as it thinks just.

97. Where a member of a partnership is adjudged bankrupt, the Court may authorise the assignee to commence and prosecute any suit or other legal proceeding in the names of the assignee and of the bankrupt's partner; and any release by the partner of the debt or demand to which the proceeding relates shall be void; but notice of the application for authority to commence the proceeding shall be given to him, and he may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the proceeding, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the Court directs.

98. Where a bankrupt is a contractor in respect of any contract jointly with any other person, that other person may sue or be sued in respect of the contract without the joinder of the bankrupt.

99. Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm; but in that case the Court may, on application by any person interested, order the names of the persons who are partners in the firm, or the name of the person carrying on business under a partnership name, to be disclosed in such manner, and verified on oath or otherwise, as the Court may direct.

*Annulment of Adjudication.*

100. (1) Where in the opinion of the Court a debtor ought not to have been adjudged bankrupt, or where it is proved to the satisfaction of the Court that the debt of the bankrupt are paid in full, or where in some part of British India, or of Her Majesty's dominions elsewhere, beyond the limits within which the Court ordinarily exercises civil jurisdiction, proceedings are pending for the distribution of the estate and effects of the bankrupt among his creditors under this Act or under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions, and it appears to the Court that the distribution ought to take place in that part of British India or of Her Majesty's dominions elsewhere, the Court may, on the application of any person interested, by order, annul the adjudication.

done, by the assignee or other person acting under his authority, or by the Court, shall be valid, but the property of the debtor who was adjudged bankrupt shall vest in such person as the Court may appoint, or, in default of any such appointment, revert to the debtor for all his estate or interest therein, on such terms and subject to such conditions, if any, as the Court may declare by order.

(2) Notice of the order annulling an adjudication shall be forthwith published in the prescribed manner.

(4) For the purposes of this section any debt disputed by a debtor shall be considered as paid in full if the debtor enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into Court.

## PART VII.

## SMALL BANKRUPTCIES.

101. When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official assignee reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications, namely:—

- (a) if the debtor is adjudged bankrupt, the official assignee shall be the assignee in the bankruptcy;
- (b) no appeal shall lie from any order of the Court, except by order of the Court;
- (c) the estate shall, where practicable, be distributed in a single dividend;
- (d) such other modifications may be made in the provisions of this Act as may be prescribed with the view of saving expense and simplifying procedure; but nothing in this section shall permit the modification of the provisions of this Act relating to the examination or discharge of the debtor.

## PART VIII.

## FRAUDULENT DEBTORS AND CREDITORS.

102. (1) "The Court" in this Part means the Court before which an accused person is tried and, with respect to matters which it is the duty of a jury to decide or determine, includes the jury where the trial of the accused is by jury.

(2) Nothing in this Part shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Part, or from being liable under that other law to any other or higher punishment



*The Indian Bankruptcy Bill, 1886.*  
(Part VIII.—Fraudulent Debtors and Creditors.—Sections 103-164.)

**103.** Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with imprisonment which may extend to two years, or with fine, or with both; that is to say—

Punishment of fraudulent debtors.

- (a) if he does not, to the best of his knowledge and belief, fully and truly discover to the assignee administering his estate for the benefit of his creditors all his property, and how, and to whom, and for what consideration, and when, he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expenses of his family, unless the Court is satisfied that he had no intent to defraud;
- (b) if he does not deliver up to that assignee, or as he directs, all such part of his property as is in his custody or under his control, and which he is required by law to deliver up, unless the Court is satisfied that he had no intent to defraud;
- (c) if he does not deliver up to that assignee, or as he directs, all books, documents, papers and writings in his custody or under his control relating to his property or affairs, unless the Court is satisfied that he had no intent to defraud;
- (d) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he conceals any part of his property to the value of one hundred rupees or upwards, or conceals any debt due to or from him, unless the Court is satisfied that he had no intent to defraud;
- (e) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he fraudulently removes any part of his property of the value of one hundred rupees or upwards;
- (f) if he makes any material omission in any statement relating to his affairs, unless the Court is satisfied that he had no intent to defraud;
- (g) if, knowing or believing that a false debt has been proved by any person under the bankruptcy, he fails for the period of one month to inform the assignee aforesaid thereof;
- (h) if, after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;
- (i) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he conceals, destroys, mutilates or falsifies, or is privy to the concealment, destruction, mutilation or falsification of, any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs

(j) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law;

(k) if, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, he fraudulently parts with, alters or makes any omission in, or is privy to the fraudulently parting with, altering or making any omission in, any document affecting or relating to his property or affairs;

(l) if, after the presentation of a bankruptcy petition by or against him, or at any meeting of his creditors within four months next before the presentation thereof, he attempts to account for any part of his property by fictitious losses or expenses;

(m) if while undischarged he obtains credit to the extent of two hundred rupees or upwards from any person without informing that person that he is an undischarged bankrupt: [46 & 47 c. 52, s. 3]

(n) if, within four months next before the presentation of a bankruptcy petition by or against him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same;

(o) if, within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, obtains, under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the Court is satisfied that he had no intent to defraud;

(p) if, within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, pawns, pledges or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless the Court is satisfied that he had no intent to defraud;

(q) if he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy.

**101.** If, after the presentation of a bankruptcy petition by or against him, or within four months next before the presentation thereof, any person against whom a receiving order is made under this Act quits British India and takes with him, or attempts or makes preparation to quit British India and to take with him, any part of his property to the amount of two hundred rupees or upwards, which ought by law to be divided amongst his creditors, he shall (un- [32 & 33 c. 62, s. 1 46 & 47 c. 52, s. 1]

Penalty for absconding with property.

thereof, any person against whom a receiving order is made under this Act quits British India and takes with him, or attempts or makes preparation to quit British India and to take with him, any part of his property to the amount of two hundred rupees or upwards, which ought by law to be divided amongst his creditors, he shall (un-

*The Indian Bankruptcy Bill, 1886.*  
(Part IX.—Supplemental Provisions.—Sections 105-112.)

to defraud) be punished with imprisonment which may extend to two years, or with fine, or with both.

**105.** Any person shall in each of the cases following be punished with imprisonment which may extend to one year, or with fine, or with both; that is to say—

- (a) if in incurring any debt or liability he has obtained credit under false pretences or by means of any other fraud;
- (b) if he has, with intent to defraud his creditors, or any of them, made, or caused to be made, any gift, delivery or transfer of or any charge on his property;
- (c) if he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied decree or order for payment of money obtained against him.

**106.** If any creditor, in any bankruptcy composition or arrangement with creditors actually and with intent to defraud makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be punished with imprisonment which may extend to one year, or with fine, or with both.

**107.** Where a debtor makes any composition or arrangement with his creditors, he shall remain liable for the unpaid balance of any debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving such debt and accepting dividends.

**108.** Where the assignee reports to any Court exercising jurisdiction in bankruptcy that in his opinion a debtor against whom a receiving order has been made under this Act has been guilty of any offence under this Act, or under section 121, 122, 123 or 124 of the Indian Penal Code or any amendment thereof, where any such Court is satisfied upon the representation of any creditor that there is ground to believe that the debtor has been guilty of any offence as aforesaid, that Court shall, if it appears to it that there is a reasonable probability that the debtor may be convicted, order the assignee to prosecute him for the offence.

**109.** Where a debtor has been guilty of any offence he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

### PART IX.

#### SUPPLEMENTAL PROVISIONS.

##### *Application of Act.*

**110.** A married woman shall, in respect of her separate property (if any), be subject to this Act in the

**111.** A receiving order shall not be made against any corporation, or against any partnership, association or company registered under any enactment relating to companies for the time being in force.

**112. (1)** Any creditor of a deceased debtor in whose debt would have been sufficient to support a bankruptcy petition against the debtor, had he been alive, may present to the Court a petition in the prescribed form praying for an order for the administration of the estate of the deceased debtor according to the law of bankruptcy.

(2) Upon the prescribed notice being given to the executor, administrator or other legal representative of the deceased debtor, the Court may in the prescribed manner, upon proof of the petitioner's debt, unless the Court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in bankruptcy of the deceased debtor's estate, or may upon cause shown dismiss the petition with or without costs.

(3) An order of administration under this section shall not, in cases where a grant of probate or administration is required to establish a title as legal representative, be made until the expiration of two months from the date of the grant of probate or letters of administration, unless with the concurrence of the legal representative of the deceased debtor, or unless the petitioner proves to the satisfaction of the Court that the debtor committed an act of bankruptcy within three months prior to his decease.

(4) A petition for administration under this section shall not be presented to the Court after proceedings have been commenced in any Court of Justice for the administration of the deceased debtor's estate; but that Court may, in that case, on the application of any creditor, and on proof that the estate is insufficient to pay its debts, transfer the proceedings to the Court exercising jurisdiction in bankruptcy; and thereupon the last-mentioned Court may, in the prescribed manner, make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(5) Upon an order being made for the administration of a deceased debtor's estate under this section, the property of the debtor shall vest in the official assignee of the Court, and he shall forthwith proceed to realize and distribute the same in accordance with the provisions of this Act.

(6) With the modifications hereinafter mentioned, all the provisions of Part III of this Act, relating to the administration of the property of a bankrupt, shall, so far as the same are applicable, apply to the case of an administration order under this section in like manner as to an order of adjudication under this Act.

(7) In the administration of the property of the deceased debtor under an order of administration, the official assignee shall have regard to any claims by the legal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and about the debtor's estate; and those claims shall be

*The Indian Bankruptcy Bill, 1886.*  
(Part IX.—Supplemental Provisions.—Sections 113-119.)

payable in full, out of the debtor's estate, in priority to all other debts.

(8) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the official assignee after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of bankruptcy, the surplus shall be paid over to the legal representative of the deceased debtor's estate, or dealt with in such other manner as may be prescribed.

(9) Notice to the legal representative of a deceased debtor of the presentation by a creditor of a petition under this section shall, in the event of an order for administration being made thereon, be deemed to be equivalent to notice of an act of bankruptcy, and after the notice no payment or transfer of property made by the legal representative shall operate as a discharge to him as between himself and the official assignee. Save as aforesaid nothing in this section shall invalidate any payment made or act or thing done in good faith by the legal representative before the date of the order for administration.

(10) Unless the context otherwise requires, "Court," in this section, means the Court exercising jurisdiction in bankruptcy within the local limits of the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his decease; and "creditor" means one or more creditors qualified to present a bankruptcy petition as in this Act provided.

(11) General rules, for carrying into effect the provisions of this section, may be made in the same manner and to the like effect and extent as in bankruptcy.

*General Rules.*

**113. (1)** The High Court of a province may, from time to time, with the concurrence of the Governor General in Council, make, revoke and alter general rules for carrying into effect the objects of this Act.

(2) All general rules made under the foregoing provisions of this section shall be judicially noticed, and shall have effect as if enacted by this Act.

(3) After the commencement of this Act no general rule under the provisions of this section shall come into operation until the expiration of one month after the same has been made and issued.

*Fees.*

**114.** The High Court of a province, with the previous sanction of the Governor General in Council, may from time to time make rules prescribing the fees and percentages to be charged for or in respect of proceedings under this Act, and the fees to be charged for or in respect of proceedings instituted under Chapter XX of the Code of Civil Procedure in any Court having jurisdiction under this Act, and may direct by whom and in what manner the same are to be collected and accounted for, and to what account they shall be paid.

*Evidence.*

**115. (1)** A copy of the *Gazette of India*, or of the *Gazette of a Local Government*, containing any notice inserted therein in pursuance of this Act

or the rules made under this Act, shall be evidence of the facts stated in the notice.

(2) The production of a copy of the *Gazette* containing any notice of a receiving order, or of an order adjudging a debtor bankrupt, shall be conclusive proof in all legal proceedings of the order having been duly made, and of its date.

**116. (1)** A minute of proceedings at a meeting of creditors under this Act, signed at the same or the next ensuing meeting

by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

**117.** Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate made by any Court having jurisdiction in bankruptcy, any instrument, affidavit or document or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings, or other proceedings had under this Act, shall, if it appears to be sealed with the seal of any Court having jurisdiction in bankruptcy, or purports to be signed by any Judge thereof, or is certified as a true copy by any Registrar thereof, be receivable in evidence in all legal proceedings whatever.

**118.** Subject to general rules, any affidavit may be used in a Bankruptcy Court if it is sworn—

(1) in British India, before—

(a) any Court or Magistrate,

(b) any officer whom the High Court of a province may appoint in this behalf, or

(c) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf;

(2) in England, before any person authorised to administer oaths in Her Majesty's High Court of Justice, or in the Court of Chancery of the County Palatine of Lancaster, or before any Registrar of a Bankruptcy Court, or before any officer of a Bankruptcy Court authorised in writing in that behalf by the Judge of the Court;

(3) in Scotland or in Ireland, before a Judge Ordinary, Magistrate or Justice of the Peace; and

(4) in any other place, before a Magistrate or Justice of the Peace or other person qualified to administer oaths in that place (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid, by a British Minister or British Consul or British Political Agent or by a notary public).

**119.** In case of the death of the debtor, or of a witness whose evidence has been received by any Court in any proceeding under this Act, the

*The Indian Bankruptcy Bill, 1886.*  
(Part IX.—Supplemental Provisions.—Sections 120-130.)

deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

120. Every Court having jurisdiction in bankruptcy under this Act shall have a seal describing the Court in such manner as may be directed by order of the High Court of the province, and judicial notice shall be taken in all legal proceedings of the seal, and of the signature of the Judge or Registrar of any Court having that jurisdiction.

121. A certificate of the Court, that a person has been appointed or is an assignee under this Act, shall be conclusive proof of his having been appointed or being such assignee.

*Time.*

122. (1) Where by or under this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day, and the act or proceeding shall be one or taken at latest on the last day of that limited time as so computed, unless the last day is a day on which the Court does not sit, in which case any act or proceeding shall be considered as one or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

(2) Where by or under this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a day on which a Court does not sit, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

*Notices.*

123. All notices and other documents for the service of which no special mode is directed may be sent prepaid post letter to the last known address of the person to be served therewith.

*Formal Defects.*

124. (1) No proceeding in bankruptcy shall be formal defect not to be invalidated by any formal defect or by any irregularity unless the Court before which an objection is made to the proceeding is of opinion that substantial justice has been caused by the defect or irregularity, and that the injustice cannot be remedied by order of that Court.

(2) No defect or irregularity in the appointment of an assignee shall vitiate any act done by him in good faith.

*Bankrupt Trustee.*

125. Where a bankrupt is a trustee within the meaning of the Indian Trustee Act, 1850, the provisions of that Act shall have effect so as to authorise the appointment of a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

*Corporations, Firms and Lunatics.*

126. For all or any of the purposes of this Act, [46 & 47 c. 52, s. 1] a corporation may act by any of its officers authorised in that behalf under the seal of the corporation; a firm may act by any of its members; and a lunatic may act by his committee, curator bonis or manager, or, when the matter is one in respect of which a Court of Wards has superintendence, by that Court or such person as it may appoint in this behalf.

*Construction of former Acts, &c.*

127. Whereby any enactment or instrument [46 & 47 c. 52, s. 1] reference is made to the 11 & 12 Vic., cap. 21 (*An Act to consolidate and amend the Laws relating to Insolvent Debtors in India*), the enactment or instrument shall, so far as may be, be construed and have effect as if reference were made therein to the corresponding provisions of this Act.

128. The provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge shall bind the Crown. [46 & 47 c. 52, s. 15]

129. Nothing in this Act, or in any transfer of [11 & 12 Vic. c. 21, s. 46 & 47 c. 52, s. 151] jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had immediately before the commencement of this Act; and all attorneys or other persons who had the right of audience before the Courts for the Relief of Insolvent Debtors shall have the like right of audience in bankruptcy matters in the High Courts of Judicature at Fort William, Madras and Bombay, respectively.

*Unclaimed Funds or Dividends.*

130. (1) Where an assignee under any bankruptcy, composition or scheme pursuant to this Act has under his control any unclaimed dividend which has remained unclaimed for more than six months, or where, after making a final dividend, he has in his hands or under his control any unclaimed or undistributed money arising from the property of the debtor, or where, after the passing of this Act, any unclaimed or undistributed fund or dividend in the hands or under the control of an assignee under the 11 & 12 Vic., c. 21 (*An Act to consolidate and amend the Laws relating to Insolvent Debtors in India*) has remained or remains unclaimed or undistributed for six months after the same became claimable or distributable, or in any other case for two years after the receipt thereof by the assignee, the assignee shall forthwith pay it into the Court for credit, if it is held for an estate, to the Bankruptcy Estates Account of that Court, or, if it is held as a dividend for a creditor, to the Bankruptcy Dividends Account of that Court. [46 & 47 Vic. c. 52, s. 162]

(2) In the case of an assignee under the Statute aforesaid in the Court for the Relief of Insolvent Debtors at Calcutta, Madras or Bombay, or in the Court of the Recorder of Rangoon, "the Court" in sub-section (1) means the High Court of Judicature at Fort William, Madras or Bombay, or the Court of the Recorder of Rangoon, as the case may be.

*The Indian Bankruptcy Bill, 1886.*  
(Part IX.—Supplemental Provisions.—Sections 131-135.)

(3) The Court, with the concurrence of the Governor General in Council, may, from time to time, appoint a person to collect and get in all such unclaimed or undistributed moneys, funds or dividends; and for the purposes of this section the Court shall have, and at the instance of the person so appointed or of its own motion may exercise, all the powers conferred by this Act with respect to the discovery and realization of the property of a debtor, and the provisions of Part I of this Act with respect thereto shall, with any necessary modifications, apply to proceedings under this section.

(4) The provisions of this section shall not, except as expressly declared herein, deprive any person of any larger or other right or remedy to which he may be entitled against the assignee.

**131.** Moneys transferred to the credit of the Bankruptcy Dividends Account which are not paid within six years from the date of their transfer to that account shall be carried to the account and credit of the Government of India, unless the Court, on the motion of a person interested, otherwise directs.

**132.** Any person claiming to be entitled to any moneys paid into the Bankruptcy Estates Account or the Bankruptcy Dividends Account pursuant to section 30, or carried to the account and credit of the Government of India pursuant to section 131, may apply to the Court for an order for payment to him of the same; and the Court, if satisfied that the person claiming is entitled, shall make an order for payment to him of the sum due:

Provided that, before making an order for the payment of a sum which has been carried to the account and credit of the Government of India, the Court shall cause a notice to be served on such officer as the Governor General in Council may appoint in this behalf, calling on the officer to show cause, within one month from the date of the service of the notice, why the order should not be made.

**133.** (1) Where in the books of the official assignee of the Court for the Relief of Insolvent Debtors at Calcutta, Madras or Bombay, or of the Court of the Recorder of Rangoon, a dividend in respect of the claim of a person who has been named in a schedule as a creditor of an insolvent in proceedings under the 11 & 12 Vic., 21 (*An Act to consolidate and amend the laws relating to Insolvent Debtors in India*), but has not established his title to the dividend, has been standing to the credit of the estate of the insolvent for a longer period than six years from the date of the declaration of the dividend, the official assignee of the High Court of Judicature at Fort William, Madras or Bombay, or of the Court of the Recorder of Rangoon, as the case may be, shall, at the prescribed time and in the prescribed form, file an account of it in Court, and publish the account in two successive issues of the local official Gazette.

(2) If the dividend is not claimed within six months from the date of the second publication of the account in the Gazette, it shall, after deduction therefrom of the cost of preparing, filing and publishing the account, be divided rateably

among the creditors of the estate who have proved their debts or demands.

*Debtor's Books.*

**134.** (1) No person shall, as against the assignee, be entitled to withhold possession of the books of accounts belonging to the debtor or to set up any lien thereon.

(2) Any creditor of the bankrupt may, subject to the control of the Court, inspect at all reasonable times, personally or by agent, any such books in the possession of the assignee.

*Interpretation.*

**135.** (1) In this Act, unless the context otherwise requires,—

- (1) "province" means the territories under the administration of a Local Government;
- (2) "High Court of the province" and "High Court of a province" mean the highest Civil Court of appeal for a province;
- (3) "the Court" (except in Part VIII) means the Court having jurisdiction in bankruptcy under this Act;
- (4) "affidavit" includes declarations under any legislative enactment, affirmations, and attestations on honour;
- (5) "assignee" means an official assignee or special assignee;
- (6) "available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made;
- (7) "debt provable in bankruptcy" or "provable debt" includes any debt or liability by this Act made provable in bankruptcy;
- (8) "general rules" includes forms;
- (9) "Government treasury" includes a bank which conducts treasury business for the Government;
- (10) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund;
- (11) "oath" includes affirmation, declaration under any legislative enactment, and attestation on honour;
- (12) "ordinary resolution" means a resolution decided by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution;
- (13) "prescribed" means prescribed by general rules within the meaning of this Act;
- (14) "property" includes money, goods, things in action, land and every other description of property, whether moveable or immovable; also, obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined;
- (15) "schedule" means a schedule to this Act;

*The Indian Bankruptcy Bill, 1886.*  
(Part IX.—Supplemental Provisions.—Section 136.)  
(The First Schedule.—Meetings of Creditors.)

(16) "secured creditor" means a person holding a mortgage, charge or lien on the property of the debtor, or any part thereof, as a security for a debt due to him from the debtor;

(17) "sheriff" includes any officer charged with the execution of a writ or other process;

(18) "special resolution" means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution.

(2) The schedules to this Act shall be construed and have effect as part of the Act.

*Repeal.*

46 & 47 Vic., 136. (1) The enactments described in the third  
c. 52, s. 169.] schedule are hereby repealed as from the commencement of this Act to the extent mentioned in that schedule.

(2) The repeal effected by this Act shall not affect—

(a) anything done or suffered before the commencement of this Act under any enactment repealed by this Act; or

(b) any right or privilege acquired, or duty imposed, or liability or disqualification incurred, under any enactment so repealed; or

(c) any fine, forfeiture or other punishment incurred or to be incurred in respect of any offence committed or to be committed against any enactment so repealed; or

(d) the institution or continuance of any proceeding or other remedy, whether under any enactment so repealed or otherwise, for ascertaining any such liability or disqualification, or recovering or enforcing any such fine, forfeiture or punishment as aforesaid.

(3) Notwithstanding the repeal effected by this Act, all proceedings in any Court or before a Judge of any Court under any of the enactments repealed pending at the commencement of this Act shall, except so far as any provision of this Act expressly applies to pending proceedings, continue, and those enactments shall, except as aforesaid, apply thereto, as if this Act had not passed.

(4) The person for the time being holding the office of official assignee for any of the High Courts of Judicature at Fort William, Madras and Bombay, or for the Court of the Recorder of Rangoon, shall, for the purposes of any such proceedings pending before that Court or any Judge thereof, be deemed to have been appointed official assignee under the repealed enactment.

2. The official assignee shall also, as soon as practicable, send to each creditor mentioned in the debtor's statement of affairs a notice of the time and place of the meeting, accompanied by a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official assignee may think fit to make; but the proceedings at the meeting shall not be invalidated by reason of any such notice or summary not having been sent or received before the meeting.

3. The meeting shall be held at such place as is in the opinion of the official assignee most convenient for the majority of the creditors.

4. The official assignee or the special assignee may at any time summon a meeting of creditors, and shall do so whenever so directed by the Court, or so requested in writing by one-fourth in value of the creditors.

5. Meetings subsequent to the meeting mentioned in section 17 shall be summoned by sending notice of the time and place thereof to each creditor at the address given in his proof, or, if he has not proved, at the address given in the debtor's statement of affairs, or at such other address as may be known to the person summoning the meeting.

6. The official assignee, or some person nominated by him, shall be the chairman at every meeting: Provided that, if the Court so directs, the chairman at any meeting subsequent to the meeting mentioned in section 17 shall be such person as the meeting by ordinary resolution appoint.

7. A person shall not be entitled to vote as a creditor at any meeting of creditors unless he has duly proved a debt provable in bankruptcy to be due to him from the debtor, and the proof has been duly lodged before the time appointed for the meeting.

8. A creditor shall not vote at any such meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

9. For the purpose of voting a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. If he votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

10. A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, as a security in his hands, and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof.

11. It shall be competent to the assignee, within twenty-eight days after a proof estimating the value of a security as aforesaid has been made use of in voting at any meeting, to require the creditor to give up the security for the benefit of the creditors generally on payment of the value

**THE FIRST SCHEDULE.**

(See section 17.)

**MEETINGS OF CREDITORS.**

1. The official assignee shall summon the meeting mentioned in section 17 by giving not less than seven days' notice of the time and place thereof in the prescribed manner.



*The Indian Bankruptcy Bill, 1886.*  
(The Second Schedule.—Proof of Debts.)

so estimated, with an addition thereto of twenty per centum: Provided that, where a creditor has put a value on the security, he may at any time before he has been required to give up the security as aforesaid correct the valuation by a new proof, and deduct the new value from his debt, but in that case the addition of twenty per centum shall not be made if the assignee requires the security to be given up.

12. If a receiving order is made against one partner of a firm, any creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat.

13. The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether the proof of a creditor should be admitted or rejected, he shall mark the proof as objected to and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

14. A creditor may vote either in person or by proxy.

15. Every instrument of proxy shall be in the prescribed form, and shall be issued by the official assignee, or, if a special assignee has been appointed, by the special assignee, and every insertion therein shall be in the handwriting of the person giving the proxy.

16. A creditor may give a general proxy to his manager or clerk, or any other person in his regular employment. In that case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor.

17. A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof, for or against any specific resolution, or for or against any specified person as special assignee.

18. A proxy shall not be used unless it is deposited with the official assignee or special assignee before the meeting at which it is to be used.

19. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a special assignee in obtaining proxies, or in procuring the special assigneeship, except by the direction of a meeting of creditors, the Court shall have power, if it thinks fit, to order that no remuneration shall be allowed to the person by whom or on whose behalf the solicitation has been exercised, notwithstanding any resolution of the creditors to the contrary.

20. A creditor may appoint the official assignee of the debtor's estate to act in manner prescribed as his general or special proxy.

21. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

22. A meeting shall not be competent to act for any purpose, except the election of a chairman and the adjournment of the meeting, unless there are present, or represented thereat, at least three creditors, or all the creditors if their number does not exceed three.

23. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be

adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

24. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up, and fairly entered in a book kept for that purpose, and the minutes shall be signed by him.

25. No person acting under either a general or a special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor rateably with the other creditors of the debtor: Provided that where any person holds special proxies to vote for the appointment of himself as special assignee, he may use the said proxies and vote accordingly.

### THE SECOND SCHEDULE.

(See section 32.)

#### PROOF OF DEBTS.

##### *Proof in ordinary cases.*

1. Every creditor shall prove his debt as soon as may be after the making of a receiving order.

2. A debt may be proved by delivering or sending through the post in a prepaid letter to the official assignee, or, if a special assignee has been appointed, to the special assignee, an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement or account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The official assignee or special assignee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt, unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount not exceeding five per centum on the net amount of his claim, which he may have agreed to allow for payment in cash.

##### *Proof by Secured Creditors.*

9. If a secured creditor realizes his security, he may prove for the balance due to him, after deducting the net amount realized.

10. If a secured creditor surrenders his security to the assignee for the general benefit of the creditors, he may prove for his whole debt.

11. If a secured creditor does not either realize or surrender his security, he shall, before ranking for dividend, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled

[46 & 47 V.  
c. 52, Sch. II]



*The Indian Bankruptcy Bill, 1886.*  
(The Second Schedule.—Proof of Debts.)

to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. (a) Where a security is so valued the assignee may at any time redeem it on payment to the creditor of the assessed value.

(b) If the assignee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the assignee or as, in default of agreement, the Court may direct. If the sale is by public auction, the creditor, or the assignee on behalf of the estate, may bid or purchase.

(c) Provided that the creditor may at any time, by notice in writing, require the assignee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the assignee does not, within six months after receiving the notice, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it; and the equity of redemption, or any other interest in the property comprised in the security which is vested in the assignee, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

13. Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the assignee, or the Court, that the valuation and proof were made *bona fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor, and upon such terms as the Court shall order, unless the assignee shall allow the amendment without application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rule, the creditor shall forthwith repay any surplus dividend which he has received in excess of that to which he would have been entitled on the amended valuation or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he has failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realizes it, or if it is realized under the provisions of rule 12, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

16. If a secured creditor does not comply with the foregoing rules, he shall be excluded from all share in any dividend.

17. Subject to the provisions of rule 12, a creditor shall in no case receive more than sixteen annas in the rupee and interest as provided by this Act.

*Taking Accounts of Property mortgaged and  
Sale thereof.*

18. Upon application by motion by any person claiming to be a mortgagee of any part of the bank-

rupt's immoveable property, whether the mortgage is of a legal or equitable nature, the Court shall proceed to inquire whether the person is such mortgagee, and for what consideration and under what circumstances; and if it is found that the person is such mortgagee, and if no sufficient objection appears to the title of the person to the sum claimed by him under the mortgage, the Court shall direct such accounts and inquiries to be taken as may be necessary for ascertaining the principal, interest and costs due upon the mortgage, and the rents and profits, or dividends, interest or other proceeds received by the person, or by any other person by his order or for his use in case he has been in possession of the property over which the mortgage extends, or any part thereof; and the Court, if satisfied that there ought to be a sale, shall direct notice to be given in such Gazettes or newspapers as it thinks fit, when and where, and by whom and in what way, the property, or the interest therein so mortgaged, is to be sold, and that the sale be made accordingly, and that the assignee (unless it be otherwise ordered) shall have the conduct of the sale; but it shall not be imperative on any such mortgagee to make such application. At any such sale the mortgagee may bid and purchase.

19. All proper parties shall join in the conveyance to the purchaser, as the Court may direct.

20. The moneys arising from the sale shall be applied in the first place in payment of the costs, charges and expenses of the assignee, of and occasioned by the application to the Court and of and attending the sale, and then in payment and satisfaction so far as the same will extend of what is found due to the mortgagee, for principal, interest and costs; and the surplus of the said moneys (if any) shall then be paid to the assignee. But in case the moneys arising from the sale are insufficient to pay and satisfy what is so found due to the mortgagee, then he shall be entitled to prove as a creditor for the deficiency, and receive dividends thereon rateably with the other creditors, but not so as to disturb any dividend then already declared.

21. For the better taking of such inquiries and accounts, and making a title to the purchaser, all parties may be examined by the Court upon interrogatories or otherwise as it may think fit, and shall produce before the Court upon oath all deeds, papers, books and writings in their respective custody or power relating to the estate or effects of the bankrupt, as the Court may direct.

*Proof in respect of Distinct Contracts.*

22. If a debtor was at the date of the receiving order liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of the contracts against the properties respectively liable on the contracts.

*Periodical Payments.*

23. When any rent or other payment falls due at stated periods, and the receiving order is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of

*The Indian Bankruptcy Bill, 1886.*  
(*The Third Schedule.—Enactments repealed.*)

the order as if the rent or payment grew due from day to day.

*Interest.*

24. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order and provable in bankruptcy, the creditor may prove for interest at a rate not exceeding six per centum per annum to the date of the order from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and, if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

*Debt payable at a future Time.*

25. A creditor may prove for a debt not payable when the debtor committed an act of bankruptcy as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable according to the terms on which it was contracted.

*Admission or Rejection of Proofs.*

26. The assignee shall examine every proof and the grounds of the debt, and in writing admit or reject it in whole or in part, or require further evidence in support of it. If he rejects a proof, he shall state in writing to the creditor the grounds of the rejection.

27. If the assignee thinks that a proof has been improperly admitted, the Court may, on the application of the assignee, after notice to the creditor who made the proof, expunge the proof or reduce its amount.

28. If a creditor is dissatisfied with the decision of the assignee in respect of a proof, the Court

may, on the application of the creditor, reverse or vary the decision.

29. The Court may also expunge or reduce a proof upon the application of a creditor if the assignee declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

30. For the purpose of any of his duties in relation to proofs, the assignee may administer oaths and take affidavits.

THE THIRD SCHEDULE.

(See section 136.)

ENACTMENTS REPEALED.

A.—*Statute repealed.*

Year and chapter	Title.	Extent of repeal
11 & 12 Vic., c. 21.	An Act to consolidate and amend the Laws relating to Insolvent Debtors in India.	So much as has not been repealed.

B.—*Acts repealed.*

Number and year.	Subject or title.	Extent of repeal.
XXVII of 1841.	An Act for appropriating the unclaimed Dividends on Insolvent Estates.	So much as has not been repealed.
XVII of 1875.	The Burma Courts Act, 1875.	Section 36.

STATEMENT OF OBJECTS AND REASONS.

THIS matter of the general amendment of the law of bankruptcy and insolvency in India has been frequently of late years pressed upon the attention of the Government of India.

There are at present two main bodies of insolvency law in force in British India—first, the Statute 11 & 12 Vic., cap. 21; and secondly, Chapter XX of the Code of Civil Procedure (XIV of 1882). Roughly speaking, the former constitutes the insolvency law for the three Presidency-towns and for the towns of Rangoon, Moulmein, Akyab and Bassein; the latter the law for the country outside those towns. It is, however, to be observed that the High Courts administer the insolvency chapter of the Civil Procedure Code concurrently with their ordinary insolvency jurisdiction. Besides these two main bodies of law, there is a special insolvency law for the Punjab under Act IV of 1872, sections 22 to 33; and there are special Acts that have been passed for the relief of indebted landowners in different parts of the country.

2. In the year 1870 Sir James Stephen introduced a Bill repealing the Statute of 1848, and substituting for it an insolvency law applicable to the whole of British India. It was taken mainly from the English Bankruptcy Act of 1869. The general opinion about it was that its provisions were too complicated for the Mufassal, and that the system of voluntary management by creditors, which was then the principle of the English Act, was unsuitable to India, and the measure was accordingly dropped. The Bill was possibly open to the objection that it was beyond the competency of the Indian legislature, but this point does not appear to have been taken at the time.

3. Sir Arthur Hobhouse did not attempt to touch the insolvency law of the Presidency-towns, but he paid a good deal of attention to what he described as "those seldom-used sections" of the Code of Civil Procedure "which do duty for an insolvency law" in the Mufassal.

\* Legislative Proceedings, 1876, page 211.

† Legislative Proceedings, 1875, page 76.

sal.\* Speaking on the subject in 1875,† he remarked that the Code then contained the germ of an insolvency law, but nothing more than a germ. He believed that this part of the Code had been very little used, and he remarked that if this was so it was not surprising, as there was very small inducement to the debtor to avail himself of it. It seemed, however, he went on to say, to be the prevailing opinion that the judicial machinery in the Mufassal was hardly adapted to the working of any general and complete law of insolvency. At all events, he said, such a law should be treated as a separate measure, and not as part of the Code. It would probably, he added, be better for the present, and be likely to pave the way for some more complete measure in the future, if the legislature were to make the law a little less rudimentary than it then was, and at all events to supplement it where it seemed to be broken off in its natural course; and he embodied in Chapter XX of the Code of 1877 certain provisions framed in accordance with these views.

4. By Act XII of 1879 (now superseded by the Code of Civil Procedure of 1882) several amendments were made in the insolvency chapter of the Code. The most important of these was the extension of the chapter to persons against whose property orders of attachment had been issued in execution of money-decrees. In his speech on the passing of this Act, Mr. Whitley Stokes said that Chapter XX, even with all the improvements made by this Act, would still be incomplete; but that it went as far as most of the Committee with their present knowledge of the condition of the Mufassal Courts and the extent of India's indebtedness thought safe and wise. The Government of India in the Home Department, he said, either had issued, or was about to issue, a circular to the Local Governments, requesting their opinion as to the propriety of allowing debtors to a certain amount to apply for a declaration of insolvency, and if this were found possible the law would be altered accordingly.‡

‡ Abstract of Proceedings, 1879, page 202.

5. The circular referred to by Mr. Stokes was issued on the 22nd of September, 1879, and invited an expression of opinion on the suggestion that persons owing Rs. 200 and upwards should be allowed to apply to be adjudged insolvents, though they might not have been arrested or imprisoned, and though no order of attachment against their property had been made. The majority of the opinions received was adverse to the suggestion, and accordingly it was dropped.

6. In January, 1881, Mr. Pitt Kennedy brought in a Bill for the amendment of the law relating to insolvent debtors in India. It was a short amending Bill of seven sections, and did not attempt to consolidate the law. Serious doubts were entertained whether some of the proposals of the Bill were not *ultra vires*, and it was therefore decided that the Bill should not be proceeded with. In the meantime, however, it had been circulated to Local Governments and Administrations for opinion; and among the comments and criticisms which were passed upon it the doubt is not unfrequently expressed whether it was worth while to pass a mere amending Bill, and whether it would not be possible to re-cast completely the insolvency law for India.

7. It is clear further that, apart from any question of general revision, there are certain points in which the existing law stands in somewhat urgent need of emendation.

Thus, the Secretary of State, in a despatch dated the 21st October, 1880, requested the early consideration by the Government of India, in communication with the several High Courts, of the question whether the Insolvency Courts could not under the existing law order the charge for advertising notices of insolvency in the provincial Gazettes and in the *London Gazette* to be defrayed from the estates concerned, and suggested that, if necessary, recourse should be had to legislation to ensure the recovery from every estate of all costs, whether incurred in England or in India, attendant on the insolvency. The Local Governments and High Courts were consulted on this question; and though the majority of them were of opinion that the point might be dealt with by an alteration of the statutory rules, yet the possibility of meeting the difficulty satisfactorily in this way does not appear to be altogether free from doubt.

8. Again, at Bombay, in consequence of the discovery some five or six years ago of serious defalcations on the part of the Official Assignee, it became necessary to re-organize the office of that functionary, and the High Court deemed it necessary—

(1) to provide that the accounts of the Official Assignee should be regularly audited by a competent auditor; and

(2) to appoint an Official Assignee of such position and character as might afford an effectual guarantee against misappropriation, and of such energy and legal knowledge as might ensure the most satisfactory and least expensive realization and distribution amongst creditors.

For these purposes additional funds were required, and the Court proposed to provide these funds mainly from unclaimed dividends. Accordingly, they framed certain new rules under the Insolvency Act of 1818, by which the unclaimed dividends were to be formed into a fund to be invested, with other money, in Government paper. The interest was to be

applied in paying an auditor, and in supplementing the remuneration of the Official Assignees. These rules have hitherto been acted on, but doubts have been suggested as to their validity, and the Bombay Government have been pressing the Government of India to introduce or sanction legislation for the purpose of validating them. It appears, however, to be doubtful whether they can be validated by anything short of Parliamentary legislation.

9. The insolvency law of the Presidency-towns is admittedly cumbrous, defective and out of date, and in some points of detail is, as has been shown, urgently in need of amendment. The proposals for its revision which have hitherto been submitted to the legislature have been objected to, not so much on the ground that they were undesirable, as on the ground that they were insufficient, and that, while it was desirable to re-cast the whole law and bring it into conformity with English law, it was expedient to postpone legislation for this purpose while proposals involving important amendments of the English law itself were under consideration. This objection has recently been removed by the passing of the English Bankruptcy Act of 1883. That Act may not be perfect; but at least it embodies the accumulated experience of the thirty-five years which elapsed since the passing of the Indian Insolvency Act; and in commercial law perfection of detail is less important than uniformity of principle. It is eminently desirable that the circumstances under which a debtor may be declared insolvent and under which he may obtain his discharge should be, as far as possible, the same in London and Calcutta.

10. The Government of India, therefore, after reference to the Secretary of State, came to the conclusion that the opportunity should be taken of repealing the Indian Insolvency Act and substituting a new Act conforming in general principles to the English Act of 1883, but adapted in details to Indian circumstances.

A Bill on these lines was prepared last year, and, having regard to the circumstance that an Indian Bankruptcy Act will have in some cases to be used by persons beyond the limits of British India, and to the advantage of having the decisions of the English Courts as a guide to its construction, it was thought well that its form and drafting should follow the English Act as closely as possible, except where there was some substantial reason for taking a different course. The result of the adoption of the English Act as a model then is that in some instances the phraseology of the present Bill, which is based on the draft of 1885, will be found to vary slightly from that ordinarily adopted in Acts of the Indian legislature, and in others it may be found to contain rules of interpretation and evidence, penal clauses and other provisions, which either cover ground already covered by parallel Indian enactments, or would be somewhat differently framed in a Bill intended only for this country.

11. The Bill which was prepared last year was submitted for opinion to the authorities most competent to advise on the subject of bankruptcy, and the further deviations from the scheme of the English Act which will be found in the present Bill are the outcome of the advice given by those authorities.

12. The first question which presents itself in connection with this measure is whether the new law should be applied to the whole of British India or only to specified towns.

There is something to be said in favour of having one, and only one, insolvency law for the whole of India. But, on the other hand, the difference between the circumstances of indebtedness in commercial seaports and in the interior appears to be such as to require, not indeed a different law, but different machinery. If Chapter XX of the Code of Civil Procedure were not in existence, it might be desirable to insert in a general Insolvency Act a chapter applying the law for the Presidency-towns, with modifications and simplifications, to the Munsiff Courts. But under existing circumstances it is thought that the best course is to keep Chapter XX standing, to amend it where necessary, and to apply it generally to parts of the country and to forms of indebtedness to which a law framed principally with a view to commercial insolvencies is not applicable, the new law being applied in the first instance only to the three Presidency-towns, and to Rangoon, Mouhmein, Akyab and Bassein, and a power being taken to extend it to other commercial centres, such as Karachi.

13. The Bill accordingly (section 79) constitutes by its direct operation only four Courts of Bankruptcy, namely, the High Courts of Judicature at Calcutta, Madras and Bombay and the Court of the Recorder of Rangoon, and confers upon the Local Governments power, with the previous sanction of the Governor General in Council, to constitute other Courts of Bankruptcy in the territories administered by them. The local limits of the jurisdiction of the Presidency High Courts when exercising bankruptcy jurisdiction are (section 80) defined to be the same as the local limits of their ordinary original civil jurisdiction, the local limits of the jurisdiction of the Recorder of Rangoon to comprise (as at present) the towns of Rangoon, Mouhmein, Akyab and Bassein. The local limits of the Courts which may be constituted by Local Governments will be defined by those Governments with the previous sanction of the Governor General in Council.

14. The next question that presents itself is one as to the powers of the Governor General's Council. The present Indian insolvency law is contained in an Act of Parliament so framed as to operate throughout Her Majesty's dominions. Thus a vesting order made under it

vests in the assignee by its direct operation all the real and personal estate and effects of the insolvent in whatever part of those dominions they may be situated or accrue. An order of discharge made under it has direct effect in every part of those dominions. And the subordinate provisions of the Act are, speaking generally, framed on similar lines. The Act is one of those which it is within the competency of the Legislative Council of the Governor General to modify or repeal; but if we were to undertake without the aid of Parliament to repeal and re-cast it in the manner above indicated, we should, owing to the limitation of our legislative powers, produce an enactment which would fall short of the present law in the important matter of its local extent and operation. Nor could we attain our object by any amendment of the existing Act. To say nothing of the impracticability, from the draftsman's point of view, of effecting, by way of amendment, the multitude of alterations which are needed in details and in matters of form, it must be remembered that it would be beyond the powers of the Council to extend in any way or substantially modify any of those provisions which apply beyond the limits of British India. And it is apprehended that, even if we were content to forego all notion of directly interfering with these provisions, any extensive amendment of the Act would probably affect them in such a way that either they would be held to have lost their operation beyond British India, or our enactment would be held to be *ultra vires* so far as it affected them, or else some other confusion or difficulty would arise.

15. It is an apprehension of some such result as this that has deterred the Government from attempting certain amendments of the Insolvency Act which have been from time to time suggested, and which in themselves would appear to be of a most trifling description. It is true that if the Council were to repeal the existing Act and substitute for it an Act of its own, drawn on improved lines, the new law, though treated as a foreign bankruptcy law, would receive a certain amount of recognition, and would be given effect to in many cases in the United Kingdom and in British Colonies; but it is apprehended that this result would, as a rule, be attainable only indirectly and through the medium of further judicial proceedings, that in some cases those proceedings would give rise to perplexing questions of private international law, and that in other cases again the Indian law would obtain but partial recognition. It is believed, for example, that a vesting order passed by our Courts under such a law would be allowed no effect as regards immovable property situate in another British jurisdiction, and that the cases in which effect would be given to an order of discharge so passed are not as yet completely defined. Such difficulties could, no doubt, be met by supplementary bankruptcy proceedings concurrently instituted in the United Kingdom or the Colony, but it is obvious that the necessity for this should, if possible, be avoided. The Government of India has no information as to the proportion of the cases that now come before our Insolvency Courts in this country in which a limitation of the local operation of the law, like that just referred to, would be felt as a serious impediment; but it is apprehended that it would be so felt in the more important cases of bankrupts engaged in business transactions extending to the United Kingdom or the Colonies.

16. For these reasons it is necessary that any legislation undertaken here should be supported by an Act of Parliament. The precise form which the Act of Parliament should take is still under consideration in communication with the Secretary of State, but the Government of India as at present advised is disposed to think that the Act should be a confirming Act following legislation here rather than an enabling Act preceding it. An enabling Act followed by an Indian Act would give rise to questions as to whether the Indian legislature had exceeded the powers given to it by the English Act.

17. As regards the provisions of the Bill itself, it will be observed that the most striking difference between them and those of the English Act is that the duties discharged in England by the Board of Trade and committees of inspection are by the Bill entrusted to the Bankruptcy Court. This was unavoidable, as there is no authority in this country outside the Courts which could undertake the duties of the Board of Trade with any prospect of success, and the opinion is almost unanimous that the superintendence of bankruptcy proceedings by committees of inspection is unsuited to India.

18. Opinion is also adverse to the application to India of some of the provisions of the English Act respecting meetings of creditors. It is proposed therefore that meetings shall be held only when they are deemed by the assignee or the Court or one-fourth in value of the creditors to be necessary.

19. The other points in the Bill which appear to require explanation will be referred to, as far as possible, in the order of the sections in which they occur.

20. The local extent of the Act (section 1) has been made as wide as the powers of the Indian legislature permit, and its operation can only be further extended by Parliament.

21. Several of the authorities who have recorded opinions on the draft of 1885, and among them a Committee of the Judges of the High Court at Fort William, have taken exception to the seizure and sale of the goods of a debtor under process of a Civil Court, and the failure of a debtor to comply with the requirements of a bankruptcy notice, being made acts of bankruptcy in India as they have been in England by section 4, sub-section (1), clauses (c) and (g), of the English Act. Those clauses therefore have been excluded from the Bill (section 2), but in their stead have been added clauses making it an act of bankruptcy for a debtor to offer a

composition to his creditors (L. R. 13 Q. B. D. 471), or to be lying in prison for a longer period than twenty-one days for making default in payment of money (11 & 12 Vic., c. 21, ss. 8 and 9).

22. By section 4 the jurisdiction of the Court is limited to cases in which the debtor is in prison within the local limits of the jurisdiction under an order of a Civil Court for default in payment of money, or in which the debtor, or, if he is a member of a firm, his partner, has within a year before the presentation of the bankruptcy petition or hitherto resided or had a dwelling-house or place of business within those limits. This differs from the corresponding provisions of the English Act, which place no restriction of this kind on a petition by a debtor, and which admit a petition against a debtor when, and only when, he "is domiciled in England, or, within a year before the date of the presentation of the petition, has ordinarily resided or had a dwelling-house or place of business in England."

It differs also from the corresponding provisions of the Indian Insolvency Act, which proceed on the distinction, now to be abolished, between traders and others, and the effect of which in all particulars it would be hazardous to attempt to state.

23. As regards the difference between the English Act and the Bill in this respect, it seems clear that the fact of the debtor being in prison within the jurisdiction should, in this country, continue to be, as it is under the present Insolvency Act, a ground of jurisdiction; and it seems almost equally clear, having regard to the conditions under which the present legislation is undertaken and to the circumstance that the local limits of the jurisdiction of each Court, however they may be fixed, must embrace only a part of British India, that domicile should be rejected here as a ground of jurisdiction.

24. Comparing the Bill with the existing Indian insolvency law as construed by the High Courts, it will be observed that Bankruptcy Courts will, under the Bill, continue to have jurisdiction in cases where the bankrupt has a house of business within the local limits, as *Pontifex, J.*, held them, in the cases of *Tarany Churn Goho* (L. B. L. R., App. 26) and *Howard Brothers* (L. B. L. R. 254), to have under the existing law, but that a High Court will not have bankruptcy jurisdiction in respect of an up-country debtor merely by reason of his being personally subject to the jurisdiction of that Court. It will be remembered that opposite views have been taken as to the existence of a jurisdiction on this latter ground under the existing law—see *re Tietkins*, L. B. L. R., O. C., 81, on the one hand, and *re Blackwell*, 9 Bo. H. C. Rep. 461, and *re Ricks*, 3 Mad. H. C. Rep. 151, on the other.

25. It has, however, been provided (section 4), on the recommendation of the Committee of the Judges of the High Court at Fort William, that a Court exercising jurisdiction in bankruptcy under the proposed Act may transfer to itself any proceedings under Chapter XX of the Code of Civil Procedure and deal with them under the Act. It has also been provided (section 4) that in any prescribed class of cases the Court may make a receiving order on a bankruptcy petition notwithstanding the restrictions generally confining its jurisdiction to cases arising within certain local limits. Section 9 provides that, where concurrent proceedings have been instituted under the Bankruptcy Act and under the Code, the Court may stay the proceedings under the Code wherever they may be pending.

26. On the recommendation of the Chief Judge of the Bombay Court of Small Causes it is proposed (section 7) that a Bankruptcy Court may refuse to make a receiving order on a debtor's petition if in its opinion the petition ought to have been presented before some other Bankruptcy Court.

27. A receiving order made under section 6 or section 7 of the Bill will not have precisely the same effect as a vesting order under section 7 of the present Insolvency Act. It will transfer the possession of, but not the property in, the debtor's estate. The debtor will not be divested of his estate until he has been adjudged bankrupt (section 20).

28. When the receiving order has been made, the debtor, if in prison, will be released (section 8), but he will be under the control of the official assignee (section 22), to whom the carriage of proceedings may be given if the petitioner does not proceed with due diligence (section 21).

29. Sections 13 and 100 of the Bill give a Bankruptcy Court power to rescind a receiving order or annul an adjudication of bankruptcy when it considers that the debtor's estate would be more conveniently administered in some other part of British India or of Her Majesty's dominions elsewhere. When an adjudication is annulled under the latter section, anything done under it remains valid, and the Court is empowered to direct that the debtor's property shall vest in any person it may appoint. It is conceived that if similarly wide powers are conferred on the English Bankruptcy Courts the provisions regarding concurrent bankruptcies contained in sections 77 *et seq.* of the present Indian Insolvency Act may be dispensed with.

30. Section 58 protects existing interests of official assignees, and while it is proposed (section 62), in accordance with ordinary Indian practice, to leave the remuneration of official assignees to be determined by executive order, it is improbable that the existing mode of remuneration will be altered during the incumbency of present office-holders.



31. It was urged, among other objections to Sir J. Stephen's Bill, that it would generally be difficult to find among the creditors in this country persons qualified and willing to take a large share in the administration of a bankrupt's estate, and as a matter of fact the official element has always been prominent in administrations under the existing law. It is accordingly proposed, on the practically unanimous advice of all authorities conversant with the practice of bankruptcy in this country, that the official assignee shall discharge the functions of trustee in bankruptcy except when the creditors express a wish for the appointment of a special assignee (section 77).

32. By section 24 of the Bill the provisions of section 23 of the English Bankruptcy Act, respecting the re-direction of debtors' letters, have, on the advice of the Bombay Chamber of Commerce, been extended to debtors' telegrams.

33. The saving of section 5 of the Statute commonly known as Bovill's Act (28 & 29 Vic., c. 86) in section 10 (6) of the English Bankruptcy Act has been omitted from section 33 of the Bill, as there is no corresponding enactment in the law of British India.

34. It has been suggested by the Bengal Chamber of Commerce and the Calcutta Trades Association that the clause (section 37) respecting reputed ownership should be so drawn as to meet the contention of the Official Assignee in the case of *Gubbay v. Miller* (I. L. R. 6 Cal. 633). This suggestion raises a very difficult question, which has been left unsolved by the English Bankruptcy Act of 1883. The opinions of the authorities in India who specially considered the question in 1881, with reference to Mr. Pitt-Kennedy's Bill, may be summed up in the following remarks of Mr. Justice Pontifex on section 23 of 11 & 12 Vic., c. 21:—

"The fact is that the clause, though extremely valuable in particular cases, is one very dangerous to meddle with. As it stands it is beneficial. To alter it as proposed would, in my opinion, be most mischievous. It is impossible with justice to make it apply to every case, and it would be hazardous to attempt to define with particularity to what cases it should apply. In my opinion it should be left as it now stands."

If further legislation is required, it must, in the opinion of the Government of India, take the form of a Bills of Sale Act.

35. Sections 45 and 46 of the English Bankruptcy Act, being framed with reference to English forms of execution, could not be adopted in the Bill without modification. It has been thought (sections 38 and 39 of the Bill) that the course most in harmony at the same time with those sections of the English Act and with the analogies presented by the Code of Civil Procedure would be to make the point of time at which the attaching creditor's title becomes complete against the assignee the same as that at which under section 295 of the Code it becomes complete against rival decree-holders. It is hoped that this will afford a simple and equitable settlement of a point regarding which there has been some difficulty in connection with the existing insolvency law.

36. On the suggestion of Mahārāja Sir Jotendro Mohun Tagore and Bābū Doorga Churn Law the provisions of section 45 of the Bill, with respect to the appropriation of pay or pension, have been made subject to the provisions of the Code of Civil Procedure and the Pensions Act, 1871.

37. The difference between section 48 (1) (c) of the Bill, defining the trustee's powers in respect of property to which the bankrupt is entitled "as tenant in tail or other owner of an estate of inheritance less than an estate in fee-simple," and the corresponding provision of the English Bankruptcy Act is explained by the peculiar position in which the owners of such estates are placed by section 2 of Act XXXI of 1851. The simplicity of that position makes it possible to dispense with all the provisions of the Act for the abolition of fines and recoveries, which are incorporated by reference in the English Bankruptcy Act, with the exception of one, the substance of which, so far as it appears to be required, is embodied in sub-section (2) of section 48 of the Bill.

38. A Bankruptcy Court will have two entirely different kinds of money under its control, namely, (a) money held by it on account of estates before declaration of dividend, and (b) declared dividends awaiting distribution, the former being the property of estates and the latter the property of specific creditors. Section 61 recognises this distinction, and requires the Court to keep a Bankruptcy Estates Account and a Bankruptcy Dividends Account, the former being an account of money held for estates and the latter of money removed from that account on declaration of dividends and held for creditors till their dividends are paid to them or, through their default, lapse to the Government (section 131).

Both the Accounts are to be kept by the Court with a Government treasury. It is considered desirable that, like moneys received by ordinary Civil Courts, money received on account of bankruptcy estates should be paid into a Government treasury, in order that there may be the security of the Government for safe custody, and that the safeguards against the occurrence of error provided by the rules of the Government regarding payments from Government treasuries may be brought into operation. The expression "Government treasury" is so defined in section 135 as to include a Presidency Bank conducting treasury business for the Government.



39. Under the English Act of 1883, dividends on investments of money belonging to estates in bankruptcy are credited to the Government, and the Lord Chancellor is required to have regard to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings. It has been urged, and the Government of India is of opinion, that in this country, where bankruptcy proceedings are often necessarily more protracted than in England, interest on investments should be paid to creditors. But in that case each investment must be made and held separately for each estate, any portion of the funds of which is invested, and investments should only be made when the sum available for investment is large enough to make the interest sensible in amount. Section 66 provides for investments being made on these conditions at the instance of the Court out of funds standing to the credit of estates in the Bankruptcy Estates Account. It is only under that Account that delay prejudicial to creditors can arise. After money has been transferred to the Bankruptcy Dividends Account, any person to whom a dividend is due has only to present his receipt to obtain it, and he should have no inducement, whether by the money lying at interest or in any other way, to postpone for a day his taking the money out of the custody of the Court.

40. Section 79, sub-section (1), clause (c), of the Bill has been so drawn that jurisdiction in bankruptcy may be conferred in a limited class of cases on Courts beyond the Presidency-towns, as, for instance, on the High Court of Judicature for the North-Western Provinces or the Chief Court of the Punjab, with respect to proceedings under Chapter XX of the Code of Civil Procedure, where, by reason of the sum involved or the difficulty of winding up the estate under the Code, the Court may see fit to withdraw the proceedings from the Court in which they are pending and deal with them under proviso (2) to section 4, sub-section (1).

41. Section 85 is based on the section of the English Act which permits the delegation of subordinate jurisdiction in certain matters to Registrars in bankruptcy. It seems that this jurisdiction may be most conveniently exercised by a Judge of the Small Cause Court in Madras and by officers of the High Court in Calcutta and Bombay.

42. Under section 88 of the Bill the appeal from a single Judge of a Presidency High Court and the Recorder of Rangoon exercising bankruptcy jurisdiction lies as at present. The appeal from any Mufassal Courts of Bankruptcy which may be established will in most cases be to the High Court of the province.

43. Section 101 follows the English Act in fixing the limit for small bankruptcies at Rs. 3,000. But the opinion has been expressed by some of the authorities who have advised on the draft of last year that the limit should be raised to Rs. 5,000 or even to Rs. 10,000. The Government of India itself inclines to that opinion, but deems it advisable to adhere to the limit prescribed in the English Act until the matter can be further considered in the light of the criticisms on the present Bill.

44. Part VIII of the Bill is taken from the English Debtors' Act, 1869, as amended by the Bankruptcy Act, 1883. It embodies those full and strong powers for the arrest and punishment of fraudulent debtors and creditors which are the essential adjuncts of every proper law of bankruptcy. It is proposed, when a suitable occasion presents itself, to amend the Code of Criminal Procedure so as to give a Bankruptcy Court a power to commit offenders for trial similar to that which is conferred on the English Bankruptcy Courts by section 165 of the Act of 1883.

45. With respect to the suggestion that certain additional offences should be created by Part VIII of the Bill, it will be found that the Bill or the Indian Penal Code covers most, if not all, of the acts and omissions for which it has been proposed that further provision should be made.

46. Section 110 of the Bill provides that a married woman shall, in respect of her separate property (if any), be subject to the Act in the same way as if she were unmarried. The restriction in the corresponding provision, section 1 (5), of the English Married Women's Property Act, 1882, which confines it to the case of a woman carrying on a trade separately from her husband, has been omitted, because the vast majority of women to whom the Bill will be applicable stand either under sections 4 and 44 of the Indian Succession Act or under their personal laws on a footing altogether different from that of married women in England.

The phrase "separate property," it may be observed, is used in the wide sense in which it is used in the Indian Married Women's Property Act, 1874.

47. Section 130 provides, among other matters, for the payment into the Bankruptcy Courts of unclaimed dividends and other undistributed money remaining in the hands or under the control of assignees under the 11 & 12 Vic., c. 21, after the passing of the proposed Act.

The unclaimed dividends are of two classes, namely, dividends belonging to creditors who have proved their debts, and dividends reserved for creditors who have not done so.

With respect to dividends of the first class, they are, as the late Chief Justice of Bengal has said, the property of the creditors for whom they have been set apart, or of their representatives, just as much as money appropriated to a person interested in an administration-suit belongs to him or his representative.

The case of dividends of the second class is different, and it is proposed to provide for them by section 133 of the Bill. With respect to this class of dividends, Mr. Turner, the Official Assignee at Bombay, has observed as follows :—

"The other class of unclaimed dividends, which amounts probably to some two or more lakhs of rupees, has arisen in Bombay partly from there being no provision in the Act 11 & 12 Vic., c. 21, section 11 (similar to that in the present proposed Act, section 51), for the declaration of dividends only among creditors who "have proved their debts."\*

\* No unclaimed dividends of this class can arise under the proposed new Act (see section 53).  
A practice therefore grew up in the office of the Official Assignee of declaring dividends calculated on the total amount entered in respect of claims, whether partially secured or not, and only adjusting the claims when creditors came to receive payment of the dividend declared. And it must be noticed that this practice had one great practical advantage, inasmuch as such partially secured creditors generally held goods on the way to Europe, and it could not be ascertained, till such goods were actually put on the European market, what the loss (if any) would be. And as creditors in their own interest as well as that of the estate would frequently hold such goods for a considerable time, it would have caused great delay in declaring dividends to wait until such creditors were in a position to adjust and prove their claims. But in many cases the result was that such creditors, when the account sales were received, did not find it worth their while to prove their claims at all, and in such cases the dividend calculated on the whole original debt, as entered in the schedule, still remains unclaimed.

"Formerly, in the older estates, proceedings were taken under the old Act, XXVII of 1841, to strike such claims off the schedules, but of late years it has been considered that that process could not now be legally carried out."

48. Section 131 is designed to meet the suggestion of the Acting Prothonotary and the Official Assignee of Bombay that the Act itself, and not the rules under it, should disallow claims to any lien on debtors' books, and the suggestion of the Bombay Chamber of Commerce that the Act should provide for the free access of creditors to those books.

49. Section 136 (3) of the Bill provides that notwithstanding the repeal of the existing law all proceedings pending under it at the time when the new Act comes into operation shall be disposed of as if that Act had not been passed. This is the course taken in respect of pending proceedings by the English Act, and, having regard to the extent of the change to be made in the law, it seems the only practicable course.

50. Rules 18 to 21 of the Second Schedule, regarding the taking of mortgagees' accounts and the sale of mortgaged property, have been inserted on the suggestion of Mr. Macgregor, the Official Assignee at Calcutta. These rules, which are frequently followed in this country, are substantially the same as those issued by Lord Loughborough in 1791, and the fact that they have been retained, with slight alterations, under the many Bankruptcy Acts passed in England since that date, is strong evidence of their utility.

51. It has been suggested that certain privileges should be accorded to the Official Assignee as a party to legal proceedings. But he will be a public officer within the meaning of section 2 of the Code of Civil Procedure, and, as such, entitled to the protection given to public officers by Chapter XXVII of that Code.

52. It has been objected that in certain circumstances the time limited by the draft of 1885 for doing some acts and things under the proposed Act would be found to be inconveniently short. In some cases the time has now been extended, and it is believed that section 89, sub-section (1), will enable the Courts to prevent hardship in the exceptional cases to which the time as now limited may prove inapplicable.

*The 11th May, 1886.*

C. P. ILBERT.

**COLLECTION OF PAPERS REGARDING THE BANKRUPTCY BILL REFERRED  
TO IN THE STATEMENT OF OBJECTS AND REASONS.**

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" S. E. J. Clarke, Esq., Secretary, Bengal Chamber of Commerce, to Acting Chief Secretary to Government, Bengal, dated 30th April, 1886	ib.

Extract, paragraphs 1 to 10, of Despatch from the Government of India to Her Majesty's Secretary of State for India, —(dated the 12th June, 1885).

With reference to Your Lordship's despatch No. 21 (Judicial), dated 14th of August last, we have the honour to submit herewith copies of a Bill (with the Objects and Reasons for the same) which has been prepared in our Legislative Department to adapt the English Bankruptcy Act, 1853, to Indian circumstances.

2. In exercise of the discretion left to us by paragraph 1 of Your Lordship's despatch, we have thought it well to make the measure applicable by its own vigour not only to the town of Rangoon but also to those of Bassein, Moulmein and Akyah in which, as well as in Rangoon, the Presidency-town Insolvency Law has been for some years in force.

3. As regards the details of the measure, the material particulars in which it differs from the English Act are so fully explained in the Statement of Objects and Reasons that we deem it unnecessary to trouble Your Lordship with any further observations upon them.

4. As regards the form of the Parliamentary legislation required to give our Act operation in certain respects beyond the limits of British India, the proposal made in paragraph 27 of our despatch of the 5th May, 1884, was that we should pass an Act and that then an Act of Parliament should be passed extending such of its provisions as ought to apply beyond the limits of British India. On a further consideration of the point, however, we have come to the conclusion that the more convenient course—in fact, the only convenient course—would be that an Act of Parliament should be passed conferring upon the Governor-General's Council the extended power required for the object in view, and that our legislation should then proceed here in exercise of these powers. We are led to this conclusion chiefly by the consideration that, if the course we originally proposed were adopted, we should, on a very early occasion on which a necessity for amending our Act arose, find ourselves beset by difficulties of a nature similar to those which present themselves in connection with the amendment of the present Indian Insolvency Act,<sup>1</sup> and which are fully described in paragraph 2 of the despatch

\* H & A V, c. 21.

last referred to.

5. Assuming that Your Lordship will agree with us on this point, we have, as requested by Your Lordship, had prepared and forwarded herewith annexed to the Objects and Reasons of the Bill two drafts of enabling Acts of Parliament, either of which, we believe, would put the Governor-General's Council in a position to deal with the subject in an adequate manner.

Of these we give the preference to that marked No. 1, which, following more closely the precedent presented

† H & A V, c. 194.

‡ H & A V, c. 18.

by section 288 of the Merchant Shipping Act, 1854† and the Indian Marine Act, 1880‡ confers the requisite powers in wider terms, and has further the merit of being the shorter of the two, but if the generality of its provisions should be deemed an objection, we could be prepared to accept an Act framed on the lines of the draft No. 2. This latter attempts to specify, with some particularity the several matters in respect of which extended powers are conferred on the Indian Legislature, and though we have every hope that it would accomplish its purpose, we must hardly observe that a draft in this form cannot be so confidently relied on as one conceived in more general terms.

6. On comparing either of these drafts with the draft Bill which we propose to introduce here, Your Lordship will perceive that while the Indian Bankruptcy Courts would be empowered through the medium of their adjudications, decrees, judgments, &c., to affect matters beyond the limits of British India, their direct action will, as explained in the Statement of Objects and Reasons, be strictly confined to this country.

To supply what might thus appear to be a defect in the system we rely on section 118 of the English Bankruptcy Act, 1854 which we as now will enable the Indian Bankruptcy Courts to invoke the aid of the English Bankruptcy Courts, and that not only by specific requisitions directed to a particular stage of a particular matter, but also in a more general form, as, for example, by requiring them to entertain all applications of a certain class which may be made to them on behalf of an Indian official receiver or trustee.

7. The local extent clause of the Bill is so contrived here as, as Your Lordship will observe, drawn on the assumption that the Parliamentary legislation will take the form indicated in the draft No. 1. It would be altered in the opposite event.

8. In paragraph 27 of our despatch already referred to we said that we thought that the Bill to be submitted to Parliament should contain provisions relating to concurrent bankruptcies somewhat similar to those contained in sections 77 *et seq.* of the present Act (H & A V, c. 10), and we should have no great objection to such provision being inserted in Your Lordship should be advised that they are essential, but it seems to us on further consideration that it would be desirable to dispense, if possible, with so serious a complication, and we are inclined to think that the numerous cases have been brought to our notice in which bankruptcy proceedings are instituted simultaneously in a Court in England and in a Court in this country might be met by one Court surrendering the case to the other. The provisions of section 13 of our local Bill, giving power to annul a receiving order, and those of section 30, giving power to annul an adjudication, will, we conceive, confer upon the Courts in this country the power requisite for this, but perhaps some extension of the corresponding powers conferred by the Bankruptcy Act, 1854, on the English Courts would be necessary.

9. The only further observation we have to make regarding the draft Acts of Parliament forwarded to Your Lordship is that both are framed to what we consider necessary for our own purposes. If it is desired, for instance, that bankruptcy in this country should be a disqualification for offices in England, or if it is thought that the 13th and 30th sections of our local Bill to which we have just referred, are not sufficient, but that it is necessary to confer on Courts of Bankruptcy in England a power of staying proceedings in the Bankruptcy

Courts of this country or removing a case pending here, the requisite provisions will doubtless be inserted in England.

10. We have circulated the draft Bill with a view to obtaining the opinion of the High Courts, commercial bodies, and others, but we do not propose to take any step regarding it in the Legislative Council until we hear from Your Lordship in reply to this despatch. We desire to introduce the Bill at the opening of the next Calcutta session, and as we should before that time be in possession of the views of all those interested in, or qualified to form an opinion on, the measure, we might hope to pass it through all the stages at which discussion would be likely to arise before the return of the Government to Simla next year. If the requisite Parliamentary legislation should not be complete by that date, we would defer the final stage of our Bill.

*Draft Bill referred to in paragraph 1 of Despatch to His Majesty's Secretary of State, No. 32, dated the 12th June, 1885*

## DRAFT OF

### A BILL TO

*Amend and consolidate the Law of Bankruptcy and Insolvency in British India.*

WHEREAS it is expedient to amend and consolidate the law relating to bankruptcy and insolvency: It is hereby enacted as follows:—

#### *Preliminary*

Short title and commencement. 1. (1) This Act may be cited as the Indian Bankruptcy Act, 1885.

(2) It shall, except as by this Act otherwise provided, come into force on such date as the Governor-General in Council may, by notification in the official Gazette, fix in his behalf, which date is in this Act referred to as the commencement of this Act.

2. Except as otherwise expressly provided by this Act, the provisions of this Act shall have the same local extent as the Code of Civil Procedure, 1859.

Provided that the following shall not extend to England, and to the Colonies:—

- Sections 39 and 40;
- Section 41, sub-section (2);
- Section 48;
- Section 49, sub-section (1), clause (c), and sub-section (2);
- Section 62, sub-section (2).

## PART I.

### PROCEEDINGS FROM ACT OF BANKRUPTCY TO DISCHARGE

#### *Acts of Bankruptcy.*

Acts of bankruptcy. 3. (1) A debtor commits an act of bankruptcy in each of the following cases:—

- (a) if in British India or elsewhere he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally;
- (b) if in British India or elsewhere he makes a fraudulent conveyance, gift, delivery, or transfer of his property, or of any part thereof;
- (c) if in British India or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon, which would, under the or any other enactment for the time being in force, be void as a transfer of preference if he were insolvent or bankrupt;
- (d) if with intent to defraud or delay his creditors he does any of the following things, namely, departs out of British India, or being out of British India remains out of British India or departs from a dwelling-house, or otherwise absents himself so long as to keep him out;
- (e) if execution issued against him has been levied by sale of his property in any civil proceeding in British India;
- (f) if he gives in the Court a declaration of his inability to pay his debts, or publishes a bankruptcy petition against himself;
- (g) if a creditor has obtained in British India a decree against him for any amount, and execution thereon not having been stayed, has served on him in British India, or, by leave of the Court, elsewhere, a bankruptcy notice under this Act, requiring him to pay the judgment-debt in accordance with the terms of the decree, or to secure or compound for it to the satisfaction of the creditor or the Court, and he does not, within fifteen days after service of the notice in case the service is effected in British India, and in case the service is effected elsewhere then within the time limited in that behalf by the

comply with the requirements of the notice, or satisfy the Court that he has a counter-claim, set-off or cross demand which equals or exceeds the amount of the decree and which he could not set up in the suit in which the decree was obtained;

(h) if the debtor gives notice to any of his creditors that he has suspended, or that he is about to suspend, payment of his debts.

(2) A bankruptcy notice under this Act shall be in the prescribed form, and shall state the consequences of non-compliance therewith, and may be served in the prescribed manner.

#### *Receiving Order*

4. Subject to the exception hereinafter specified, if a debtor commits an act of bankruptcy, the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order, in this Act called a receiving order, for the protection of the estate.

5. (1) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless he is a secured creditor of the debtor.

(a) the debt owing by the debtor to the petitioning creditor, or, if more than one creditor joins in the petition, the aggregate amount of debts owing to the several petitioning creditors, amounts to five hundred rupees; and

(b) the debt is a liquidated sum, payable either immediately or at some certain future time; and

(c) the act of bankruptcy on which the petition is grounded has occurred within three months before the presentation of the petition; and

(d) the debtor is in person within the local limits of the jurisdiction of the Court making an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition voluntarily resided or had a dwelling-house or place of business within those limits.

(2) If the petitioning creditor is a secured creditor, he must also be prepared to show that he is willing to give security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated in the same manner as if he were an unsecured creditor.

6. (1) A creditor's petition shall be verified by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and served in the prescribed manner.

(2) At the hearing the Court shall require proof of the debt of the petitioning creditor, of the service of the petition, and of the act of bankruptcy, or, in more than one act of bankruptcy, of each of the petitioning creditors, and of the alleged acts of bankruptcy, and if satisfied with the proof may make a receiving order in pursuance of the petition.

(3) If the Court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts, or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(4) When the act of bankruptcy relied on is non-compliance with a bankruptcy notice to pay, secure or compound for a judgment-debt, the Court may, if it thinks fit, stay or dismiss the petition on the ground that an appeal is pending from the decree.

(5) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court, on such security (if any) being given as the Court may require for payment to the petitioner of any debt which may be established against him in due course of law, and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be

*The Indian Bankruptcy Bill, 1885.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 7-17.)*

(6) Where proceedings are stayed, the Court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make a receiving order on the petition of some other creditor, and shall thereupon dismiss, on such terms as it thinks just, the petition in which proceedings have been stayed as aforesaid.

(7) A creditor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, s. 6.  
46 & 47 Vic., c. 52, s. 8.]

7. (1) A debtor shall not be entitled to present a bankruptcy petition against himself unless he is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling house or place of business within those limits.

(2) A debtor's petition shall allege that the debtor is unable to pay his debts, and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts; and, if the debtor proves that he is entitled to present the petition, the Court shall thereupon make a receiving order.

(3) A debtor's petition shall not, after presentment, be withdrawn without the leave of the Court.

[11 & 12 Vic., c. 21, ss. 13 & 10.  
46 & 47 Vic., c. 52, s. 9.]

8. (1) On the making of a receiving order the official receiver shall be thereby constituted receiver of the property of the debtor, and thereafter, except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any suit, action or other legal proceedings unless with the leave of the Court and on such terms as the Court may impose.

(2) But this section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed.

[11 & 13 Vic., c. 21, s. 10.  
46 & 47 Vic., c. 52, s. 10.]

9. (1) The Court may, if it is shown to be necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition and before a receiving order is made, appoint the official receiver to be interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

(2) The Court may at any time after the presentation of a bankruptcy petition stay any suit, action, execution or other legal process pending in any Court in British India against the property or person of the debtor, and any Court in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just.

[46 & 47 Vic., c. 52, s. 11.]

10. When the Court makes an order staying any suit, action or proceeding or staying proceedings generally, the order may be served by sending a copy thereof, under the seal of the Court, by prepaid post letter to the Court before which the proceeding is pending.

[46 & 47 Vic., c. 52, s. 12.]

11. (1) The official receiver of a debtor's estate may, on the application of any creditor or creditor manager, and if satisfied that the nature of the debtor's estate or business or the interests of the creditors generally require the appointment of a special manager of the estate or business other than the official receiver, appoint a manager thereof accordingly to act until a trustee is appointed, and with such powers (including any of the powers of a receiver) as may be entrusted to him by the official receiver.

(2) The special manager shall give security and account in such manner as the Court may direct.

(3) The special manager shall receive such remuneration as the creditors may by resolution at an ordinary meeting determine, or, in default of any such resolution, as may be prescribed.

[46 & 47 Vic., c. 52, s. 13.]

12. Notice of every receiving order, stating the name, address and description of the debtor, the date of the order, the Court by which the order is made and the date of the petition, shall be published in the prescribed manner.

[46 & 47 Vic., c. 52, s. 14.]

13. If in any case where a receiving order has been made on a bankruptcy petition it appears to the Court by which the order was made upon an application by the official receiver, or any creditor or other person interested, that a majority of the creditors in number and value are resident in

the United Kingdom or in any other part of Her Majesty's dominions beyond the limits of British India, or that from the situation of the property of the debtor, or other cause, his estate and effects ought to be distributed among the creditors under the Bankrupt or Insolvent Laws of that part of Her Majesty's dominions, the said Court, after such enquiry as to it may seem fit, may rescind the receiving order and stay all proceedings on, or dismiss, the petition upon such terms, if any, as the Court may think fit.

*Proceedings consequent on Order.*

[46 & 47 Vic., c. 52, s. 15.]

14. (1) As soon as may be after the making of a receiving order against a debtor, a general meeting of his creditors (in this Act referred to as the first meeting of creditors) shall be held for the purpose of considering whether a proposal for a composition or scheme of arrangement shall be entertained, or whether it is expedient that the debtor shall be adjudged bankrupt, and generally as to the mode of dealing with the debtor's property.

(2) With respect to the summoning of and proceedings at the first and other meetings of creditors, the rules in the first schedule shall be observed.

[11 & 12 Vic., c. 21, ss. 6 & 12.  
46 & 47 Vic., c. 52, s. 16.]

15. (1) Where a receiving order is made against a debtor, the debtor's statement he shall make out and submit to the official receiver a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and showing the particulars of the debtor's assets, debts and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official receiver may require.

(2) The statement shall be so submitted within the following times, namely:—

- (i) if the order is made on the petition of the debtor, within three days from the date of the order;
- (ii) if the order is made on the petition of a creditor, within seven days from the date of the order.

But the Court may, in either case, for special reasons, extend the time.

(3) If the debtor fails without reasonable excuse to comply with the requirements of this section, the Court may, on the application of the official receiver, or of any creditor, adjudge him bankrupt.

(4) Any person stating himself in writing to be a creditor of the bankrupt may, personally or by agent, inspect this statement at all reasonable times, and take any copy thereof or extract therefrom; but any person untruthfully so stating himself to be a creditor shall be punished, on the complaint of the trustee or official receiver, with imprisonment which may extend to three months, or with fine, or with both.

*Public Examination of Debtor.*

[46 & 47 Vic., c. 52, s. 17.]

16. (1) Where the Court makes a receiving order it shall hold a public sitting, on a day to be appointed by the Court for the examination of the debtor, and the debtor shall attend thereat, and shall be examined as to his conduct, dealings and property.

(2) The examination shall be held as soon as conveniently may be after the expiration of the time for the submission of the debtor's statement of affairs.

(3) The Court may adjourn the examination from time to time.

(4) Any creditor who has tendered a proof, or his representative authorised in writing, may question the debtor concerning his affairs and the causes of his failure.

(5) The official receiver, and a trustee if he is appointed before the conclusion of the examination, may take part therein.

(6) The Court may put such questions to the debtor as it may think expedient.

(7) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him.

(8) Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be read over to and signed by the debtor, and may thereafter be used in evidence against him; they shall also be open to the inspection of any creditor at all reasonable times.

(9) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but such order shall not be made until after the day appointed for the first meeting of creditors.

*Composition or Scheme of Arrangement.*

[46 & 47 Vic., c. 52, s. 18.]

17. (1) The creditors may at the first meeting or any adjournment thereof, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them from the debtor,

Power for creditors to accept and Court to approve composition or arrangement.

*The Indian Bankruptcy Bill, 1885.*

(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 18-29.)

or a proposal for a scheme of arrangement of the debtor's affairs.

(2) The composition or scheme shall not be binding on the creditors unless it is confirmed by a resolution passed (by a majority in number representing three-fourths in value of all the creditors who have proved at a duly convened meeting of the creditors, and is approved by the Court).

Any creditor who has proved his debt may, as before, dissent from the composition as hereby a better offer, as to the official receiver in the prescribed form, and attested by a witness, so as to be received by the official receiver not later than the day preceding the said subsequent meeting, and any such entry shall be taken as before printed and voted at the meeting.

(2) The subsequent proceedings shall be summoned by the official receiver by not less than seven days' notice, and shall not be held until after the public examination of the debtor is concluded. The notices shall state generally the terms of the proposal, and shall be accompanied by a report of the official receiver thereon.

(1) The debtor or the official receiver may, after the composition or scheme is accepted by the creditors, apply to the Court to a grant of, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(5) The Court shall, before approving a composition or scheme, hear a report of the liquidator as to the terms of the composition or scheme and as to the conduct of the debtor, and any objections which may be made by or on behalf of any creditor.

(6) If the Court is of opinion that the terms of the composition or scheme are not reasonable, or are not calculated to benefit the moral body of creditors, or any case in which the Court is of opinion that the Act, where the debtor is adjudged bankrupt to receive his discharge, the Court shall, on any petition so presented, or would under this Act present to the Court, annul, quash, or suspend the action of the Court, the Court may, in its discretion, refer the application for consideration of the court.

(7) If the Court approves the composition of service, the approval may be in the form of a certificate, which, being attached to the list of names, showing the terms of the composition or service, may be taken into consideration in an order of the court.

(8) A composition of  $n$  elements are used and approved in pursuance of this section in relation to the following matters, so far as relates to matters referred to in the preceding clause, and provided in banking or

(9) A certificate of title shall be given to the depositor or his agent, duly signed and stamped, and in the absence of fraud, bona fide purchaser, and bona fide holder for value.

(10) The provisions of a composition or arrangement under this section may be enforced by the Court on application by any person named in the Court made on the application being made by the Court were a decree.

[illegible]

(2) *Marriage or other relationship*—The term "marriage or other relationship" is defined to include a marriage, a civil partnership, a registered partnership, a civil union, a common-law marriage, a common-law partnership, a common-law civil union, or a common-law civil partnership, as the case may be, whether or not the marriage or other relationship is legally recognized, and whether or not the marriage or other relationship is legally recognized in the jurisdiction in which the marriage or other relationship is entered into or in which the marriage or other relationship is entered into or in which the marriage or other relationship is entered into or in which the marriage or other relationship is entered into.

(13) Part III of this Act, which deals with the application of the law and the terms of the contract, is not intended to apply thereto, for a contract entered into by a person in favour of "trustee," "bankruptcy," "bookkeeper," or "administrator" as in the last paragraph of the contract.

(11) No composition or scheme of arrangement approved by the Court which does not provide for the payment or payment to other debts of all debts due and to be so paid in the distribution of the property of a bankrupt.

(15) The acceptance by a creditor of a composition or arrangement in relation to the debts of a company is not an admission that the company is insolvent.

would not be released by an order of discharge if the debtor had been adjudged bankrupt.

**13.** Notwithstanding the foregoing, the plan and approval of a composition or reorganization, such composition or reorganization shall not be binding on any creditor relating to a debtor's liability from which, under the provisions of this Act, the debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents to the composition or reorganization.

*Adapted at. by P. Khosroo'ee.*

**19. (1)** At the time of making or giving order or at any time thereafter, the Court may, on the application of the debtor, limit the application of the order and with effect retro-

(c) When a receiving order is made against a debtor, then, if the order is at the first meeting or any adjournment thereof an ordinary resolution is passed that the debtor be adjudged bankrupt, it is not binding, or if the creditors do not meet, or if a composition or scheme is not accepted or approved in pursuance of this Act within a certain day, after the conclusion of the examination of the debtor or such further time as the Court may allow, the Court shall adjudge the debtor bankrupt.

(4) When a given contrivance and no other is intended at the time and place applicable for the first meeting or occasion, need for other contrivances or others do not attend the process, as a rule, but rather, or when the official never exists, it is that the idea has been ended on the time order has been put to rest, as a composition or element of the mind, either on the application of a or the end of the mind, or, to their judgment, the end of the law.

and hereby certifies that the above is a true and correct copy of the original as the same appears in the records of the County of Los Angeles, California.

[illegible]

20 (c) The Commission will be the trustee of the fund, and will be responsible for the management of the fund, and for the payment of the interest on the fund to the beneficiaries.

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[illegible][illegible][illegible]



*The Indian Bankruptcy Bill, 1885.**(Part I.—Proceedings from Act of Bankruptcy to Discharge.—Sections 21-26.)*

(7) When a debtor is adjudged bankrupt after the first meeting of creditors has been held, and a trustee has not been appointed prior to the adjudication, the official receiver shall, if a declaration has been made by the Court under sub-section (2), forthwith summon a meeting of creditors for the purpose of appointing a trustee.

[46 & 47 Vic. c. 62, s. 22.] **21. (1)** In any case in which a declaration is made under Committee of inspection section 20, sub-section (2), and with the permission of the Court in any

other case, the creditors qualified to vote may at their first or any subsequent meeting, by resolution, appoint from among the creditors qualified to vote, or the holders of general proxies or general powers-of-attorney from such creditors, a committee of inspection for the purpose of superintending the administration of the bankrupt's property by the trustee. The committee of inspection shall consist of not more than five nor less than three persons.

(2) The committee of inspection shall meet at such times as they from time to time appoint, and, failing such appointment, at least once a month; and the trustee or any member of the committee may also call a meeting of the committee as and when he thinks necessary.

(3) The committee may act by a majority of their members present at a meeting, but shall not act unless a majority of the committee are present at the meeting.

(4) Any member of the committee may resign his office by notice in writing signed by him, and delivered to the trustee.

(5) If a member of the committee becomes bankrupt, or compounds or arranges with his creditors, or is absent from five consecutive meetings of the committee, his office shall thereupon become vacant.

(6) Any member of the committee may be removed by an ordinary resolution at any meeting of creditors, of which seven days' notice has been given, stating the object of the meeting.

(7) On a vacancy occurring in the office of a member of the committee, the trustee shall forthwith summon a meeting of creditors for the purpose of filling the vacancy, and the meeting may, by resolution, appoint another creditor or other person eligible as above to fill the vacancy.

(8) The continuing members of the committee, provided there be not less than two such continuing members, may act notwithstanding any vacancy in their body; and where the number of members of the committee of inspection is for the time being less than five, the creditors may increase that number so that it do not exceed five.

(9) If there is no committee of inspection, any act or thing or any direction or permission by this Act authorized or required to be done or given by the committee may be done or given by the Court on the application of the trustee.

[46 & 47 Vic. c. 62, s. 23.]

**22. (1)** Where a debtor is adjudged bankrupt the creditors may, if they think fit, at any time after the adjudication, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them under the bankruptcy, or for a scheme of arrangement of the bankrupt's affairs; and thereupon the same proceedings shall be taken and the same consequences shall ensue as in the case of a composition or scheme accepted before adjudication.

(2) If the Court approves the composition or scheme, it may make an order annulling the bankruptcy and vesting the property of the bankrupt in him or in such other person as the Court may appoint, on such terms, and subject to such conditions, if any, as the Court may declare.

(3) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any person interested, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, all debts, provable in other respects, which have been contracted before the date of such adjudication shall be provable in the bankruptcy.

*Control over Person and Property of Debtor.*

**23. (1)** Every debtor against whom a receiving order is made shall, unless prevented by sickness or other sufficient cause, attend the first meeting of his creditors, and shall submit to such examination and give such information as the meeting may require.

(2) He shall give such inventory of his property, such

from them respectively, submit to such examination in respect of his property or his creditors, attend such other meetings of his creditors, wait at such times on the official receiver, special manager or trustee, execute such powers-of-attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors as may be reasonably required by the official receiver, special manager or trustee, or may be prescribed by general rules, or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the official receiver, special manager, trustee or any creditor or person interested.

(3) He shall, if adjudged bankrupt, aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds among his creditors.

(4) If a debtor wilfully fails to perform the duties imposed on him by this section, or to deliver up possession of any part of his property, which is divisible amongst his creditors under this Act, and which is for the time being in his possession or under his control, to the official receiver or to the trustee, or to any person authorised by the Court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

**24. (1)** The Court may, by warrant addressed to any [46 & 47 Vic. c. 62, s. 25.] Arrest of debtor under police-officer or prescribed officer of certain circumstances. the Court, cause a debtor to be arrested in British India, and any books, papers, money and goods in his possession there to be seized, and him and them to be safely kept as prescribed until such time as the Court may order under the following circumstances:—

(a) if, after a bankruptcy notice has been issued under this Act, or after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he is about to abscond with a view of avoiding payment of the debt in respect of which the bankruptcy notice was issued, or of avoiding service of a bankruptcy petition, or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or embarrassing proceedings in bankruptcy against him;

(b) if, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable cause for believing that he is about to remove his property with a view of preventing or delaying possession being taken of it by the official receiver or trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings which might be of use to his creditors in the course of his bankruptcy;

(c) if, after service of a bankruptcy petition on him, or after a receiving order is made against him, he removes any property in his possession above the value of fifty rupees without the leave of the official receiver or trustee;

(d) if, without good cause shown, he fails to attend any examination ordered by the Court;

Provided that no arrest upon a bankruptcy notice shall be valid and protected unless the debtor before or at the time of his arrest shall be served with such bankruptcy notice.

(2) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of the Act relating to fraudulent preferences.

**25.** Where a receiving order is made against a debtor, the Court, on the application of the [46 & 47 Vic. c. 62, s. 26.] official receiver or trustee, may, from time to time, order that for such time, not exceeding three months, as the Court thinks fit, post letters addressed to the debtor at any place or places mentioned in the order for re-direction shall be re-directed, sent or delivered by the Postal authorities in British India to the official receiver, or the trustee, or otherwise as the Court directs, and the same shall be done accordingly.

**26. (1)** The Court may, on the application of the official [46 & 47 Vic. c. 62, s. 27.] Discovery of debtor's property. receiver or trustee, at any time after a receiving order has been made against a debtor, summon before it the debtor or his wife, or any person known or suspected to have in his possession any property belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property; and the Court may require any such person to produce any documents in his custody or

*The Indian Bankruptcy Bill, 1885.*  
(Part II.—Annulment of Adjudication.—Sections 27-30.)

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant, cause him if in British India to be apprehended and brought up for examination.

(3) The Court may examine on oath, either by word of mouth or by written interrogatories, any person so brought before it concerning the debtor, his dealings or property.

(4) If any person on examination before the Court admits that he is indebted to the debtor, the Court may, on the application of the official receiver or trustee, order him to pay to the receiver or trustee, at such time and in such manner as to the Court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the Court thinks fit, with or without costs of the examination.

(5) If any person on examination before the Court admits that he has in his possession any property belonging to the debtor, the Court may, on the application of the official receiver or trustee, order him to deliver to the official receiver or trustee such property, or any part thereof, at such time, and in such manner, and on such terms as to the Court may seem just.

(6) The Court may, if it think fit issue a commission for the examination beyond the limits of British India of any person who if in British India would be liable to be brought before it for examination under this section.

*Discharge of Bankrupt.*

27. (1) A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until the public examination of the bankrupt is concluded. The application shall be heard in open Court.

(2) On the hearing of the application the Court shall take into consideration a report of the official receiver as to the bankrupt's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his after acquired property. Provided that the Court shall refuse the discharge in all cases where the bankrupt has committed any offence under this Act, or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, and shall, on proof of any of the facts hereinafter mentioned, either refuse the order, or suspend the operation of the order for a specified time, or grant an order of discharge, subject to such conditions as aforesaid.

(3) The facts hereinbefore referred to are—

(a) that the bankrupt has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy;

(b) that the bankrupt has continued to trade after knowing himself to be insolvent;

(c) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it;

(d) that the bankrupt has brought on his bankruptcy by rash and hazardous speculations or unjustifiable extravagance in living;

(e) that the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action or suit properly brought against him;

(f) that the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they become due, given an undue preference to any of his creditors;

(g) that the bankrupt has on any previous occasion been adjudged bankrupt, or made under any enactment in force in any part of Her Majesty's dominions a composition or arrangement with his creditors;

(h) that the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4) For the purposes of this section the report of the official receiver shall be *prima facie* evidence of the state-

in the prescribed manner and sent fourteen days at least before the day so appointed to each creditor who has proved, and the Court may hear the official receiver and the trustee, and may also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it may think fit.

(6) The Court may, in making an order of discharge, pass a decree against the debtor in favour of the official receiver or trustee for any balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge; but in such case the decree shall not be executed without leave of the Court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available for payment of his debts.

(7) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the trustee may require in the realization and distribution of such of his property as is vested in the trustee, and if he fails to do so he shall be guilty of a contempt of Court; and the Court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done subsequent to the discharge, but before its revocation.

28. In either of the following cases; that is to say—

(1) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement; or

(2) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife);

if the settlor is adjudged bankrupt or compounds or arranges with his creditors, and it appears to the Court that such settlement, covenant or contract was made in order to defraud or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court may refuse or suspend an order of discharge or grant an order subject to conditions or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

29. (1) An order of discharge shall not release the bankrupt from any debt on a recognizance, nor from any debt with which the bankrupt may be chargeable at the suit of the Crown or of any person for any offence against an enactment relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence; and he shall not be discharged from such debts unless the Government certifies in writing its consent to his being discharged therefrom.

(2) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party nor from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party.

(3) An order of discharge shall release the bankrupt from all other debts provable in bankruptcy.

(4) An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein; and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

(5) An order of discharge shall not release any person who at the date of the receiving order was a partner or co-trustee with the bankrupt or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him.

PART II.

ANNULMENT OF ADJUDICATION.

30. (1) Where in the opinion of the Court a debtor ought not to have been adjudged bankrupt, or where it is proved to the satisfaction of the Court that the debts of the bankrupt are paid in full, or where proceedings are pending in the United Kingdom or any other part of Her Majesty's dominions beyond the limits of British India for the distribution of the estate and effects of the bankrupt

37. The bankruptcy of a debtor, whether the same takes place on the basis of a petition filed by the debtor or upon that of a creditor or creditors.

*The Indian Bankruptcy Bill, 1885.**(Part III.—Administration of Property.—Sections 38-44.)*

which a receiving order is made against him, or if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to, and to commence at, the time of the first of the acts of bankruptcy proved to have been committed by the bankrupt, within three months next preceding the date of the presentation of the bankruptcy petition; but no bankruptcy petition, receiving order or adjudication shall be rendered invalid by reason of any act of bankruptcy anterior to the date of the petitioning creditor.

1 & 47 Vic., c. 6, s. 41.]

38. The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall be amongst creditors, not comprise the following particulars:—

1 & 12 Vic., c. 6, s. 7.]

(1) property held by the bankrupt on trust for any other person;

(2) the tools (if any) of his trade and the necessary wearing apparel and bedding of himself, his wife and children, to a value, inclusive of tools and apparel and bedding, not exceeding two hundred rupees in the whole.

But it shall comprise the following particulars:—

1 & 12 Vic., c. 6, s. 7.]

(i) all such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy or may be acquired by or devolve on him before his discharge;

(ii) the capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bankrupt for his own benefit at the commencement of his bankruptcy or before his discharge, except the right of nomination to a vacant ecclesiastical benefice; and

1 & 12 Vic., c. 6, s. 23.]

(iii) all moveable property being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof: Provided that things in action, other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed moveable property within the meaning of this section.

*Effect of Bankruptcy on antecedent Transactions.*

Cf. Act XIV of 1882, s. 203 & 47 Vic., c. 6, s. 45.]

39. (1) Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the trustee in bankruptcy of the debtor, except in respect of assets realized in the course of the execution by sale or otherwise before the date of the receiving order, and before notice of the presentation of any bankruptcy petition by or against the debtor, or of the commission of any available act of bankruptcy by the debtor, has been given to the Court executing the decree.

(2) Nothing in this section shall affect the rights of a mortgagee or encumbrancer of property against which a decree is executed.

2 & 7 Vic., c. 6, s. 46.]

40. (1) Where execution of a decree has issued against any property of a debtor which is saleable in execution, and before the sale thereof notice is given to the Court executing the decree that a receiving order has been made against the debtor, the Court shall, on application, direct the property to be delivered to the official receiver or trustee under the order, but the costs of the execution shall be a charge on the property so delivered, and the official receiver or trustee may sell the property or an adequate part thereof for the purpose of satisfying the charge.

(2) An execution levied against the property of a debtor is not invalid by reason only of its being an act of bankruptcy, and a person who purchases the property in good faith under a sale in execution shall in all cases acquire a good title to them against the trustee in bankruptcy.

1 & 47 Vic., c. 6, s. 47.]

41. (1) Any settlement of property not being a settlement made before and in consideration of marriage, or made in favour of a partner or an individual in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage, in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of the settlement, be void against the trustee in the bankruptcy, and shall, if the settlor becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the trustee in the bankruptcy, unless the parties claiming under the settlement

can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement, and that the interest of the settlor in such property had passed to the trustee of such settlement on the execution thereof.

(2) Any covenant or trust made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property or of in right of his wife shall, on his becoming bankrupt before the property or money has been actually transferred or paid pursuant to the contract or covenant, be void against the trustee in the bankruptcy.

(3) "Settlement" shall for the purposes of this section include any conveyance or transfer of property.

42. (1) Every conveyance or transfer of property or charge thereon made, every payment made, every obligation incurred and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors, shall, if the person making, taking, paying or suffering the same is a judgment bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy.

(2) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.

43. Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy on transactions with an execution or attachment, and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate in this case of a bankruptcy

(a) any payment of the bankrupt to any of his creditors; (b) any payment or delivery to the bankrupt; (c) any conveyance or assignment by the bankrupt for valuable consideration; (d) any contract, dealing or transaction by or with the bankrupt for valuable consideration:

Provided that both the following conditions are complied with, namely:— (1) the payment, delivery, conveyance, assignment, contract, dealing or transaction, as the case may be, takes place before the date of the receiving order; and (2) the person (other than the debtor) to, by or with whom the payment, delivery, conveyance, assignment, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, contract, dealing or transaction notice of any available act of bankruptcy committed by the bankrupt before that time.

*Realization of Property.*

44. (1) The trustee shall, as soon as may be, take possession of the deeds, books and documents of the bankrupt, and all other parts of his property capable of manual delivery.

(2) The trustee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed under section 53 of the Code of Civil Procedure, and shall have such of the powers conferable on a receiver under that section as may be specified in general rules, and the Court may, on his application enforce such acquisition or retention as aforesaid.

(3) Where any part of the property of the bankrupt consists of stock, shares in ships, shares or any other property transferable in the books of any company, office or person, the trustee may exercise the right to transfer the property to the same extent as the bankrupt might have exercised it if he had not become bankrupt.

(4) Where any part of the property of the bankrupt consists of things in action, such things shall be deemed to have been duly assigned to the trustee.

(5) Any treasurer or other officer, or any banker, attorney or agent of a bankrupt, shall pay a dividend deliver to the trustee all money and securities in his possession or power, as such officer, banker, attorney or agent, which he is not by law entitled to retain as against the bankrupt or the trustee. If he does not, he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the trustee.

11 & 12 Vic., c. 21, s. 21. 40 & 47 Vic., c. 6, s. 49.]

1 & 47 Vic., c. 6, s. 49.]

XIV of 1882.

11 & 12 Vic., c. 21, s. 23.]

(Part III.—Administration of Property.—Sections 45-49.)

**Seizure of property of bankrupt.**

Appropriation of portion of pay or salary to creditors.

(3) Nothing in this section shall take away or abridge any power of the chief officer of any public department to dismiss a bankrupt, or to declare the pension, half pay or compensation of any bankrupt to be forfeited.

### Vesting and transfer of property.

(9) The property of the bankrupt shall pass from trustee to trustee, including under that term the official receiver, when he fills the office of trustee, and shall vest in the trustee for the time being during his continuance in office, without any conveyance, assignment or transfer whatever.

Declarations of operators properly.

(2) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interests and liabilities of the bankrupt and his property in or in respect of the property disclaimed, and shall also discharge the trustee from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of releasing the bankrupt and his property and the trustee from liability, affect the rights or liabilities of any other person.

(2) Any dealing by a trustee under clause (c) with any property to which the bankrupt is before his discharge entitled as in that clause mentioned shall, although the bankrupt be dead at the time of that dealing, be as valid and have the same operation as if the bankrupt were then alive.



*The Indian Bankruptcy Bill, 1885.*  
(Part II.—Official Receivers.—Sections 50-60.)

50. The trustee may, with the permission of the committee of inspection, do all or any of the following things:—

Powers exercisable by trustee with permission of committee of inspection.

- (1) carry on the business of the bankrupt, so far as may be necessary for the beneficial winding up of the same;
- (2) bring, institute or defend any action, suit or other legal proceeding relating to the property of the bankrupt;
- (3) employ a solicitor or other agent to take any proceedings or do any business which may be sanctioned by the committee of inspection;
- (4) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as the committee think fit;
- (5) mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;
- (6) refer any dispute to arbitration, compromise all debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, on the receipt of such sums, payable at such times, and generally on such terms as may be agreed on;
- (7) make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy;
- (8) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the trustee by any person or by the trustee on any person;
- (9) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

The permission given for the purposes of this section shall not be a general permission to do all or any of the above-mentioned things, but shall only be a permission to do the particular thing or things for which permission is sought in the specified case or cases.

*Distribution of Property.*

51. (1) Subject to the retention of such sums as may be necessary for the costs of administration, or otherwise, the trustee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.
- (2) The first dividend if any, shall be declared and distributed within four months after the conclusion of the first meeting of creditors, unless the trustee satisfies the committee of inspection that there is sufficient reason for postponing the declaration to a later date.
- (3) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and distributed at intervals of not more than six months.
- (4) Before declaring a dividend the trustee shall cause notice of his intention to do so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the bankrupt's statement who has not proved his debts.
- (5) When the trustee has declared a dividend he shall send to each creditor who has proved a notice showing the amount of the dividend and when and how it is payable, and a statement in the prescribed form as to the particulars of the estate.

52. (1) Where one partner of a firm is adjudged bankrupt, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.
- (2) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of any person interested, be declared together; and the expenses of and incident to such dividends shall be fairly apportioned by the trustee between the joint and separate properties, regard being had to the work done for and the benefit received by each property.

53. In the calculation and distribution of a dividend the trustee shall make provision for debts provable in bankruptcy, appearing from the bankrupt's statement, or otherwise, to be due to persons resident in places so distant from the place where the trustee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in bankruptcy the subject of claims not yet determined. He shall also make provision for any disputed proofs or claims, and for the expenses necessary for the administration of the estate or otherwise, and, subject to the foregoing provisions, he shall distribute as dividend all money in hand.

54. Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any money for the time being in the hands of the trustee any dividend or dividends he may have failed to receive before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

55. When the trustee has realized all the property of the bankrupt, or so much thereof as can, in the joint opinion of himself and of the committee of inspection, be realized without unduly protracting the trusteeship, he shall declare a final dividend, but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified to him, but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the Court within a time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or, if the Court on application by any such claimant grant him further time for establishing his claims, then on the expiration of such further time the property of the bankrupt shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons.

56. No suit or action for a dividend shall lie against the trustee, but if the trustee refuses to pay any dividend the Court may, if it thinks fit, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.

57. (1) The trustee, with the permission of the committee of inspection, may appoint the bankrupt himself to superintend the management of the property of the bankrupt, or of any part thereof, or to carry on the trade (if any) of the bankrupt for the benefit of his creditors, and in any other respect to and in administering the property in such manner and on such terms as the trustee may direct.

(2) The trustee may, from time to time, with the permission of the committee of inspection, allow to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate, but any such allowance may be reduced by the Court.

58. The bankrupt shall be entitled to any surplus remaining after payment in full of his debts, with interest, as by this Act provided, and of the costs, charges and expenses of the proceedings under the bankruptcy petition.

PART IV.

OFFICIAL RECEIVERS.

59. (1) The Chief Justice of each High Court may, at any time after the passing of this Act, and, from time to time, appoint such person as he thinks fit to be official receiver of debtors' estates for that Court, and may remove any person so appointed from that office.

(2) The Local Government may in like manner appoint any such person as it thinks fit to be official receiver of debtors' estates for any other Court having bankruptcy jurisdiction under this Act, and remove any person so appointed from such office.

60. (1) The duties of the official receiver shall have relation both to the conduct of the debtor and to the administration of the estate.

(2) An official receiver may, for the purpose of affidavits verifying proofs, petitions or other proceedings under this Act, administer oaths.

*The Indian Bankruptcy Bill, 1885.*  
(Part V.—Trustees.—Sections 61-67.)

(5) All expressions referring to the trustee under a bankruptcy shall, unless the context otherwise requires or the Act otherwise provides, include the official receiver when acting as trustee.

(4) The trustee shall supply the official receiver with such information and give him such access to, and facilities for inspecting, the bankrupt's books and documents, and generally shall give him such aid, as may be requisite for enabling the official receiver to perform his duties under this Act.

[46 & 47 Vic., c. 62, s. 69.]

61. As regards the duties of the official receiver, it shall be the duty of the official receiver—

(1) to investigate the conduct of the debtor and to report to the Court, saying whether there is reason to believe that the debtor has committed any act which constitutes an offence under this Act or under section 421, 422, 423 or 424 of the Indian Penal Code or any amendment thereof, or which would justify the Court in refusing, suspending or qualifying an order for his discharge;

(2) to make such other reports concerning the conduct of the debtor as the Court may direct;

(3) to take such part as may be directed by the Court in the public examination of the debtor;

(4) to take such part and give such assistance in relation to the presentation of any fraudulent debtor as the Court may direct.

XIV of 1868.

[46 & 47 Vic., c. 62, s. 70.]

62. (1) As regards the duties of the official receiver as to the duties of the official receiver—

(a) pending the appointment of trustee, to act as interim receiver of the debtor's estate, and, where a special manager is not appointed, as manager thereof;

(b) to authorise the special manager to raise money or make advances for the purposes of the estate in any case where, in the interests of the creditors, it appears necessary so to do;

(c) to summon and preside at the first meeting of creditors;

(d) to issue forms of proxy for use at the meetings of creditors;

(e) to report to the creditors as to any proposal which the debtor may have made with respect to the mode of liquidating his affairs;

(f) to advertise the receiving order, the date of the creditors' first meeting and of the debtor's public examination, and such other matters as it may be necessary to advertise;

(g) to act as trustee where no trustee is appointed or during any vacancy in the office of trustee.

(2) For the purpose of his duties as interim receiver or manager the official receiver shall have such of the powers conferred on a receiver appointed under section 503 of the Code of Civil Procedure as may be specified in the general rules, but shall, as far as practicable, consult the wishes of the creditors with respect to the management of the debtor's property; and may for that purpose, if he thinks it advisable, summon meetings of the persons claiming to be creditors, and shall not, unless the Court otherwise orders, incur any expense beyond such as is requisite for the protection of the debtor's property or the disposing of perishable goods.

Provided that, when the debtor cannot himself prepare a proper statement of affairs, the official receiver may, subject to any prescribed conditions, and at the expense of the estate, employ some person or persons to assist in the preparation of the statement of affairs.

(3) Every official receiver shall account to the Court and pay over all moneys and deal with all securities in such manner as the Court, from time to time, directs.

## PART V.

### TRUSTEES.

#### *Remuneration of Trustee.*

[46 & 47 Vic., c. 62, s. 71.]

63. (1) Where the creditors appoint any person to be trustee of a bankrupt's estate, his remuneration (if any) shall be fixed by an ordinary resolution of the creditors, or, if the creditors resolve, by the committee of inspection, and shall be in the nature of a commission or percentage of which one part shall be payable on the amount realized after deducting any sums paid to reward creditors out of the proceeds of the securities, and the other part on the amount distributed in dividend.

(2) If one-fourth in number or value of the creditors dissent from the resolution, or the bankrupt satisfies the Court that the remuneration is unnecessarily large, the Court shall fix the amount of the remuneration.

(3) The resolution shall express what expenses the remuneration is to cover, and no liability shall attach to the bankrupt's estate, or to the creditors, in respect of any expenses which the remuneration is expressed to cover.

(4) Where no remuneration has been voted to a trustee, he shall be allowed out of the bankrupt's estate such proper costs and expenses incurred by him in or about the proceedings of the bankruptcy as the prescribed officer may allow.

(5) A trustee shall not, under any circumstances, whatever, make any arrangement for or accept from the bankrupt, or any solicitor, auctioneer or any other person that may be employed about a bankruptcy, any gift, remuneration or pecuniary or other consideration or benefit whatever beyond the remuneration fixed by the creditors and payable out of the estate, nor shall he make any arrangement for giving up, or give up, any part of his remuneration, either as receiver, manager or trustee, to the bankrupt, or any solicitor or other person that may be employed about a bankruptcy.

#### *Costs.*

64. (1) Where a trustee or manager receives remuneration for his services as such, no payment shall be allowed in his accounts in respect of the performance by any other person of the ordinary duties which are required by this Act or the rules made under this Act to be performed by himself.

(2) Where the trustee is a solicitor, he may contract that the remuneration for his services as trustee shall include all professional's fees.

(3) All bills and charges of solicitors, managers, accountants, auctioneers, brokers and other persons, not being trustees, shall be fixed by the prescribed officer, and no payments in respect thereof shall be allowed in the trustee's accounts without proof of such payment having been made. The officer shall satisfy himself before passing such bills and charges that the employment of such solicitors and other persons, in respect of the particular matters out of which such charges arise, has been duly sanctioned.

(4) Every such person shall, on request by the trustee (which request the trustee shall make a sufficient time before declaring a dividend), deliver his bill of costs or charges to the prescribed officer, and if he fails to do so within seven days after receipt of the request, or such further time as the Court, on application, may grant, the trustee shall declare and distribute the dividend without regard to any claim by him, and thereupon any such claim shall be forfeited as well against the trustee personally as against the estate.

#### *Receipts, Payments, Accounts, Audit.*

65. (1) An account called the bankruptcy estates account shall be kept by the Court with such Government treasury or bank as the Governor General in Council may direct, and all moneys realized on account of a bankrupt's estate by the Court or any officer thereof under this Act shall, unless it is otherwise prescribed, be paid to that account.

(2) Every trustee in bankruptcy shall, in such manner and at such times as the Court, with the sanction of the Governor General in Council, direct, pay the money received by him to the bankruptcy estates account, and the treasury or bank shall furnish him with a certificate of receipt of the money so paid.

(3) Subject to any general rules relating to small bankruptcies under Part VII of this Act, where the debtor at the date of the receiving order has an account at a bank, such account shall not be withdrawn until the expiration of seven days from the day appointed for the first meeting of creditors, unless the Court, for the safety of the account, or other sufficient cause, orders the withdrawal of the account.

(4) If a trustee at any time retains for more than ten days a sum exceeding five hundred rupees, or such other amount as the Court in any particular case authorizes him to retain, then, unless he explains the retention to the satisfaction of the Court, he shall pay interest on the amount so retained in excess of the rate of twenty per centum per annum, and shall have no claim for remuneration, and may be removed from his office by the Court, and shall be liable to pay any expenses occasioned by reason of his default.

(5) All payments on account of money relating to the credit of the bankruptcy estates account shall be made by the treasury or bank in the prescribed manner.

66. No trustee or manager or any other person shall pay into private account any sums received by him as trustee into his private banking account.

67. (1) Whenever the cash balance standing to the credit of the bankruptcy estates account is in excess of the amount which, in the opinion of the Court is required for the time being to answer demands in respect of bankrupt's estates, the Court shall notify the same to such officer as the Governor General in Council may appoint in this behalf, and shall pay over the



*The Indian Bankruptcy Bill, 1885.*  
(Part V.—Trustees.—Sections 68-79.)

same, or any part thereof, as the officer may direct, to the officer, and the officer may invest the said sums or any part thereof in Government securities to be placed to the credit of the said account.

(2) Whenever any part of the money so invested is, in the opinion of the Court, required to answer any demands in respect of bankrupts' estates, the Court shall notify to the officer the amount so required, and the officer shall thereupon repay to the Court such sum as may be required to the credit of the bankrupt's estate's account, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(3) The dividends on the investments under this section shall be paid to such account as the Governor (General in Council) may direct, and regard shall be had to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings.

**68.** (1) Every trustee shall, at such times as may be prescribed, send to the Court, or as it directs, an account of his receipts and payments as such trustee.

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a declaration in the prescribed form.

(3) The Court shall cause the accounts so sent to be audited, and for the purposes of the audit the trustee shall furnish the Court with such vouchers and information as the Court may require, and the Court may at any time require the production of and inspect any books or accounts kept by the trustee.

(4) When any such account has been audited, a copy thereof shall be filed in the Court, and shall be open to the inspection of any creditor, or of the bankrupt, or of any person interested.

**69.** The trustee shall, whenever required by any creditor, furnish to such creditor, and on payment by such creditor of the prescribed fee, furnish and transmit to such creditor by post a list of the creditors, showing in such list the amount of the debt due to each of such creditors.

**70.** The trustee shall keep, in manner prescribed, proper books, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed; and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent inspect any such books.

**71.** (1) Every trustee in a bankruptcy shall from time to time, as may be prescribed, and not less than once in every year, during the continuance of the bankruptcy, submit to the Court a statement showing the proceedings in the bankruptcy up to the date of the statement, containing the prescribed particulars, and made out in the prescribed form.

(2) The Court shall cause the statements so transmitted to be examined, and shall call the trustee to account for any misfeasance, neglect or omission which may appear on the said statements or in his accounts or otherwise, and may require the trustee to make good any loss which the estate of the bankrupt may have sustained by the misfeasance, neglect or omission.

*Release of Trustee.*

**72.** (1) When the trustee has realised all the property of the bankrupt, or so much thereof as can, in his opinion, be realized without needlessly protracting the trusteeship, and distributed a final dividend, if any, or has ceased to act by the reason of a composition having been approved, or as resigned, or has been removed from his office, the Court shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Court, shall take into consideration the report, and any objection which may be urged by any creditor or person interested against the release of the trustee, and shall either grant or withhold the release accordingly.

(2) Where the release of a trustee is withheld, the Court may, on the application of any creditor or person interested, make such order as it thinks just, charging the trustee with the consequences of any act or default he may have done or made contrary to his duty.

(3) An order of the Court releasing the trustee shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as trustee; but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(4) Where the trustee has not previously resigned or been removed, his release shall operate as a removal of him from his office, and thereupon the official receiver shall be the trustee.

*Official Name.*

**73.** The trustee may sue and be sued by the official name of "the trustee of the property of \_\_\_\_\_ a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description, make contracts, sue and be sued, enter into any engagements binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

*Appointment and Removal.*

**74.** (1) Subject to the provisions of this Act, the creditors may, if they think fit, appoint more persons than one to the office of trustee; and when more persons than one are appointed they shall declare whether any act required or authorised to be done by the trustee is to be done by all or any one or more of such persons, but all such persons are in this Act included under the term "trustee," and shall be joint-tenants of the property of the bankrupt.

(2) Subject as aforesaid, the creditors may also appoint persons to act as trustees in succession in the event of one or more of the persons first named declining to accept the office of trustee, or failing to give security, or not being approved of by the Court.

**75.** If a receiving order is made against a trustee, he shall thereby vacate his office of trustee.

**76.** (1) The creditors may, by ordinary resolution, at a meeting specially called for that purpose, of which seven days' notice has been given, remove a trustee appointed by them, and may at the same or any subsequent meeting appoint another person to fill the vacancy as hereinafter provided in case of a vacancy in the office of trustee.

(2) If the Court is of opinion that a trustee appointed by the creditors is guilty of misconduct, or fails to perform his duties under this Act, the Court may remove him from his office.

**77.** (1) If a vacancy occurs in the office of a trustee, the creditors in general meeting may appoint a person to fill the vacancy, and thereupon the same proceedings shall be taken as in the case of a first appointment.

(2) The official receiver shall, on the requisition of any creditor, summon a meeting for the purpose of filling any such vacancy.

(3) If the creditors do not within three weeks after the occurrence of a vacancy appoint a person to fill the vacancy, the official receiver shall report the matter to the Court, and the Court may appoint a trustee, but in such case the creditors or committee of inspection shall have the same power of appointing a trustee as in the case of a first appointment.

(4) If no trustee is appointed, and during any vacancy in the office of trustee, the official receiver shall act as trustee and shall have all the powers of a trustee.

*Voting Powers of Trustee.*

**78.** The vote of the trustee, or of his partner, clerk, solicitor or solicitor's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the trustee.

*Control over Trustee.*

**79.** (1) Subject to the provisions of this Act, the trustee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by resolution of the creditors at any general meeting, or by the committee of inspection; and any directions so given by the creditors at any general meeting shall in case of conflict be deemed to override any directions given by the committee of inspection.

(2) The trustee may, from time to time, summon general meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution, either at the meeting appointing the trustee or otherwise, may direct or whenever requested in writing to do so by one-fourth in value of the creditors.

*The Indian Bankruptcy Bill, 1885.**(Part VI.—Constitution, Procedure and Powers of Court.—Sections 80-91.)*

(3) The trustee may apply to the Court in manner prescribed for directions in relation to any particular matter arising under the bankruptcy.

(4) Subject to the provisions of this Act, the trustee shall use his own discretion in the management of the estate and its distribution among the creditors.

3 & 47 Vic., c. 52, s. 90.]

**80.** If the bankrupt or any of the creditors or any other person is aggrieved by any act or decision of the trustee, he may apply to the Court; and the Court may confirm, reverse or modify the act or decision complained of, and make such order in the premises as it thinks just.

3 & 47 Vic., c. 52, s. 91.]

**81. (1)** The Court shall take cognizance of the conduct of trustees, and in the event of any trustee not faithfully performing his duties and duly observing all the requirements imposed on him by any enactment or by rules or otherwise, with respect to the performance of his duties, or in the event of a complaint being made to the Court by any creditor in regard thereto, the Court shall enquire into the matter and take such action thereon as may be deemed expedient.

(2) The Court may at any time require any trustee to answer any inquiry made by it in relation to any bankruptcy in which the trustee is engaged, and may examine on oath the trustee or any other person concerning the bankruptcy.

(3) The Court may also direct a local investigation to be made of the books and vouchers of the trustee.

## PART VI.

## CONSTITUTION, PROCEDURE AND POWERS OF COURT

*Jurisdiction.*

3 & 47 Vic., c. 52.]

**82. (1)** The Courts having jurisdiction in bankruptcy under this Act shall be—

- Courts having jurisdiction in bankruptcy.
- (a) the High Courts of Judicature at Fort William, Madras and Bombay;
  - (b) the Court of the Recorder of Rangoon; and
  - (c) such other Civil Courts as the Local Government, with the previous sanction of the Governor General in Council, may, from time to time, appoint in this behalf in the territories administered by it.

[New.]

**83.** For the purposes of this Act the local limits of the jurisdiction of the said Courts shall be as follows, namely:—

- (a) the local limits of the jurisdiction of each of the said High Courts of Judicature shall be the local limits for the time being of its ordinary original civil jurisdiction;
- (b) the local limits of the jurisdiction of the Court of the Recorder of Rangoon shall comprise the town of Rangoon, Moulmein, Akyab and Bassein;
- (c) the local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

3 & 47 Vic., c. 52.]

**84.** All matters in respect of which jurisdiction is given by this Act shall, in each of the said High Courts of Judicature, be ordinarily transacted and disposed of by or under the direction of one of the Judges of that Court; and the Chief Justice shall, from time to time, assign a Judge for that purpose.

3 & 47 Vic., c. 52.]

**85.** Any proceedings in bankruptcy pending in any Court appointed by the Local Government under section 82 may at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by the High Court of the province to itself or to any other Court appointed as aforesaid in the province.

3 & 47 Vic., c. 52.]

**86.** If any question of law arises in any bankruptcy proceeding in a Court appointed by the Local Government of a province under section 82, and all the parties to the proceeding desire, or one of them and the Judge of the Court may desire, to have the question determined in the first instance in the High Court of the province, the Judge shall state the facts in the form of a special case, for the opinion of that High Court. The special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

**87.** Subject to the provisions of this Act and to general rules, the Judge of a Court exercising jurisdiction in bankruptcy may exercise in chambers the whole or any part of his jurisdiction.

**88. (1)** Subject to general rules limiting the powers conferred by this section, the High Court of Judicature at Fort William, Madras or Bombay may, from time to time, direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, a Judge of the Presidency Small Cause Court appointed by it in this behalf shall have all or any of the powers in this section mentioned; and any order made or act done by such Judge of the Small Cause Court in the exercise of the said powers shall be deemed the order or act of the High Court.

(2) The powers referred to in subsection (1) are the following, namely:—

- (a) to hear bankruptcy petitions, and to make receiving order and adjudications thereon;
- (b) to hold the public examination of debtors;
- (c) to grant orders of discharge;
- (d) to approve compositions or schemes of arrangement;
- (e) to make interim orders in any case of urgency;
- (f) to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers;
- (g) to hear and determine any unopposed or *ex parte* application;
- (h) to summon and examine any person known or suspected to have in his possession effects of the debtor or to be indebted to him, or capable of giving information respecting the debtor, his dealings or property.

(3) A Judge of the Small Cause Court shall not have power to commit for contempt of Court.

**89.** A Court appointed by a Local Government under section 82 shall, for the purposes of its bankruptcy jurisdiction, in addition to its ordinary powers, have all the powers and jurisdiction possessed by any of the said High Courts of Judicature, and the orders of the Court may be enforced accordingly in manner prescribed.

**90. (1)** Subject to the provisions of this Act, every Court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, which may arise in any case of bankruptcy coming within the cognizance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

(2) A Court having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

(3) Where a receiving order has been made in any of the said High Courts of Judicature under this Act, the Judge by whom such order was made shall have power, if he sees fit, without any further consent, to order the transfer to such Judge of any suit or action by or against the bankrupt pending before any other Judge or Judges of the Court.

(4) Where default is made by a trustee, debtor or other person in obeying any order or direction given by the Court or by an official receiver or any other officer of the Court under any power conferred by this Act, the Court may, on the application of the official receiver or other duly authorised person, order such defaulting trustee, debtor or person to comply with the order or direction so given; and the Court may also, if it shall think fit, upon any such application, make an immediate order for the committal of such defaulting trustee, debtor or other person if in British India: Provided that the power given by this subsection shall be deemed to be in addition to and not in substitution for any other right or remedy in respect of such default.

*Appeals.*

**91. (1)** Every Court having jurisdiction in bankruptcy under this Act may review, rescind or vary any order made by it under its bankruptcy jurisdiction.

(2) Orders in bankruptcy matters shall, at the instance of any person aggrieved, be subject to appeal as follows:—

- (a) an appeal shall lie from the order of a single Judge of one of the said High Courts of Judicature to the High Court;

*The Indian Bankruptcy Bill, 1885.**(Part VII.—Small Bankruptcies.—Part VIII.—Fraudulent Debtors and Creditors.—Sections 92-105.)*

(b) an appeal shall lie from the order of the Court of the Recorder of Rangoon to the Special Court;

(c) an appeal shall lie from the order of a Court appointed by a local Government under section 82 to the High Court of the province;

(d) no appeal shall be entertained except in conformity with such general rules as may for the time being be in force in relation to the appeal.

*Procedure.*

**92.** (1) Subject to the provisions of this Act and to general rules, the costs of and incidental to any proceeding in Court under this Act shall be in the discretion of the Court.

(2) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it may think fit to impose.

(3) The Court may at any time amend any written process or proceeding under this Act upon such terms, if any, as it may think fit to impose.

(4) Where by this Act or by general rules the time for doing any act or thing is limited, the Court may extend the time either before or after the expiration thereof, upon such terms, if any, as the Court may think fit to impose.

(5) Subject to general rules, the Court may in any matter take the whole or any part of the evidence either *ad voce* or by interrogatories, or upon affidavit, or by commission beyond the limits of British India.

(6) For the purpose of appointing a composition or scheme for joint debtors, the Court may, if it thinks fit, and on the report of the official receiver that it is expedient so to do, dispense with the public examination of one of such joint debtors if he is unavoidably prevented from attending the examination by illness or absence abroad.

**93.** Where two or more bankruptcy petitions are presented against the same debtor or debtors, against joint debtors, the Court may consolidate the proceedings, or any of them, on such terms as the Court thinks fit.

**94.** Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor or to whom the debtor may be indebted in the amount claimed by this Act in the case of the petitioning creditor.

**95.** If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive.

**96.** The Court may at any time, for sufficient reason, make an order staying the proceeding under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court may think just.

**97.** Any creditor whose debtor is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others.

**98.** Where there are more respondents than one to a petition, the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

**99.** Where a receiving order has been made on a bankruptcy petition against or by one member of a partnership, any other bankruptcy petition against or by member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is a course of prosecution; and if a trustee has been appointed in respect of the property of the first-mentioned member of the partnership, the same trustee shall, unless the Court otherwise directs, be appointed in respect of the property of the last-mentioned member, and the Court may give such directions for consolidating the proceedings under the petitions as it thinks just.

**100.** Where a member of a partnership is adjudged bankrupt, the Court may authorise the trustee to commence and prosecute any suit or action in the names of the trustee and of the bankrupt's partner; and any release by such partner of the debt or demand to which the action relates shall be void; but notice of the application for authority to commence the suit or action shall be given to him, and he may show cause against it, and on his application the Court may, if

the proceeds of the action, and if he does not claim any benefit therefrom, he shall be indemnified against costs in respect thereof as the Court directs.

**101.** Where a bankrupt is a contractor in respect of any contract jointly with any person or persons, such person or persons may sue or be sued in respect of the contract without the joinder of the bankrupt.

**102.** Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings against another person in the name of the firm; but in such case the Court may, on application by any person interested, order the names of the persons who are partners in such firm, or the name of such person to be disclosed in such manner, and verified on oath, or otherwise as the Court may direct.

## PART VII.

## SMALL BANKRUPTCIES.

**103.** When a petition is presented by or against a debtor, or if the Court is satisfied by affidavit or otherwise, or the official receiver reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees, the Court may make an order that the debtor's estate be administered in summary manner, and thereupon the provisions of this Act shall be subject to the following modifications:—

(a) if the debtor is a judgment bankrupt, the official receiver shall be the trustee in the bankruptcy;

(b) there shall be no committee of inspection, but the official receiver may do with the permission of the Court all things which may be done by the trustee with the permission of the committee of inspection;

(c) such other modifications may be made in the provisions of this Act as may be prescribed by general rules with a view of saving expense and simplifying procedure, but nothing in this section shall prevent the modification of the provisions of this Act relating to the examination or discharge of the debtor.

Provided that the creditors may at any time, with the previous permission of the Court, by special resolution, resolve that some person other than the official receiver be appointed trustee in the bankruptcy, and thereupon the bankruptcy shall proceed as if an order for summary administration had not been made.

## PART VIII.

## FRAUDULENT DEBTORS AND CREDITORS.

**101.** (1) This part shall extend only to British India.

(2) 'The Court' in this Part means the Court before which an accused person is tried.

(3) Nothing in this Part shall prevent any person from being prosecuted under any other law for a crime or omission when constituted an offence under this Part, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Part.

Provided that a person shall not be punished twice for the same offence.

**105.** Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with imprisonment which may extend to two years, or with fine, or with both; that is to say,—

(a) If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee administering his estate for the benefit of his creditors all his property, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except such part as he has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expense of his family, unless the Court is satisfied that he had no intent to defraud;

(b) If he does not deliver up to such trustee, or as he directs, all such part of his property as is in his custody or under his control, and which he is required by law to deliver up, unless the Court is satisfied that he had no intent to defraud;

(c) If he does not deliver up to such trustee, or as he directs, all books, documents, papers and writings in his custody or under his control relating to his property or affairs, unless the Court is satisfied that he had no intent to defraud.

*The Indian Bankruptcy Bill, 1885.**(Part VIII.—Supplemental Provisions.—Sections 106-114.)*

- (d) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he conceals any part of his property to the value of one hundred rupees or upwards, or conceals any debt due to or from him, unless the Court is satisfied that he had no intent to defraud:
- (e) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he fraudulently removes any part of his property of the value of one hundred rupees or upwards:
- (f) If he makes any material omission in any statement relating to his affairs, unless the Court is satisfied that he had no intent to defraud:
- (g) If knowing or believing that a false debt has been proved by any person under the bankruptcy, he fails for the period of a month to inform such trustee as aforesaid thereof:
- (h) If after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper or writing affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:
- (i) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he conceals, destroys, mutilates or falsifies, or is party to the concealment, destruction, mutilation or falsification of, any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:
- (j) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he makes or is party to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the Court is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:
- (k) If after the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he fraudulently parts with, alters or makes any omission, or is party to the fraudulently parting with, altering or making any omission, in any document affecting or relating to his property or affairs:
- (l) If after the presentation of a bankruptcy petition by or against him, or at any meeting of his creditors within four months next before such presentation, he attempts to account for any part of his property by fictitious losses or expenses:
- (m) If while undischarged he obtains credit to the extent of two hundred rupees or upwards from any person without informing such person that he is an undischarged bankrupt:
- (n) If within four months next before the presentation of a bankruptcy petition by or against him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same:
- (o) If within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, obtains under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit, and has not paid for the same, unless the Court is satisfied that he had no intent to defraud:
- (p) If within four months next before the presentation of a bankruptcy petition by or against him, he, being a trader, pawns, pledges or disposes of, otherwise than in the ordinary way of his trade, any property which he has obtained on credit and has not paid for, unless the Court is satisfied that he had no intent to defraud:
- (q) If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy.

106 If any person against whom a receiving order has been made under this Act after the presentation of a bankruptcy petition by or against him, or within four months before such presentation, quits British India and takes with him, or omits or makes preparation for quitting British India, for taking with him any part of his property to the extent of two hundred rupees or upwards, which ought law to be divided amongst his creditors, he shall, unless the Court is satisfied that he had no intent to defraud, be

punished with imprisonment which may extend to two years, or with fine, or with both.

107. Any person shall in each of the cases following be punished with imprisonment which may extend to one year, or with fine, or with both; that is to say,—

- (1) if in incurring any debt or liability he has obtained credit under false pretences, or by means of any other fraud;
- (2) if he has with intent to defraud his creditors, or any of them, made, or caused to be made, any gift, delivery or transfer of or any charge on his property;
- (3) if he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied decree or order for payment of money obtained against him.

108. If any creditor, in any bankruptcy composition or arrangement with creditors, wilfully makes any false claim, or any proof, declaration or statement of account which is untrue in any material particular, he shall be punished with imprisonment which may extend to one year, or with fine, or with both.

109. Where a debtor makes any composition or arrangement with his creditors, he shall remain liable for the unpaid balance of debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting dividends.

110. Where the official receiver or a trustee in any bankruptcy reports to any Court exercising jurisdiction in bankruptcy that in his opinion a debtor against whom a receiving order has been made under this Act has been guilty of any offence under this Act, or under section 121, 122, 123 or 124 of the Indian Penal Code, or where any such Court is satisfied upon the representation of any creditor or member of the committee of inspection that there is ground to believe that the debtor has been guilty of any offence as aforesaid, that Court shall, if it appears to it that there is a reasonable probability that the debtor may be convicted, order the official receiver or trustee to prosecute him for such offence.

111. Where a debtor has been guilty of any offence he shall not be exempt from being prosecuted therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

## PART IX.

## SUPPLEMENTAL PROVISIONS.

*Application of Act.*

112. A married woman shall, in respect of her separate property (if any), be subject to this Act in the same way as if she were unmarried.

113. A receiving order shall not be made against any corporation, or against any partnership, or association, or company registered under any enactment relating to companies for the time being in force.

114. (1) Any creditor of a deceased debtor whose debt would have been sufficient to support a bankruptcy petition against such debtor, had he been alive, may present to the Court a petition in the prescribed form praying for an order for the administration of the estate of the deceased debtor according to the Law of Bankruptcy.

(2) Upon the prescribed notice being given to the executor, administrator or other legal representative of the deceased debtor, the Court may, in the prescribed manner, upon proof of the petitioner's debt, unless the Court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in bankruptcy of the deceased debtor's estate, or may upon cause shown dismiss such petition with or without costs.

(3) An order of administration under this section shall not in cases where a grant of probate or administration is required to establish a title as legal representative, be made until the expiration of two months from the date of the

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grant of probate or letters of administration, unless with the concurrence of the legal representative of the deceased debtor, or unless the petitioner proves to the satisfaction of the Court that the debtor committed an act of bankruptcy within three months prior to his decease.

(4) A petition for administration under this section shall not be presented to the Court after proceedings have been commenced in any Court of justice for the administration of the deceased debtor's estate; but that Court may, in such case, on the application of any creditor, and on proof that the estate is insolvent to pay its debts, transfer the proceedings to the Court exercising jurisdiction in bankruptcy, and thereupon such last-mentioned Court may, in the prescribed manner, make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(5) Upon an order being made for the administration of a deceased debtor's estate, the property of the debtor shall vest in the official receiver of the Court, as trustee thereof, and he shall forthwith proceed to realize and distribute the same in accordance with the provisions of this Act.

(6) With the modifications hereinafter mentioned, all the provisions of Part III of this Act, relating to the administration of the property of a bankrupt, shall, so far as the same are applicable, apply to the case of an administration order under this section in like manner as to an order of adjudication under this Act.

(7) In the administration of the property of the deceased debtor under an order of administration, the official receiver shall have regard to any claim by the legal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and about the debtor's estate, and such claims shall be deemed a preferential debt under the order, and be payable in full, out of the debtor's estate, in priority to all other debts.

(8) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the official receiver, after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of bankruptcy, such surplus shall be paid over to the legal representative of the deceased debtor's estate, or dealt with in such other manner as may be prescribed.

(9) Notice to the legal representative of a deceased debtor of the presentation by a creditor of a petition under this section shall, in the event of an order for administration being made thereon, be deemed to be equivalent to notice of an act of bankruptcy, and all such notice as to payment or transfer of property made by the legal representative shall operate as a discharge to him as between himself and the official receiver, save as aforesaid, nothing in this section shall invalidate any payment of money or any act or thing done in good faith by the legal representative before the date of the order for administration.

(10) Unless the context otherwise requires, "Court," in this section, means the Court exercising jurisdiction in bankruptcy within the local limits of the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his decease; "creditor" means one or more creditors qualified to present a bankruptcy petition as in this Act provided.

(11) General rules, for carrying into effect the provisions of this section, may be made in the same manner and to the like effect and extent as in bankruptcy.

**General Rules.**

115 (1) The High Court of a province may, from time to time, with the concurrence of the Governor General in Council, make, revoke and alter general rules for carrying into effect the objects of this Act.

(2) All general rules made under the foregoing provisions of this section shall be judicially noticed, and shall have effect as if enacted by this Act.

(3) Such general rules as may be required for purposes of this Act may be made at any time after the passing of this Act.

(4) Provided that the said general rules, so made, revoked or altered shall not extend the jurisdiction of the Court.

(5) After the commencement of this Act no general rule under the provisions of this section shall come into operation until the expiration of one month after the same has been made and issued.

**Fees and Remuneration.**

116 (1) The High Court of a province may, with the previous sanction of the Governor General in Council, from time to time, make, revoke and alter rules for the fees and remuneration to be allowed for

whom and in what manner the same are to be collected, accounted for, and to what account they shall be paid.

(2) The High Court may, with the like sanction, from time to time fix the remuneration to be paid to the official receivers.

(3) This section shall come into operation on the passing of this Act.

**Evidence.**

117. (1) A copy of the Gazette of India or of a Local Gazette to be exhibited in Government, containing any notice inserted therein in pursuance of this Act or the rules made under this Act, shall be evidence of the facts stated in the notice. [46 & 47 Vic., 52, s. 132.]

(2) The production of a copy of the Gazette containing any notice of a receiving order, or of an order adjudging a debtor bankrupt, shall be conclusive evidence in all legal proceedings of the order having been duly made, and of its date.

118. (1) A minute of proceedings at a meeting of creditors under this Act, signed at the same time as the proceedings, or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof. [46 & 47 Vic., 52, s. 133.]

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

119. Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate made by any Court having jurisdiction in bankruptcy, or any instrument or copy of an instrument made or used in the course of such proceedings, shall be received in evidence in all legal proceedings, if sealed with the seal of any Court of Magistrate or District Judge, or purporting to be so sealed, or if certified as a true copy by any District Judge or Magistrate, or if receivable in evidence in all legal proceedings. [46 & 47 Vic., 52, s. 134.]

120. Subject to general orders which may be used in evidence in all legal proceedings, it is sworn— [11 & 12 Vic., 51, s. 86, 46 & 47 Vic., 52, s. 135.]

- (1) in British India, before—
  - (a) any Court or Magistrate;
  - (b) any officer with authority of a province may appear in this behalf;
  - (c) any other officer appointed by any other Court which the local Government has specially empowered in this behalf;
- (2) in England, before any person authorized to administer oaths in Her Majesty's High Court of Justice, or in the Court of Chancery or the County Palatine of Lancaster, or before any Registrar of a Bankruptcy Court, or before any officer of a Bankruptcy Court authorized to swear on that behalf by the Judge of the Court;
- (3) in Scotland or in Ireland, before a Judge Ordinary, Magistrate or Justice of the Peace;
- (4) in any other place before a Magistrate or Justice of the Peace or other person authorized to administer oaths in that place (the being certified to be a Magistrate or Justice of the Peace or qualified as aforesaid by a British Minister or British Consul or Political Agent or by a notary public).

121. In case of the death of the debtor, or his wife, or of a witness whose evidence has been received by any Court in any proceeding under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to. [46 & 47 Vic., 52, s. 136.]

122. Every Court having jurisdiction in bankruptcy, and every Court to which this Act shall have a seal, shall have seals, and the Court in such proceedings as may be directed by order of the High Court of the Province, and judicial notice shall be taken in all legal proceedings of the seal, and of the signature of the Judge or Registrar of any such Court having such jurisdiction. [11 & 12 Vic., 51, s. 87, 46 & 47 Vic., 52, s. 137.]

123. A certificate of the Court, that a person has been appointed trustee under this Act, shall be conclusive evidence of his appointment. [46 & 47 Vic., 52, s. 138.]

**Time.**

124. (1) Whereby this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that



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limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day, and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a day on which the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

(2) Where by this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a day on which the Court does not sit, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court sits.

*Notices.*

c. **125.** All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

*Formal Defects.*

c. **126.** (1) No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity, unless the Court before which an objection is made to the proceedings is of opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of that Court.

(2) No defect or irregularity in the appointment or election of a receiver, trustee or member of a committee of inspection shall vitiate any act done by him in good faith.

*Bankrupt Trustee.*

c. **127.** Where a bankrupt is a trustee within the Indian Trustee Act, 1866, section 35 of that Act shall have effect so as to authorise the appointment of a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

*Corporations, &c.*

c. **128.** For all or any of the purposes of this Act, a corporation may act by any of its officers authorised in that behalf under the seal of the corporation, a firm may act by any of its members; and a lunatic may act by his committee, curator bonis or manager, or, when the matter is one in respect of which he has been placed under the care of a Court of Wards, by that Court or such person as it may appoint in this behalf.

*Construction of former Acts, &c.*

c. **129.** Where by any enactment or instrument reference is made to the 11 & 12 V. c. 21, cap. 21, the provisions of that Act shall be construed as if they were made therein in the corresponding provisions of this Act.

c. **130.** The provisions of this Act relating to the execution of a writ or other process for the recovery of a debt or other claim shall be construed as if they were made therein in the corresponding provisions of this Act.

c. **131.** Nothing in this Act, or in any transfer of property, shall affect any right or claim of any person who may have had, at the commencement of this Act, and all solicitors or other persons who had the right of audience before the Court for the relief of Insolvent Debtors shall have the like right of audience in bankruptcy matters in the High Courts of Judicature at Calcutta.

*Unclaimed Funds or Dividends.*

c. **132.** (1) Where the trustee, under any bankruptcy, commission or scheme put under this Act, should have under his control any unclaimed dividend which has remained unclaimed for more than six months, or where, after making a final dividend, such trustee shall have in his hands or under his control any unclaimed or undistributed moneys arising from the property of the debtor, he shall forthwith pay the same to the bankruptcy estates account of the Court. The treasury or bank at which the account is kept shall furnish him with a certificate of receipt of the

(2) The Court, with the concurrence of the Governor General in Council, may, from time to time, appoint a person to collect and get in all such unclaimed or undistributed funds or dividends, and for the purposes of this section the Court shall have, and at the instance of the person so appointed or of its own motion may exercise, all the powers conferred by this Act with respect to the discovery and realization of the property of a debtor, and the provisions of Part I of this Act with respect thereto shall, with any necessary modifications, apply to proceedings under this section.

(3) The provisions of this section shall not, except as expressly declared herein, deprive any person of any larger or other right or remedy to which he may be entitled against such trustee.

(4) Any person claiming to be entitled to any moneys paid in to the bankruptcy estates account pursuant to this section may apply to the Court for an order for payment to him of the same, and the Court, if satisfied that the person claiming is entitled, shall make an order for the payment to such person of the sum due.

(5) The Court may, with the previous sanction of the Governor General in Council, at any time after the passing of this Act, put the account referred to in this Act as the bankruptcy estates account.

*Interpretation.*

**133.** (1) In this Act, unless the context otherwise requires,—

“Province” means the territories under the administration of a Local Government;

“High Court of the province” means the highest Civil Court of appeal for the province;

“the Court” means the Court having jurisdiction in bankruptcy under this Act;

“affidavit” includes declarations under any legislative enactment, affirmations and attestations on honour;

“available act of bankruptcy” means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made;

“debt provable in bankruptcy” or “provable debt” includes any debt or liability by this Act made provable in bankruptcy;

“general rules” include forms;

“oath” includes affirmation, declaration under any legislative enactment and attestation on honour;

“ordinary resolution” means a resolution decided by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution;

“prescribed” means prescribed by general rules within the meaning of this Act;

“property” includes money, goods, things in action, land and every description of property, whether moveable or immovable, also obligations, annuities and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined;

“resolution” means ordinary resolution;

“secured creditor” means a person holding a mortgage, charge or lien on the property of the debtor, or any part thereof, or secured for a debt due to him from the debtor;

“sequestrator” means an officer charged with the execution of a writ or other process;

“special resolution” means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution;

“trustee” means the trustee in bankruptcy of a debtor’s estate, or the holder of the official receiver where no other person is appointed trustee of the estate;

(2) The schedules to this Act shall be construed and have effect as part of this Act.

*Repeal.*

**134.** (1) The enactments described in the third schedule hereto, in so far as they relate to the administration of this Act to the extent mentioned in that schedule,

(2) The repeal effected by this Act shall not affect

(a) anything done or suffered before the commencement of this Act under any enactment repealed by this Act; nor

(b) any right or privilege acquired, or duty imposed, or liability or disqualification incurred, under any enactment so repealed; nor

(c) any fine, forfeiture or other punishment incurred or to be incurred in respect of any offence committed

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(*The First Schedule.—Meetings of Creditors.—The Second Schedule.—Proof of debts.*)

- 3) the institution or continuance of any proceeding or other remedy, whether under any enactment repealed or otherwise, for ascertaining any such liability or disqualification or enforcing or recovering any such fine, forfeiture or punishment as aforesaid.
- 4) Notwithstanding the repeal effected by this Act, all proceedings in any Court or before a Judge of any Court or any of the enactments repealed pending at the commencement of this Act shall, except so far as any provision of this Act is expressly applied to pending proceedings, continue, and those enactments shall, except as aforesaid, apply thereto, as if this Act had not passed.
- 5) The person for the time being holding the office of official receiver for any of the High Courts of Judicature aforesaid or for the Court of the Receiver of Bengal, or for the purposes of any such proceedings before that or any Judge thereof, shall be deemed to have been appointed official assignee under the said Act.

### THE FIRST SCHEDULE.

(See section 14.)

#### MEETINGS OF CREDITORS.

1. The first meeting of creditors shall be summoned for any not later than fourteen days after the date of the receiving order, unless the Court for any special reasons it expedient that the meeting be summoned for a longer day.
2. The official receiver shall summon the meeting by giving not less than seven days' notice of the time and place thereof in the prescribed manner.
3. The official receiver shall also, as soon as practicable, send to each creditor mentioned in the debtor's statement of affairs a notice of the time and place of the first meeting of creditors, accompanied by a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official receiver may think fit to make; but the proceedings at the first meeting shall not be invalidated by reason of any such notice or summary not having been sent or received before the meeting.
4. The meeting shall be held at such place as is in the opinion of the official receiver most convenient for the majority of the creditors.
5. The official receiver or the trustee may at any time summon a meeting of creditors, and shall do so whenever so directed by the Court, or so requested in writing by one-fourth in value of the creditors.
6. Meetings subsequent to the first meeting shall be summoned by sending notice of the time and place thereof to each creditor at the address given in his proof, or if he is not proved at the address given in the debtor's statement of affairs, or at such other address as may be known to the person summoning the meeting.
7. The official receiver, or some person nominated by him, shall be the chairman at every meeting. Provided that, if the Court so directs, the chairman at any meeting subsequent to the first shall be such person as the meeting may resolve to appoint.
8. A person shall not be entitled to vote as a creditor at the first or any other meeting of creditors unless he has duly proved a debt provable in bankruptcy to be due to him from the debtor, and the proof has been duly lodged before the time appointed for the meeting.
9. A creditor shall not vote at any such meeting in respect of any undischarged or contingent debt, or any debt the value of which is not ascertained.
10. For the purpose of voting a secured creditor shall, unless he surrenders his security, state in his proof the particulars of the security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. If he votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court on application is satisfied that the creditor has valued the security at less than its true value.
11. A creditor shall not vote in respect of any debt or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the debt due to him thereon of every person who is liable thereon as due to him jointly to the debtor and against whom a receiving order has not been made, as a security in his hands, and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof.
12. It shall be competent to the trustee or to the official receiver, within twenty-eight days after a proof estimating the value of a security as aforesaid has been made use of in

the security for the benefit of the creditor, generally on payment of the value so estimated, with an addition thereto of twenty per centum: Provided that, where a creditor has put a value on such security, he may at any time before he has been required to give up such security as aforesaid correct such valuation by a new proof, and deduct such new value from his debt, but in that case such addition of twenty per centum shall not be made if the trustee requires the security to be given up.

13. If a receiving order is made against one partner of a firm, any creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat.

14. The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether the proof of a creditor should be admitted or rejected, he shall mark the proof as objected to and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

15. A creditor may vote either in person or by proxy.

16. Every instrument of proxy shall be in the prescribed form, and shall be issued by the official receiver, or, after the appointment of a trustee, by the trustee, and every instrument therein shall be in the handwriting of the person giving the proxy.

17. A creditor may give a general proxy to his manager or clerk, or any other person in his regular employment. In such case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor.

18. A creditor may give a special proxy to any person to vote at any specified meeting or a tournament thereof, for or against any specific resolution or for or against any specified person as trustee, or member of a committee of inspection.

19. A proxy shall not be used unless it is deposited with the official receiver or trustee before the meeting at which it is to be used.

20. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a trustee or receiver in obtaining proxies, or in procuring the trusteeship or receivership, except by the direction of a meeting of creditors, the Court shall have power, if it think fit, to order that no remuneration shall be allowed to the person by whom or on whose behalf such solicitation may have been exercised, notwithstanding any resolution of the committee of inspection or of the creditors to the contrary.

21. A creditor may appoint the official receiver of the debtor's estate to act in manner prescribed as his general or special proxy.

22. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

23. A meeting shall not be competent to act for any purpose, except the election of a chairman, the proving of debts and the adjournment of the meeting, unless there are present, or represented thereat, at least three creditors, or all the creditors, if their number does not exceed three.

24. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

25. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be made up and fairly entered in a book kept for that purpose, and the minutes shall be signed by him or by the chairman of the next ensuing meeting.

26. No person acting either under a general or special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor rateable with the other creditors at the meeting. Provided that, where any person holds special proxies to vote for the appointment of himself as trustee, he may use the said proxies and vote accordingly.

### THE SECOND SCHEDULE.

(See section 35.)

#### PROOF OF DEBTS.

##### *Proof in ordinary cases.*

1. Every creditor shall prove his debt as soon as may be after the making of a receiving order.
2. A debt may be proved by delivering or sending through the post in a prepaid letter to the official receiver,



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(The Third Schedule.—Enactments repealed.)

or, if a trustee has been appointed, to the trustee, an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The official receiver or trustee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt, unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors before the first meeting, and at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount, not exceeding five per centum on the net amount of his claim, which he may have agreed to allow for payment in cash.

**Proof by secured Creditors.**

9. If a secured creditor realizes his security, he may prove for the balance due to him, after deducting the net amount realized.

10. If a secured creditor surrenders his security to the official receiver or trustee for the general benefit of the creditors, he may prove for his whole debt.

11. If a secured creditor does not either realize or surrender his security, he shall, before ranking for dividend, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. (a) Where a security is so valued the trustee may at any time redeem it on payment to the creditor of the assessed value.

(b) If the trustee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such time and on such terms and conditions as may be agreed on between the creditor and the trustee, or, in default of such agreement, the Court may direct. If the sale be by public auction, the creditor or the trustee on behalf of the estate, may bid or purchase.

(c) Provided that the creditor may at any time by notice in writing, require the trustee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realised, and if the trustee does not, within six months after receipt of such notice, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it, and the equity of redemption, or any other interest in the property comprised in the security which is vested in the trustee, shall vest in the creditor, and the amount of his debt shall be paid by the amount at which the security has been valued.

13. Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the trustee or the Court, that the valuation and proof were made bona fide on a reasonable basis, or that the creditor has done so in order to amend his previous valuation, but every such amendment shall be made at the cost of the creditor, and upon such terms as the Court shall order, and the trustee shall allow. The amendment without application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rules, the creditor shall forthwith repay any surplus dividend which he may have received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he may have failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realizes it, or if it is realized under the provisions of Rule 12, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

16. If a secured creditor does not comply with the foregoing rules, he shall be excluded from all share in any dividend.

17. Subject to the provisions of Rule 12, a creditor shall in no case receive more than sixteen annas in the rupee and interest as provided in the Act.

**Proof in respect of Distinct Contracts.**

18. If a debtor was at the date of the receiving order liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor, and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of the contracts against the properties respectively liable on the contracts.

**Periodical Payments.**

19. When any rent or other payment falls due at stated periods, and the receiving order is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of the order as if the rent or payment grew due from day to day.

**Interest.**

20. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order and provable in bankruptcy, the creditor may prove for interest at a rate not exceeding four per centum per annum to the date of the order from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and, if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

**Debt payable at a future time.**

21. A creditor may prove for a debt not payable when the debtor committed an act of bankruptcy as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted.

**Admission or Rejection of Proofs.**

22. The trustee shall examine every proof and be grounded of the debt, and in writing admit or reject it in whole or in part, or require further evidence in support of it. If he rejects a proof, he shall state in writing to the creditor the grounds of the rejection.

23. If the trustee thinks that a proof has been improperly admitted, the Court may, on the application of the trustee after notice to the creditor who made the proof, expunge the proof or reduce its amount.

24. If a creditor is dissatisfied with the decision of the trustee in respect of a proof, the Court may, on the application of the creditor, reverse or vary the decision.

25. The Court may also expunge or reduce a proof upon the application of a creditor if the trustee declines to interfere in the matter or, in the case of a composition or scheme, upon the application of the debtor.

26. For the purpose of any of his duties in relation to proofs, the trustee may administer oaths and take affidavits.

27. The official receiver, before the appointment of a trustee, shall have all the powers of a trustee with respect to the examination, admission and rejection of proofs, and any act or decision of his in relation thereto shall be subject to the like appeal.

**THE THIRD SCHEDULE.**

(See section 134.)

**ENACTMENTS REPEALED.**

*A—Statute repealed.*

Year and Chapter	Title.	Extent of repeal.
11 & 12 Vic., c. 21.	An Act to consolidate and amend the Laws relating to Insolvent Debtors in India	So much as has not been repealed.

*B—Acts repealed.*

Number and year	Subject or title	Extent of repeal.
XXVII of 1841.	An Act for appropriating the unclaimed Dividends on Insolvent Estates.	So much as has not been repealed.
XVII of 1875.	The Barua Courts Act, 1875.	Section 66.

Drafts referred to in paragraph 5 of despatch to Her Majesty's Secretary of State, No. 32, dated 12th June, 1885.

### DRAFT ACT OF PARLIAMENT NO. 1.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Indian Bankruptcy Act, 1885.

Short title.

(Extension of Powers) Act, 1885.

2. This Act shall have the same extent as the Bankruptcy Act, 1883.

Extent.

3. If the Governor General of India in Council by

Operation beyond India of Act applying English bankruptcy law to India.

any law passed at a meeting for the purpose of making laws and regulations in accordance with the provisions of the Indian Councils Act, 1861, as amended by subsequent Acts, apply or adapt any of the provisions of the Bankruptcy Act, 1883, or of any Act amending, supplementing or substituted for the same, to any of the following cases, namely:—

(a) the case of any debtor who at the time when proceedings in bankruptcy are commenced by or against him is in prison in British India under a decree of a Civil Court for non-payment of money, or within a year before that time has ordinarily resided or had a dwelling-house or place of business in British India; or

(b) the case of any deceased debtor who resided or carried on business in British India for the greater part of the six months immediately before his decease;

the provisions so applied or adapted shall, except so far as their local operation is expressly limited by that law, have effect beyond the limits of British India as if they had been enacted by this Act, and shall be taken notice of by all Courts of Justice in the same manner as if they were the provisions of a public Act of Parliament.

4. Where under any such law a receiving order or adjudication of bankruptcy is made against a debtor, or an order is made for the administration in bankruptcy of the estate of a deceased person who dies insolvent, the provisions of the Bankruptcy Act, 1883, specified in the schedule to this Act shall apply to such parts of the debtor's property or deceased debtor's estate as may be situated in England as if the order or adjudication had been made in England.

5. The certificate of appointment of a trustee issued under any such law shall, for the purpose of effect of certificate of appointment of trustee, any law in force in any part of the British dominions beyond the limits of British India requiring registration, enrolment or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly.

### THE SCHEDULE.

#### PROVISIONS OF THE BANKRUPTCY ACT, 1883, REFERRED TO IN SECTION 4.

Section 45.

Section 46.

Section 50, sub-sections (2) and (4).

Section 42.

Section 55.

Section 56, sub-section (5).

Section 70, sub-section (2), except in so far as it refers to the Board of Trade.

### DRAFT ACT OF PARLIAMENT NO. II.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Indian Bankruptcy Act, 1885.

Short title.

(Extension of Powers) Act, 1885.

2. (1) The Governor General of India in Council shall have power, subject to the provisions contained in the Indian Councils Act, 1861, as amended by subsequent Acts, at meetings for the purpose of making laws and regulations, to make laws applying or adapting any of the provisions of the Bankruptcy Act, 1883, or any other Act amending, supplementing or passed in substitution for the same.—

Power to Legislative Council to apply or adapt English Bankruptcy Law: operation of laws passed under this power.

(a) to the case of any debtor who at the time when proceedings in bankruptcy are commenced by

or against him is in prison in British India under an order of a Civil Court for non-payment of money, or within a year before that time has ordinarily resided or had a dwelling-house or place of business in British India; or

(b) to the case of any deceased debtor who resided or carried on business in British India for the greater part of the six months immediately prior to his decease.

(2) Every such law shall have effect beyond the limits of British India to the extent and in the manner by this Act provided, it shall be taken notice of by all Courts of Justice in the same manner as if it were a public Act of Parliament, and its operation shall not be affected by the repeal or amendment of the Bankruptcy Act, 1883, or of any other Act as aforesaid.

Certain orders and proceedings under such law and proceedings thereof to have effect throughout British dominions.

3. (1) The following orders and proceedings under any such law shall have, as nearly as may be, the same effect throughout the British dominions as in British India, that is to say:—

(a) a receiving order and the rescission of the same;

(b) the appointment of an official receiver as interim receiver, and the appointment of a special manager of the debtor's estate or business;

(c) the acceptance and approval of a composition or scheme, and the annulment of a composition or scheme;

(d) an adjudication of bankruptcy, the annulment of such an adjudication and any order passed thereon vesting the property of the bankrupt in him or in any other person;

(e) the appointment, removal and release of a trustee in a bankruptcy or under or in pursuance of a composition or scheme, and the revocation of any such release;

(f) an order of discharge and the revocation of any such order;

(g) the decision of a Court on any question of law or fact; and

(h) an order for the administration in bankruptcy of a deceased person's estate.

(2) The provisions of any such law defining the status, powers, rights and duties of an official receiver, an interim receiver, a special manager or a trustee in bankruptcy, or under or in pursuance of a composition or scheme, or prescribing any rule of evidence, shall have as nearly as may be, the same force throughout the British dominions as in British India.

(3) Provided\* that when under any such law a receiving order has been made against a person or he has been adjudged bankrupt, or an order has been made for the administration of the estate of a deceased person who dies insolvent, sections 45, 46, sub-sections (2) and (4) of section 50, section 52, section 55, sub-section (5) of section 56, and (except in so far as it refers to the Board of Trade), sub-section (2) of section 70 of the Bankruptcy Act, 1883, shall, so far as they are applicable, apply in respect of such portion of his property or estate as is situated in England in the same manner as if the order or adjudication had been made under that Act.

4. The certificate of appointment of a trustee issued under any such law shall, for the purpose of effect of certificate of appointment of trustee, any law in force in any part of the British dominions beyond the limits of British India requiring registration, enrolment or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly.

5. No action for a dividend shall lie against a trustee under any such law in any Court in the British dominions.

6. Any Court in the British dominions beyond the limits of British India in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor under any such law, either stay the proceedings or allow them to continue on such terms as it may think just.

\* The provisions of the Bankruptcy Act, 1883, mentioned in this provision either will not be re-produced in the Indian Act or will be re-produced in such a form that they would be unsuitable for application to property in England.

From the Right Hon'ble Her Majesty's Secretary of State for India, to His Excellency the Right Hon'ble the Governor General of India in Council,—(No. 41, dated 19th November, 1885).

I HAVE considered in Council the letter of Your Excellency in Council No. 39, dated 12th of June last, forwarding, with connected papers, a copy of the proposed Indian Bankruptcy Bill and of two alternative drafts prepared with a view to obtaining the Act of Parliament necessary for carrying out your proposals with respect to that Bill.

2. I have thought it right to consult the Board of Trade on the subject, and I now forward, for the information of your Lordship in Council, a copy of the correspondence noted in the margin which has taken place with that office.

India Office, to Board of Trade, 6th August, 1885.  
Board of Trade, to India Office 19th October, 1885.

3. As regards the necessary Parliamentary legislation, I think there may possibly be some difficulty in obtaining, in the first instance, an Act of Parliament such as the Draft No. 1 conferring upon the Governor General's Council the large powers required. That difficulty, however, would probably be much diminished if the scope of the Act of Parliament were extended so as to include the Colonial Governments in the manner suggested by the Board of Trade. The precise shape, however, which legislation in this country should assume cannot be finally determined pending the decision on the proposal of the Board of Trade, respecting which it will be seen that the Board is in communication with the Colonial Office.

4. Your Lordship in Council is desirous of proceeding with the Bill during the coming sittings in Calcutta and passing it through the stages at which discussion is likely to arise, before the return of the Government to Simla next year, the final stages of the Bill being deferred until the requisite Parliamentary legislation is completed. To this course I see no objection. The Bill's provisions will be calculated to effect the reforms which experience has shown to be necessary, and I have no doubt that in passing it through the Council you will derive much assistance from the criticisms which you have invited upon it from the judicial authorities and commercial bodies who are especially familiar with the subject.

From J. A. GODLEY, Esq., Permanent Under-Secretary of State for India, to Secretary, Board of Trade,—(No. 1234—Sb, dated 6th August, 1885).

I AM directed by the Secretary of State for India in Council to transmit, for the information of the Board of Trade, a copy of a despatch received from the Government of India, dated the 12th of June last, with enclosures, namely, (1) a copy of a Bill which it is proposed to introduce in the Legislative Council of the Governor General of India for the purpose of adapting the English Bankruptcy Act of 1883 to Indian circumstances; (2) a copy of the Statement of Objects and Reasons appended to that Bill; and (3) copies of two Draft Bills, one of which (preferably the Draft marked No. 1, it is suggested) should be passed as an Act of Parliament, entitled the "Indian Bankruptcy (Extension of Powers) Act, 1885."

The present law relating to insolvents in India, as it is to be found in the Statute 11 & 12 Vic., cap. 21, is very defective, and frequent proposals for its amendment have been made from time to time. The subject has recently been again very carefully considered, with the result that the Governor General in Council now proposes that an Act of the Indian Legislature should be passed adapting the English Bankruptcy Act of 1883 to India with the necessary modifications, and that in order to give full effect to the provisions of that measure an Act of Parliament should, in the first instance, be obtained on the terms of Draft No. 1 conferring upon the Council of the Governor General the extended powers which are necessary to give effect beyond the limits of British India to such of the provisions of the proposed Indian Bankruptcy Act as ought to have operation beyond those limits.

I am to say that in replying the attention of the Board of Trade to these proposed measures, and to paragraphs 4 to 9 of the despatch from the Governor General in Council, Lord Randolph Churchill does not suggest that the Board should undertake the labour of considering the details of the Bill to be introduced in the Council in India, except so far as may be necessary with reference to the question of the provisions of that Bill having effect beyond the limits of British India, his Lordship's object being to obtain the opinion of the Board as to the proposal which, as at present advised, he is inclined to approve, that an Act of Parliament based upon Draft No. 1 should be applied for.

From R. GIFFEN, Esq., Secretary, Board of Trade, to Under-Secretary of State for India,—(No. J. & P. 1933—Ss, dated 19th October, 1885).

I AM directed by the Board of Trade to acknowledge the receipt of your letter of 6th August last, transmitting, by direction of the Secretary of State for India in Council, copy of a despatch, with its enclosures, from the Government of India, with reference to a proposal to introduce a Bill in the Legislative Council of the Governor General for the purpose of adapting the English Bankruptcy Act of 1883 to Indian circumstances.

The Board of Trade, Lord Randolph Churchill desires to be informed of their opinion as to the suggestion that an Act of Parliament should be obtained conferring upon the Governor General in Council the extended powers which appear to be necessary in order to give effect in other portions of Her Majesty's dominions to such of the provisions of the proposed Indian Bankruptcy Act as ought to have operation beyond the limits of British India. With reference to this point I am to repeat that you will be good enough to inform His Lordship that the Board of Trade see no objection to the proposed draft Bill No. 1 which accompanied your letter and which has been framed with this object.

The consideration of this matter has, however, given rise to a further question as to the desirability of obtaining a general enactment which should enable the Courts of the United Kingdom or any of the colonies or possessions to give effect to the provisions of the bankruptcy laws of any other part of the British Empire, as is now the case under the provisions of sections 117-119 of the English Act with regard to the different portions of the United Kingdom. Another point which appears also to call for attention in putting forward any suggestion for a general enactment such as that referred to is the advisability of obtaining power to extend, if necessary, the provisions of section 14 of the Bankruptcy Act of 1883 with a view to enabling the Courts having bankruptcy jurisdiction in this country to suspend proceedings in cases occurring where, in the opinion of such Courts, India or any other portion of the British Empire would more properly be the place for such proceedings, and also to confer upon Indian and Colonial Courts the exercise of similar power where it is obvious that the proceedings should be held in any other portion of Her Majesty's dominions.

These, however, are points upon which the Board of Trade are unable to express any decided opinion without a reference to, and consultation with, the Colonial Office, more especially as a modified difficulty arises in connection with the self-governing colonies. The Board have, therefore, caused a copy of your letter and its enclosures, and also a copy of this communication, to be forwarded to the Secretary of State for the Colonies, in order to ascertain whether it would be considered expedient by the Colonial Office that a Bill should be brought before Parliament with a view to obtaining uniformity of procedure in all the Crown colonies in the matter of

proceedings similar in nature to those which the draft Bill No. 1 which accompanied your letter is designed to cover as regards Indian cases, or to content in a more general Bill with that object which would include India as well as the colonies. The Board have also suggested to the Secretary of State the desirability of recommending the subject to the authorities of the self-governing colonies in the event of the course proposed being found practicable.

As soon as a reply is received from the Colonial Office the Board will cause a further communication to be addressed to you upon the matter.

It may of course prove undesirable to delay the Bill relating to India in order to include the colonies, but it appears desirable in the first instance to obtain the opinion of the Colonial Office on the question and to ascertain whether the proposal to include them will involve delay.

Extract from a Demi-official letter from S. DIXON, Esq., to the Hon'ble Mr. C. P. ILBERT,  
—(dated Calcutta, the 23rd July, 1885.)

*Bankruptcy Bill.*

I HAVE been acting as attorney for the Official Assignee of the Court for Relief of Insolvent debtors at Calcutta for a period of nearly twenty years, and have necessarily had considerable experience on the working of the existing Act. I have lately seen in the *Times of India* a copy of the draft Objects and Reasons accompanying the draft Bill now under consideration, and also read that it runs closely on the lines of the Bankruptcy Act, 1883, with which I am to great extent familiar, and one of the provisions of which, namely, as to proof of debts, I consider, already apply to India, and is even part of the existing Insolvency Act, 11 & 12 Vic. c. 21—

<i>Gruen v. Chell</i> , Conv. n. 136,	
<i>Re. Sub Chandra Mallick</i> , S. B. L. R. 30,	
<i>Re. Park Pittar</i> , 8 " 118	
<i>Re. Howard Brothers</i> , 13 " (App.) 9	
<i>Re. F. Agalga</i> , 12 Cal. Rep. 165.	

And it appears to me that an Act framed on the Bankruptcy Act, 1883, will be a great improvement on the existing Act, and will relieve the Court of a great deal of detail business which can as well be done (if not better) by the Official Receiver.

Some of the provisions of the Act of 1883 are, however, in my opinion, not suited to this country, such as the meeting of creditors under section 15, and the appointment of a private trustee under section 21, of the Act of 1883.

I should much like to peruse the draft Bill, and, if you see no objection thereto, to be furnished with a copy thereof and of the draft Objects and Reasons.

It has always been a matter of surprise to me that no Act analogous to the Bills of Sale Acts 1854 and 1866 (repealed with alterations by the Bills of Sale Act 1878—11 & 12 Vic. c. 31), has been passed in India. It is a matter of every day experience to find the whole of the stock in-trade of an insolvent assigned to some bank, or other individual creditor, who, if he gets wind of the impending proceedings, takes possession before a vesting order can be made by the Court, and so sweeps off the whole of the assets.

Registration is at present voluntary only, but even if the parties to the bill of sale agreed to register, the public would be none the wiser, as Book I of the register, which is confined to transfers of immovable property, is the only register which the public are entitled to search.

I draw the attention of my friend Mr. Pitt Kennedy, when he was in the Legislative Council, and also of Mr. Wrothby Stokes, to this, but nothing has ever been done to remove this evil.

I venture to bring this matter to your notice now, as such a Bill as is required would be a valuable adjunct to the proposed new Bankruptcy Law.

From Chief Secretary to Government, Madras, to Secretary to Government of India,  
Legislative Department,—(No. 2554, dated 22nd September, 1885).

With reference to your letter of the 17th June last No. 1039, I am directed to forward copy of the opinions of the Hon'ble Mr. Justice Hanbury, the Advocate General, the Chamber of Commerce and of certain selected officers on the draft Bill to amend the law of Bankruptcy and Insolvency in British India, and to state that His Excellency the Governor in Council approves generally of the provisions of the Bill.

2. With reference to the remarks contained in the minute of Mr. Justice Hanbury the views of the other Hon'ble Judges will be requested upon the point raised by him, and any remarks which they may offer will be communicated in due course.

From the Government Solicitor, Madras, to Chief Secretary to Government, Madras,—(No. 261, dated 27th July, 1885).

ABSTRACT.—Forwarding the following opinion of the Advocate General, dated 27th July 1885—

*Opinion.*

With reference to the order of Government, Judicial department, dated the 30th June, 1885, No. 1722, I have the honour to make the following observations upon the Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

2. From sections 5 and 7 read in conjunction with section 82, it appears that the provisions of the Bill are not applicable to up-country traders not having a place of business in one of the towns named in section 82. Now, as there must be many instances of traders, European and Native, so circumstanced for whom in the event of their failure the machinery of this Bill would be more fitted than that of the Procedure Code, I would suggest that an exceptional jurisdiction should be given to the High Court in such cases. The jurisdiction might be limited by reference to the amount of the debts and to the proportion of the creditors not residing within the jurisdiction of the Court to which the debtor would ordinarily be subject.

3. With a view to the common case of the wealthy member of a firm keeping in the background and allowing a comparative pauper, in whose name the business has been carried on, to file his petition and schedule, I would suggest that the debtor be expressly required to disclose the name of his partner, and that concealment of the existence of partners should be made penal. This disclosure is required in the case which section 102 is designed to serve. Where proceedings are taken in the name of a firm under that section, I apprehend that only the persons named as members of the firm could obtain their discharge. All who desire to obtain their discharge as members of a firm would thus, in their own interest, take care that their names were disclosed. It is not clear, therefore, why, for the case to which section 102 applies, provision for the disclosure of partners' names should be made, and why it should not be extended to all cases indifferently.

4. Unless I have misunderstood the Bill, it seems that the secured creditor may, notwithstanding that the property was vested in a trustee under the Act, still proceed to realize his security. If this is so, I would ask why he is not protected against the operation of section 40.

5. I would suggest, too, that the phrase "secured creditor," which is used in section 8 (2), in section 33 and in the rules should also be used in section 39.

(Signed) H. H. SHEPARD,  
Acting Advocate-General.

From R. S. BENSON, Esq., Acting Registrar, High Court, Madras, to Chief Secretary to Government, Madras,—(No. 2136, dated 31st July, 1885).

WITH reference to G. O. dated the 30th June, 1885, No. 1722, Judicial, forwarding, for the opinion of the Hon'ble the Judges, copies of the draft Bill to amend the Law of Bankruptcy and Insolvency in British India with draft statement of Objects and Reasons, I am directed to state that Messrs. Hutchins and Parker, J.J., have no observations to offer on the Bill.

2. Any minutes that may be recorded by the Hon'ble the Officiating Chief Justice and the other Judges will be forwarded hereafter.

From the Hon'ble T. RAMA ROW, to Chief Secretary to Government, Madras,—(dated 1st August, 1885).

WITH reference to the order of Government dated 30th June 1885, No. 1722, Judicial, I have the honour to submit the following memorandum containing my opinion on the provisions of the Bill to amend the Law of Indian Bankruptcy and Insolvency.

2. It is a admitted fact that the present insolvency law of the Presidency towns, namely, 11 & 12 Vic., cap. 21, is very cumbersome and defective, and I am glad to find that the bill in question has been very properly prepared in conformity with the latest English Statute, 16 & 17 Vic., cap. 52, inasmuch as the various decisions of the English Courts on that Statute can serve as a safe guide to the construction of doubtful and difficult parts of the Bill.

3. In section 88 of the Bill provision is made for the delegation to a Judge of the Presidency Small Cause Court by the High Court of its insolvency jurisdiction within certain limits. This, I think, was very much needed, and will enable the High Court to refer to the Court of Small Causes all petty business in the matters of insolvency. Further, the Small Cause Court at Madras did formerly possess this insolvency jurisdiction, and the present Bill simply restores this power of which it has been recently deprived by legislation.

4. Having made these general observations, I now proceed to make a few remarks on certain sections of the Bill having in view the peculiar circumstances and status of the people in India.

5. *Section 5 (1) a.*—A creditor under this clause cannot present a bankruptcy petition against a debtor, unless the debt due to him amounts to Rs. 500. It is true that the English Statute, 16 & 17 Vic., cap. 52, section 6, contains similar provision, and fixes the amount to £50, but considering the nature and extent of dealings among Hindus and the provisions in the Bill restoring the insolvency jurisdiction to the Presidency Small Cause Courts, I think the amount may be reduced to Rs. 250.

*Section 15, sub-section (1).*—All the penal clauses in the Bill appear in Part VIII. I therefore suggest that the penal clauses in the latter part of the sub-section may conveniently be inserted in Part VIII.

*Section 27, sub-section (3), clause (a).*—I believe that the present Bill is intended to include within its scope the cases of insolvents who are not traders. If so, I think it is very desirable that some distinction should be made between these two classes of people in the matter of production of books of account, &c.

As a general rule, very few people who are not traders keep any account of their income and expenditure, and it will be a very great hardship to refuse an order of discharge to such people, simply because they failed to keep proper books of account showing their financial position within three years preceding their bankruptcy.

*Section 31, sub-section (1), clauses (b) & (c).*—The phraseology in these clauses is almost the same as in the corresponding section of the English statute, only altering £50 to Rs. 500. Considering the comparative cheapness of labour and wages of servants in India, I think that, in the distribution of the property of a bankrupt, priority under this head, should be limited to Rs. 200 and not more.

*Section 33, sub-section (2).*—No doubt the tools (if any) of a bankrupt's trade and the necessary wearing-apparel and bedding of himself, his wife and children, should be exempted from the division of his property amongst his creditors; but the only question here is to what extent the exemption should be limited. I think the sum of Rs. 200 is a reasonable limit, and it may be reduced to Rs. 50.

*Section 33, sub-section (3).*—I do not think that a trustee should be allowed to retain any sum exceeding Rs. 250 with it special accounts from the Court. This sub-section, as it now stands, fixes once for all the rate of interest payable by the trustee respectively on the excess amount retained by him. I think it would be better to leave to the discretion of the Court to settle the rate of interest in each case, but fixing the maximum rate only in the Bill.

*Section 11.*—This section renders a married woman subject to this Act in respect of her separate property. I do not find any definition of "separate property" in the Bill. The words "separate property," when applied to an English woman, are well understood, but serious difficulties will arise the moment we begin to apply the same to Hindu women. No doubt, section 2 of Act III of 1871 contains a definition of the words "separate property," but that enactment has no application whatever to the cases of married women professing Hindu or Muhammadan faith, &c. Further, the said definition does not include all kinds of stridhanam property of a Hindu married woman. There are several kinds of stridhanam property under Hindu law, and a Hindu woman does not possess the same powers of disposal, alienation and enjoyment over all of them. Again, the Hindu law, as administered in Bengal and Bombay on this subject, most unaccountably differs on some very essential points from the law of this Presidency. I therefore think this section must be altered to meet all these difficulties.

*Section 111.*—This section does not allow vakils to appear for bankrupts before the High Courts in the exercise of their insolvency jurisdiction. In Madras, vakils have been allowed to appear and act on behalf of all suitors in the High Court in the exercise of its ordinary original civil jurisdiction, and this concession appears to have been made owing to the comparatively indigent state of circumstances of suitors, and their inability to employ the double agency of a solicitor and barrister. It, therefore, appears to me nothing but just and charitable to permit bankrupts to employ vakils on their behalf, instead of compelling them to resort to the very expensive process of employing a double agency to defend their cause. I therefore propose that this section may be altered as follows:—"Nothing in this Act, or in any transfer of this jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had at the commencement of this Act, and all solicitors or other persons, who have the right of audience before the High Courts of Judicature in the exercise of their ordinary original civil jurisdiction, shall have the like right of audience in bankruptcy matters in the High Courts of Judicature aforesaid."

In Part VIII no provision is made for the punishment of a debtor who does not disclose the names of all his partners under section 102. I think that the concealment by a debtor of the existence of partners must be rendered penal, inasmuch as it is a very common case for an affluent member of a firm to remain in the background and allow a pauper, in whose name the trade is carried on, to apply for the benefit of the Act.

From F. ROWLANDSON, Esq., Attorney-at-Law, Madras, to Chief Secretary to Government,  
—(dated 3rd August, 1885).

I HAVE the honour to forward, herewith, a memorandum on the draft Bill to amend, &c., the Law of Bankruptcy and Insolvency in British India.

*Memorandum.*

*Preliminary remarks.*—As only opinions on the provisions of the Bill submitted are asked for, it is probably not intended at this stage to open for discussion the necessity or expediency of passing an Insolvent Law in India which shall apply alike to the English spectator and the Hindu Chetti. Commercial tradition in Southern India asserts that the large and wealthy body of traders known as Nattucotti Chetties had not known the sin of insolvency but for the Insolvent Act.

The past history of the relations between commercial creditors and debtors amongst them differs *toto cælo* from the cruel story of the causes which led English legislators to force upon English commerce an Act for the relief of insolvent debtors. Nor does the Native merchant recognise that necessity for the "whitewashing" of Basinghall Street which arises out of the Englishman's practical idolatry of the fetish "CREDIT."

No native, unless demoralised by a business connection with Europeans, gives chance the place in his transaction which every European firm accords to it.

Where he gives credit against goods he sees them, when to an individual he goes into his circumstances in a way which is impossible to Englishmen.

The result is that no great crash amongst natives takes place. The wealthy man of one day has "bad luck," and his wealth goes to other, but no irrevocable ruin to either him or his creditors is worked: there is simply a change in relations. If a large trader fails in a Presidency-town, it will be found that the suffering creditors are Europeans, and this more especially where the bankrupt is himself a European. It is therefore no certain benefit that we give the native commerce of India in offering it a Bankruptcy Law of general application, and it would perhaps be better to let the similarity of procedure which Mr. Herbert alludes to in paragraph 9 of his "Statement of Objects and Reasons" be confined to a law which shall affect only those who trade in both the places he refers to on the same lines. It is, however, to be assumed that it is settled that a Bankruptcy Act is to be passed.

As far as I can form an opinion, the Bill now submitted will work well, but I offer the following remarks upon it.

*Section 4.*—Is it intended that this "receiving order" should have the same force as the "vesting order" under the old Insolvent Act? It would seem so, for it stays action on the part of creditors (section 8), and renders the debtor's alienation of property invalid (section 43 (1)). It is possible under section 19 for a receiving order to be made, a debtor to be adjudged bankrupt, and his property to be vested in the (receiver or other) trustee, all in one day, but such prompt action cannot be often expected.

It is possible for a receiver to be appointed, and whilst no property of the debtor is vested in such receiver, because no adjudication order has been made, the debtor is practically powerless to deal with his assets. In some cases, as, for example, where the debtor is a hotel-keeper doing a business which should be carried on for the benefit of the creditors, this position of affairs might seriously prejudice the value of the bankrupt's assets.

The old "vesting order" which (section 7 of Indian Insolvent Act) "*by virtue of this Act*" related back to and took effect from the filing of the petition by a debtor or creditor, prevented any possible hiatus in the title to the assets, such as it would seem may arise under the provisions of the Bill.

I note contents of section 37, section 17 and of section 9 (1), but until orders *by the Court* are made the provisions of these sections have no effect; whereas the old "vesting order" related back by virtue of the Act.

*Section 5 (1) (d) and section 7 (1).* The use of the words "local limits" in these sections will be confusing, if not actually obstructive, where the High Court is concerned. A creditor who gets his debtor imprisoned in some small place will prevent his obtaining relief in bankruptcy by means of a debtor's petition; and a debtor who gets himself incarcerated in such a place by a colluding creditor will prevent his being adjudicated a bankrupt. For example, in the recent case of the insolvency of Stephenson, Nixon & Co., a firm trading at Cocanada and Gopalspur, but the bulk of whose unsecured creditors were in the Presidency-town of Madras, the case of no partner complied with the conditions as to "local limits" of the High Court of Madras. The words may have a special meaning attached to them in the Bill, but they already have an accepted meaning in connection with the High Courts. The confusion has been successfully avoided in the Probate and Administration Act of 1881, whereas in this Bill a possible clashing of jurisdictions had to be guarded against. The Bankruptcy Act, 1883, section 6 (1) (d), has "*England*," where this Bill has "local limits."

*Section 27 (2).*—Under this provision the Court will make allocations from income similar to those made under the Insolvent Act. The following difficulties have been experienced by the Official Assignee in working such orders. In one case an insolvent drawing between Rs. 300 and 400 a month was ordered to pay Rs. 84. He did so for a few months, and then wrote to say that the moiety of his salary had been attached by creditors subsequent to his insolvency, and that he could not make any more payments. In the majority of cases the Assignee every few months has had to enforce the order by the cumbrous process of obtaining first a rule nisi and then a rule absolute against the defaulter—a process which cost the estate Rs. 12 each time. To meet these contingencies I would suggest (1) that in the case of Government and quasi-Government *employés* the allocator do have the force of an attachment for a specified amount, probably one-third of the scheduled debts would be a proper sum to name; (2) that where the employers are private firms or individuals the creditors be compelled to name one of themselves as the trustee for the receipt and disbursement of the allocated amount and the enforcement of the order on default.

*Section 39.*—This provision is likely to give the trustee much trouble as it stands. The receiving or vesting order ought to override every other order of any Court which has not been given full effect to. For example, if assets have been sold under an execution order in pursuance of a decree, but the sale-proceeds have not passed out of the control of the Court ordering the execution, such sale-proceeds, subject to payment of expenses, should pass to the trustee. The throwing on the trustee the onus of proving "notice" is objectionable, and a knowledge of the bankruptcy proceedings may safely be assumed.

*Section 42 (1).*—This section will be found to work mischievously in practice I fear, and I would omit the words from "if the person making" down to "or suffering the same" altogether. If the intention is to give an unfair preference, such intention should be absolutely defeated without reference to any question of time. I would illustrate my meaning by the following imaginary case:—

X, Y & Co. carry on business in London, and have the reputation of wealth, X being on the board of W, an Exchange Bank having a branch in Madras. Y & Co. are a smaller firm carrying on business in the Madras Presidency and enjoying considerable credit because of their known connection with X, Y and Co., and



because they are known to have large credit with the W bank. X, Y & Co. stop payment in London, but for fifteen weeks Y & Co. in India struggle on and apparently have the W bank as much at their backs as ever. The 16th week after X, Y & Co. stopped, Y & Co. do the same, and then it proves that the W bank is more than sufficiently secured to the prejudice of the general body of creditors.

*Section 88.*—In Madras it will certainly prove a great benefit to delegate to a Small Cause Court Judge the disposal of a large percentage of bankruptcies.

It appears from the administrative report of the High Court (now in the press) that out of 199 applications in the year 1884-85 only 28 were from traders and over seventy returned assets "nil."

*Section 116.*—If the services of an efficient officer are to be secured for the post of Official Receiver it will be necessary—at all events in Madras—to make large estates that go into liquidation contribute. Liquidation should not be allowed except with permission of the Court, for the presence of bankruptcy proceedings to hold *in terrorem* over a debtor is an advantage to his creditors for which they are to pay, even if they wish to come to some private arrangement.

A clique of influential creditors will often secure the manipulation of a bankrupt estate for themselves, to the prejudice of the bankrupt himself and of the creditors outside the clique.

From R. S. BENSON, Esq., Acting Registrar, High Court, of Madras, to Chief Secretary to Government, Madras,—(No. 2265, dated 12th August, 1885).

IN continuation of my letter, dated 31st ultimo, No. 2136, I have the honour to forward a transcript of the minute recorded by Mr. Justice Hardy on the draft Bill to amend the law of Bankruptcy and Insolvency.

#### Minute.

I HAVE not had time to consider the details of the Bill, but there is one point on which I should wish to express an opinion, and that is on the powers proposed to be given under section 88 to the Judges of the Presidency Small Cause Court. I consider that the power of dealing with small insolvencies would be much better delegated to the Registrar or some other official of the High Court who will be constantly in the way of seeing the working of the Act by the High Court.

2. The Small Cause Court has not the machinery for discharging the duties of a Bankruptcy or Insolvency Court, and such duties would seriously interfere with the ordinary work of the Court, whereas the Registrar or other officer of the High Court would be able to convey out with the practice of the High Court under the Act, and would have no difficulty in dealing with such cases himself.

3. My experience as a Judge of the Small Cause Court of the Insolvent Jurisdiction under the Act with which that Court was for a time entrusted is against assigning it a jurisdiction in bankruptcy or insolvency.

From J. A. BOYSON, Esq., Chairman, Chamber of Commerce, Madras, to Chief Secretary to Government, Madras,—(dated 9th September, 1885).

I HAVE now the honour to acknowledge receipt of the Proceedings of Government, Judicial Department, 30th June, No. 1722, and the accompanying copy of the draft Bill of the Government of India to amend the Law of Bankruptcy and Insolvency in British India.

2. The Chamber observes that this Bill is not designed to be of general application throughout British India, but it will for the present affect only the Presidency towns and a few commercial centres in India and Burma, the number of which the Government reserves the right to increase.

3. It has been ascertained by the Chamber that the present Insolvency Law in India (11 & 12 Vic., cap. 21) came into operation on the 1st August 1848. Since that time there have been no alterations in the law in India, whilst in England the following five Acts have been passed:—

- (1) "The Bankrupt Law Consolidation Act, 1849" (12 & 13 Vic., cap. 106)
- (2) "The Bankruptcy Act, 1851" (17 & 18 Vic., cap. 119);
- (3) The Bankruptcy Act, 1861 (24 & 25 Vic., cap. 131);
- (4) The Bankruptcy Act, 1869 (32 & 33 Vic., cap. 71), and
- (5) The Bankruptcy Act, 1883 (46 & 47 Vic., cap. 52).

4. The present Indian Bankruptcy Bill has been prepared on the lines of the English Bankruptcy Act of 1869, which, as mentioned in the Statement of Objects and Reasons, embodies the accumulated experience of the thirty-five years which have elapsed since the passing of the Indian Insolvency Act. As the Chamber cannot claim to have a practical experience of the working of the English Act, it would be presumptuous on its part to criticise the details of the present Bill. It may suffice, therefore, to point out one or two matters which might be provided for in a Indian Insolvency Act, but of which no notice is taken in the Bill.

5. There is also in the Chamber considerable doubt, one insolvency law administered in the three Presidency towns and in Rangoon, Moultain, Akyab, Bassein and such towns as the Act may be eventually extended to, and it is suggested that Chapter XX of the Civil Procedure Code should not apply to any Courts in those towns which have jurisdiction to administer the proposed new law.

6. It is one of the Chamber's desires that the High Court should have jurisdiction in insolvency matters over European British subjects within the jurisdiction of such High Court. Hitherto the Madras High Court has held that European British subjects residing in the Madras Presidency were entitled to petition the Court for the benefit of the Act. It is contemplated by the proposed Act to give jurisdiction only in cases where the debtor is in prison within the local limits of the High Court, or has, within a year before the date of the presentation of the petition, ordinarily resided or had a place of business within those limits. A European merchant up-country would, therefore, have to be arrested, and put into the civil goal before he could obtain the benefit of the Act.

7. The omission of section 116 (2) of the English Act, 1883, from the present Bill, is deprecated by the Chamber. The section is as follows:—"No Registrar, or Official Receiver, or other officer attached to any Court having jurisdiction in bankruptcy shall, during his continuance in office, either directly or indirectly, by himself, his clerk, or partner, act as solicitor in any proceedings in bankruptcy, or in any prosecution of a debtor by order of the Court, and if he does so he shall be liable to be dismissed from office." The Chamber is assured that experience has proved in England that this is a desirable clause.

8. I am further to suggest for consideration that some provision should be made to prevent proceedings in bankruptcy against a debtor continuing in two Courts at the same time. For instance, last year, in the High Court at Madras, a debtor was adjudged an insolvent on the petition of a creditor; on the following day the debtor filed his petition in the High Court at Bombay, and insolvency proceedings have been going on ever since in both Courts. This must be an additional expense to all parties, and prove most inconvenient, for both Courts



have concurrent jurisdiction, and claim the right to wind up the affairs of the insolvent. Section 85 of the proposed Act does not meet a case of this sort, for it only deals with the transfer of proceedings from the High Court of a province to itself, or to any other Court appointed in the province under section 82.

\* 9. It has been objected to the Bill that it is unsuitable to Madras, because the cases of a large majority of insolvents in this city are of a petty nature, involving no intricate points of law, or any points that the existing law, with a few amendments, would not amply meet. But as the Chamber could not reasonably ask for special legislation for this Presidency, and as it approves of the great advance that it is proposed to take in the direction of a clearly defined bankruptcy law for the trading centres of the whole country, it trusts that the Bill may become law, since it seems to the Chamber to be a very complete measure.\*

From W. MORGAN, Esq., Deputy Registrar, High Court of Judicature, Madras, to Acting Chief Secretary to Government, Madras,—(No. 2827, dated 24th October, 1885).

In continuation of this Court's letters, dated the 31st July and 12th August, 1885, Nos. 2136 and 2266, respectively, I am directed to forward a transcript of the minute recorded by the Officiating Chief Justice on the draft Bill to amend the law of bankruptcy and insolvency in British India, with draft Statement of Objects and Reasons.

2. I am to state that Mr Justice Mathiasami Aiyar has no remarks to make.

#### Minute by Officiating Chief Justice, Madras.

The proposed Bill, being drafted on the lines of the last English Bankruptcy Bill, is a satisfactory and convenient guide and rule of law and practice, no doubt.

The following list will show the class of cases and of persons that are brought before the Insolvent Court Madras—

Year	Merchant and amount of debts.	Petty merchants.	Government servants.	Private employes.	Pensioners.	Unemployed.
1880	6 Rs. 21,221 15 8 78,319 15 10 9,081 12 8 1,252 0 0 26,076 9 10 79,101 0 0	19	17	73	11	30
1881	7 Rs. 1,197 15 8 16,123 8 6 8,097 0 0 8,115 5 9 39,952 5 0 21,953 5 3 21,721 2 1		21	63	6	21
1882	8 Rs. 2,338 9 9 16,774 3 1 86,821 7 9 16	12	43	80	12	33
1883	10 Rs. 21,005 5 10 1,100 9 4 1,100 6 9 1,100 10 9 7,000 0 4 9,000 0 5 3,000 13 10 3,000 3 4 9,800 13 0 2,000 0 0 10,000 1 8 27,000 13 2	4	39	90	11	60
1884	No schedule filed in four numbers, 6 Rs. 37,110 2 82,711 6 5,074 1 7 1,100 2 0 1,102 2 9 No schedule filed in one case	5	38	99	1	55

1st.—It will be seen that the number of cases of traders owing large debts is small—about between 15 and 20 per cent. of the whole. In many of these trading cases there are no assets available. Some 70 or 80 per cent. of the rest of the cases are Government and other clerks, who have no means except their salaries.

2nd.—During the last 11 or 15 years I have been the Judge who principally presided in the Insolvent Court, and I have found that the present Insolvent Act was capable of being worked satisfactorily in the class of cases brought before the Court.

3rd.—Section 103 of the proposed Act will apply to most cases in Madras, as much of the procedure suitable for cases where the debts are large and assets considerable will be unsuitable.

4th.—In the proposed Bill power is given to a creditor to put the Court in motion and to force an act of bankruptcy (but only after decree).

5th.—However, to enable the creditor to prevent concealment by the debtor of property, I think the procedure formerly in use in England and Ireland of "trader debtor summons" would be very useful. The proposed Bill, however, does not contemplate such procedure, and that procedure has been designedly abandoned in the

**English Act.** A debtor, in many cases, in fact in most cases, when sued, defends, and in the meantime, or perhaps before suit, puts out of the reach of creditor his property. It is very difficult, however, to prove the fact so as to establish as an act of bankruptcy, and when a decree is obtained there is no property to seize.

*6th*—There are occasionally failures in the Mufassal of European and Native traders who possess considerable property, and it may be worth while considering whether, at the instance of creditors or in particular circumstances at the instance of the debtor, the parties might not be allowed to avail themselves of the new Act in the Court at Madras.

*7th*—It has happened several times that the Official Assignee has recovered large assets, and that the debtor then effects a settlement out of Court and annuls the insolvency by consent. I think it advisable to make provision that such cases should bear a portion of commission of the Official Assignee.

*8th*.—I have read the proposed draft of the Act repealing the present Statute, and think it requires no observations.

From W. WILSON, Esq., Acting Chief Secretary to Government, Madras, to Secretary to Government of India, Legislative Department,—(No. 3033, dated 16th November, 1885).

I AM directed, in continuation of my letter of the 22nd September, 1885, No. 2554, to forward copy of a letter from the Registrar, High Court, containing the remarks of the other Judges on the opinion expressed by Mr. Justice Handley with reference to section 88 of the Bankruptcy and Insolvency Bill.

From H. T. ROSS, Esq., Acting Registrar, High Court of Judicature, Madras, to Acting Chief Secretary to Government, Madras,—(No. 2900, dated 4th November, 1885).

ADVERTISING TO G. O., dated 22nd September 1885, No. 2553, Judicial, I am directed to state that the Acting Chief Justice and the other Hon'ble Judges of the High Court find themselves unable to agree with Mr. Justice Handley in his suggestion that the powers proposed to be given under section 88 of the Bankruptcy and Insolvency Bill would be better delegated to the Registrar or some other official of the High Court than to a Judge of the Presidency Small Cause Court.

2. It is certainly necessary that the Judge who presides in Bankruptcy and Insolvency should be familiar with the principles and practice of this branch of the law; but it does not appear to the Hon'ble Judges that the acquisition of this peculiar knowledge by one or other of the Small Cause Court Judges is likely to be a matter of difficulty.

3. It is possible that the measures now under consideration, for transferring a portion of the original work of the High Court to the Court of Small Causes, and for creating an additional Judgeship in the latter Court, may result in the appointment to the Small Cause Court of a Judge with precisely that experience which Mr. Justice Handley thinks wanting.

From H. BAITY, Esq., Under Secretary to Government, Bombay, to Secretary to Government of India, Legislative Department,—(No. 8625, dated 17th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1050 of the 17th June last, forwarding a draft of a Bill to amend and consolidate the law of Bankruptcy and Insolvency in British India, and requesting to be favoured with an expression of the opinion of this Government, and also of the Hon'ble the Judges of the High Court and of such selected officers, commercial bodies and other persons as His Excellency the Governor in Council may think fit to consult on the subject.

2. In reply, I am desired to enclose copies of the opinions already received by Government in this matter, and to state that no reply has been received from the Hon'ble the Judges of the High Court, though it has been twice expedited.

1. Letter, &c., from the Chief Judge, Court of Small Causes, Bombay, No. 41 of 7th August, 1885.

2. Letter from the Hon'ble the Advocate General, Bombay, No. 59 of 10th September, 1885.

3. Letter from the Secretary, Chamber of Commerce, Bombay, of 26th November, 1885.

3. His Excellency the Governor in Council, I am to observe, approves generally of the provisions of the draft Bill, and considers that the clause which it is proposed to

insert in the enabling Act of Parliament, legalising retrospectively the rules made by the High Court of Bombay on the 31st July, 1878, is sufficient for the purpose.

4. His Excellency in Council is disposed to agree with the Hon'ble the Advocate General, Bombay, that the large powers given to creditors (sections 17, 20, 21 and 22) to control the administration of a bankrupt's estate are likely to be dangerous in this country and to reproduce the abuses which were prevalent under Bombay Act XXVIII of 1865. It will be seen that the Chamber of Commerce express the same apprehension.

5. His Excellency the Governor in Council is not, as at present advised, in favour of the delegation of an insolvency-jurisdiction to the Court of Small Causes in Bombay. In England such powers may be delegated to the Registrar, but this officer has the staff of the Bankruptcy Court at his command, while neither the Judges of the Small Cause Court nor its establishment have any knowledge of such business. Moreover, the Judges are already overworked, and the new duties would involve the expense of adding to their number. On the other hand, the Clerk and Stenographer of the Insolvent Debtors Court in Bombay is a barrister of standing, with large emoluments and very little to do. It would, in the opinion of His Excellency in Council, be better to relieve the High Court by delegating to this officer jurisdiction in small bankruptcies (Part VII).

6. If the power of delegating jurisdiction to Judges of the Small Cause Courts be retained, there does not seem, in the opinion of His Excellency in Council, to be sufficient reason for withholding from them the power of committing for contempt of Court (section 88, clause (3), of the draft Bill).

7. In conclusion, I am to state that, in the opinion of His Excellency the Governor in Council, it is worthy of consideration whether in this country it is necessary to arm the creditor with all the weapons which are placed at his disposal by the English Bankruptcy Act, seeing that he already has the power of imprisoning his debtor, which the English creditor has not. On this point the observations of the Chief Judge of the Court of Small Causes at Bombay appear to deserve attention.

From W. E. HART, Esq., Chief Judge, Bombay Court of Small Causes, to Chief Secretary to Government, Bombay,—(No. 41, dated 7th August, 1885).

IN compliance with paragraph 2 of Government Resolution in the Judicial Department, No. 4604, dated 1st ultimo, I have the honor to forward the accompanying memorandum embodying my opinion on the draft Indian Bankruptcy Bill.

I may add that my colleagues, to whom my memorandum has been circulated, concur in the opinion I have expressed that the jurisdiction proposed to be given to this Court should be conferred on an officer of the existing Insolvent Court.

Memorandum by W. E. HART, Esq., Chief Judge, Bombay Court of Small Causes,—(dated 16th July, 1885).

I HAVE not sufficient leisure to be able within any reasonable time to offer anything like an exhaustive opinion on all the provisions of an enactment of the scope and length of this Bill. This is, however, the less to be regretted, as Government will doubtless have the advantage of the opinions of the Commissioner in Insolvency and the Official Assignee, whose knowledge and experience of the working of the present law will enable them to offer remarks more likely to be valuable in matters of detail than any I can make; for mine would, for the most part, be based on hearsay and conjecture, since no portion of the present insolvency law has ever been administered in the Small Cause Court of this Presidency as it has in that of Madras. I shall, therefore, enlarge only on those particular provisions which seem most likely to affect the Small Cause Court.

2. Part VI is that which deals with the constitution, procedure and powers of the Bankruptcy Courts: section 88 provides for the delegation by the High Court of certain of its powers in bankruptcy to a Judge of the Presidency Small Cause Court.

3. In commenting on a proposal in 1879 to give the Presidency Small Cause Courts an insolvency-jurisdiction I expressed a strong opinion against the advisability of such a course. To that opinion, and for the reasons there given, in which I pointed out various objections and difficulties, I still adhere, and, for the sake of brevity, beg to refer Government to the annexed extract for an expression of my opinion on the general question of conferring an insolvency-jurisdiction on a Court constituted in the manner and for the purposes of the Small Cause Court.

4. As regards the particular provision of the present Bill, I would point out that with our present staff it is quite impossible for us to undertake any more work than we have at present. Of course this objection could be obviated by additions to the Court and office establishment; but this would entail an additional expense which I think would not be compensated by the value of the work done in insolvency. On the other hand, it seems to me that all the work which the Bill proposes should be done by a Judge of the Small Cause Court could be equally well done by the Clerk and Sealer of the Insolvency Court. This is an appointment which, so far as I know, has always been held by a barrister-at-law; but to ensure the selection of a person of position, capacity and character for the post, some provision might be inserted in the Act. I once held the acting appointment myself for a short time, and am therefore speaking from experience when I say that the duties are extremely light while the emoluments are considerable. If to the present duties of the Clerk and Sealer, which (except on Wednesdays, when he is engaged in Court before the Commissioner for the whole day) occupy about half an hour a day or less, were added those which section 83 proposes to confer on a Judge of the Small Cause Court, the object which that section has in view (namely, the relieving of the High Court of a portion of its less responsible work) would be attained without incurring any additional expense, and the Clerk and Sealer would be usefully employed to an extent more commensurate than at present with the income he enjoys.

5. If the jurisdiction in bankruptcy is conferred on a Judge of the Small Cause Court, I do not think the power to commit for contempt should be taken from him, as in section 88 (2) at least for a contempt committed in his presence. It is advisable that every Court should have this power for its own protection; and in the discharge of its ordinary functions the Small Cause Court enjoys it under the provisions of the Small Cause Courts Act. I do not therefore see why it should be taken away simply by reason of the Small Cause Court acting as a Bankruptcy Court, and only while it is so doing.

6. It also seems to me open to objection that while the appointment with limited powers contemplated by section 88 is one in the hands of the High Court, it should be possible for the Local Government to appoint the same person not only without such limitation, but even with a jurisdiction more extensive than the High Court itself. This let in a possibility of conflict, or at least of confusion, which ought in all matters of jurisdiction to be most scrupulously avoided. Section 82 (c) confers bankruptcy-jurisdiction on any Civil Court in the Presidency appointed by the Local Government, with the sanction of the Supreme Government. Section 83 (a) limits the bankruptcy-jurisdiction of the High Court to the local limits of its original civil jurisdiction. But section 83 (b) leaves it to the Local Government, with the sanction of the Supreme Government, to fix the limits of the jurisdiction of a Court appointed under section 82 (c). There is nothing apparently to prevent the Local Government appointing the Presidency Small Cause Court under section 82 (c), in which case its powers would be equal to those of the High Court. But if its jurisdiction under section 83 (a) were defined to include, say, the township of Coorla, the Small Cause Court would enjoy a jurisdiction more extensive than the High Court. Such provisions seem liable somewhat to conflict with the authority to delegate limited powers reserved to the High Court by section 85. If it is considered necessary that such authority should be exercised rather by the High Court than by the Local Government, I should advise the insertion of words in section 82 (c) restricting the power of the Local Government to the appointment of Courts situate within the local limits of the jurisdiction of the High Court.

7. In section 91 (1) I should like to see the insertion of words making it clear that an appeal from the order of a Small Cause Court Judge is appealable and reversible, so that section 91 (2) as enacted lies to the High Court.

8. These are all the objections to the Bill which I propose to allow the Small Cause Court. I will now offer a few remarks, as shortly as possible suggested by a cursory perusal of the general provisions of the Bill as they now stand.

9. Section 3 (1) (b).—It would be advisable to define more fully what conveyance is fraudulent in a country like this, where *hundi* transactions are common, and the rule that the exception need not be in an Act which, to judge from section 82 (c), is intended to be applicable to a jurisdiction by native Judges in the *haddassal*, who for the most part have not the opportunity of equipping themselves with the English decisions.

10. Section 3 (1) (a), (c) & (d).—The expressions put into the hands of creditors a very powerful weapon, capable of being used for purposes of intimidation, oppression and extortion. In England, a rich commercial country, such provisions may have been necessary for the protection of creditors after the power of imprisoning their debtors in connection with their debts had been taken from them. But in this country, where the system of imprisonment for debt still exists, and where the majority of the population are non-traders, but little removed above the degree of paupers, and of whom the greater number are insolvent in fact, if not in name, I think such provisions are not only unnecessary but dangerous, as they are sure to be used by the foreign money-lenders, who constitute the bulk of the creditor, for purposes of extortion, with the result of further depauperising their already sufficiently impoverished victims, or who, as they already have a sufficient hold in the facilities afforded by the law now stored by our Civil Courts for attachment of person and goods both before and after judgment, attachment of wages, debts due to property in hands of third parties, &c., &c.

11. Section 7 (1).—Is it intended that a judgment debtor under a decree, say, of the Calcutta Small Cause Court, who, after partial satisfaction of the decree by attachment of his goods at Calcutta, absconds to Bombay, and is there arrested under the Calcutta decree sent for execution to the Bombay Small Cause Court, shall be able to invoke the assistance of the Bankruptcy Court at Bombay, where he has no creditors? This would cause great inconvenience to the creditors at Calcutta, where the original act of bankruptcy was committed (section 3 (1) (e)), and where all the proofs are, and would give a good deal of unnecessary trouble to the Bombay Bankruptcy Court. I think, too, the limit of the period for which, as well as of the period *within* which, a debtor has "ordinarily resided" should be defined, so as to prevent a person changing his residence merely for the purpose of getting his discharge from a Court in the jurisdiction of which he has no creditors.

12. Much of the procedure laid down in Part I of the Act seems to me to be unsuitable for universal application in this country. In this Presidency, at least, the majority of insolvencies are for comparatively

small amounts, and a large proportion of them are of persons not engaged in trade. In such cases I am inclined to think a procedure copied from Statute 46 & 47 Vic. cap. 52, which was framed for general application in a great commercial country, will here in many cases be found unnecessarily cumbersome and expensive. If the assimilation of the bankruptcy law in two countries so differently circumstanced as England and India be really considered necessary or advisable, I should recommend the assimilation, at least at first, to be confined to persons occupying somewhat similar positions; and to this end I would preserve the distinction between traders and non-traders which this Act abolishes, applying only to the former those provisions which are specially adapted to and useful in the case of a commercial bankruptcy, but which in the case of a non-trader will impede rather than expedite the distribution of his assets among his creditors.

13. *Section 31 (2).*—I think this provision will be found to work very harshly against the debtor, and not to benefit the general body of creditors. In this country the very great majority of the population are entirely dependent, even for the necessities of life, on the money-lenders. These men at present often obtain a decree on a promissory note merely to save the statutory bar of limitation, and then proceed, perhaps, to partial execution against the goods, but still to affirm the debtor's credit in making him further petty loans. This, of course, they will not do if they are to be deterred from proving these, in case of the debtor's ultimate bankruptcy no matter at how long a period after, by reason of the act of bankruptcy committed by execution of the first decree. I would recommend the bar to be of notice of the first act of bankruptcy, but notice of the presentation of a bankruptcy-petition cited by a creditor or the debtor.

14. *Section 30 (1).*—For the same reason I would omit "or of the commission of any available act of bankruptcy by the debtor."

15. *Section 10 (2).*—This exemption apparently only protects the purchaser at a Court's sale from the consequence of the act of bankruptcy committed in that sale. But it often happens that several sales take place at different times in partial execution of the same decree. Apparently the purchaser at a subsequent sale would be protected from the consequences of the act of bankruptcy committed in that sale, but not from those of one committed in a prior sale in respect of the same decree.

16. *Section 11 (2).*—So, again, it would appear that if a debtor, against whom his creditor had obtained a decree which was partially satisfied by execution, afterwards paid to the creditor a portion of the balance due on his decree, such payment might be availed in case of the debtor's subsequent bankruptcy, because at that date there was "available" the "act of bankruptcy" in the partial execution which, of course, was known to the execution creditor at the time of the further part-payment.

17. I think the objection already noticed in respect of the general application of Part I also applies in a great measure to that of Parts V and VI.

18. *Sections 105 to 110.* I think these provisions, so far as they relate to debtors, are open to much the same objection as that pointed out in regard to section 3 (1) (d), (e), (g). They are taken from an English Act framed when imprisonment for debt had been abolished, which it has not yet been in India, where the creditors consequently do not require so much protection as in England, and where they are more likely to use such provisions for purposes of intimidation, oppression, or extortion. *Section 105 (a).* I consider especially objectionable both on these grounds and on those pointed out in regard to section 31 (2).

19. *Section 115 (c) and (d) and section 116.*—I think it would be advisable to make some provision for the validity of rules and levy of fees *ad interim*.

20. In regard to the general scope of the proposed Act, as disclosed by the Statement of Objects and Reasons, the draftsman would appear to have formed the enactment mainly on the lines of the present bankruptcy law of England as last amended by the Statute 46 & 47 Vic. cap. 52, because, as he says in paragraph 9 and 10, "it is eminently desirable that the circumstances under which a debtor may be declared insolvent, and under which he may obtain his discharge, should be, as far as possible the same in London and Calcutta;" and while the new Act should be "adapted in details to Indian circumstances," it "should follow the English Act as closely as possible, except where there is some substantial reason for taking a different course."

21. I for one do not see this "eminent desirability" in the case of two countries so differently circumstanced as India and England. No doubt it may be a convenience to English merchants in Calcutta and England that they should all be subject to the same law; but in legislating for India generally we have to consult something more than the convenience or wishes or wants of a handful of foreigners. From the mere fact that a certain enactment is found to work well in England (assuming that the English Act does work well there, as to which there would appear to be some difference of opinion among experts), it is not a safe, nor even probable, inference that it would in any way be suitable to a country so differently circumstanced as India. England is a rich commercial and manufacturing country; India is a poor agricultural one. The ordinary Englishman is substantial and independent; the ordinary Indian is an insolvent pariah, hopelessly indebted to his Marwari money-lender. The money-lender's profits in England are, as a rule, spent in the country; in India they are, as a rule, sent abroad, thus acting as an incessant drain on the resources of the most impoverished classes. A large proportion of the English bankrupts are traders; in India a large proportion are non-traders. England has been for centuries in the van of European progress, parting by the slow growth of a civilization born of native Western ideas, self-acquired and assimilated into her very being; India has barely emerged from oriental semi-barbarism, and such civilization as she has is, for the most part, of foreign origin, which had already attained maturity abroad before its importation, and has as yet been only very partially adopted here. The lowest ranks of workers in English society form, compared with Indian, a small proportion of the population, and non-workers among the poorer classes are an insignificant item; in India the lowest ranks of workers form a very large majority (about 75 per cent.) of the entire community, while the non-workers form a considerable proportion of the poorest classes. In England the judgment-debtor has for years been relieved from the depressing and disabling effects of the system of imprisonment for debt, which in India is still a powerful engine of extortion in the hands of the money-lender, and freely used for the further depopulation of the most impoverished class.

22. The poorest class in England, as compared with those in India, are infinitely superior in material wealth, in resources of employment, in education and intellectual activity, and they are in a far smaller numerical proportion to the general community. When we find the two countries circumstanced so differently in regard to the bulk of their population, it seems to me that any law regarding the relations between debtor and creditor must of necessity differ, not in "details" only, but in "general principles;" at least, I submit, the onus of producing a "substantial reason" is rather on those who advocate assimilation, than on those who argue, from the difference of circumstances, the necessity for a difference in the law to be applied to them.

Extract, paragraphs 13 to 19, from letter from Chief Judge, Bombay Court of Small Causes, to Secretary to Government, Bombay,—(No. 9, dated 7th April, 1879).

"13. Again the advantages so to be gained by the proposed change (namely, the saving of a few hours for the trial of long cases on the original side and the saving of a few rupees in professional costs) must be set off what appear to me to be far more than counterbalancing inconveniences which will result to the general public, to the insolvents and their creditors and to the officials of the Indian Court.

"14. In the first place, supposing only those unimportant or unopposed cases which at present take up about three hours in a fortnight of the Commissioner's time were transferred to the Small Cause Court; to this

extent at least the Judges of the Small Cause Court must divert to insolvency-matters the time which would otherwise be spent in the interests of the general body of litigants. During the three hours so spent from 30 to 40 of those small causes might have been heard and decided the speedy adjudication of which is the *raison d'être* of the Court.

"15. In the next place, if the insolvency-work be divided between the High Court and the Small Cause Court, it will be necessary either to have two separate office establishments, or to be constantly transporting the Insolvent Court officials, with their books, papers, &c., from their present headquarters in the High Court building to the Small Cause Court, a distance of about a mile, and back.

"16. The former of these two courses would probably be both the more expensive and the more inconvenient to the public. It would involve the appointing of a new Clerk of the Court and a new Official Assignee, which appointments, having regard to the provision of the Statute 11 Vic. c. 21, I am inclined to think it is not within the competence of the Indian Legislature to make. It would also involve the employment of several additional inferior officials, such as clerks, callers, and the like. It would further occasion considerable inconvenience to creditors seeking inspection of books, &c., and sometimes necessitate the payment of searching-fees in both offices, especially after the lapse of some years, when it would become necessary to make inspection of old cases. Again, much difficulty and loss to the estate would be occasioned if different members of a Hindu family, or different partners in a firm, became insolvent separately, and went some to the one Official Assignee and some to the other; the difficulty would be doubled of giving titles to purchasers, and consequently of getting fair prices for the properties sold.

"17. On the other hand, if the present establishment were required to work in two places at such a distance from each other as the High Court and Small Cause Court, there would be a great increase of expense and waste of time and of most injurious inconvenience to the officials of the Insolvent Court. About 100 additional clerks would have to be employed; and considerable expense would be incurred in the carriage of books, papers, and proceedings, while more than the time gained to the Court by the despatch of cases would be lost to the office *endo morando et revertendo* between the two Courts.

"18. I believe that in Malabar the sections of the Civil Procedure Code relating to insolvency have been applied by Resolution of the Local Government to the Small Cause Court. This has not been done here, and I do not think, if it were done, any material advantage would result, or that many applications would be made by persons seeking the benefit of the sections. The provisions of the Civil Procedure Code cannot avail until after judgment has passed and the judgment debtor has actually been arrested. On the other hand, any person may avail himself of the provisions of the Statute 11 Vic. c. 21, at any time, and thus avoid arrest, or obtain his discharge. Almost all debtors would, therefore, I presume, naturally prefer to take advantage of the last-mentioned enactment.

"19. For all these reasons, and because I am unable to suggest any other method than those already discussed, which will not be open to the same objections whereby an insolvency jurisdiction could be conferred upon the President Small Cause Courts, I am of opinion that no such jurisdiction should be conferred. I will only add that if the real object of the proposed extension be merely to relieve the High Court of a portion of its labour, by removing from its cognizance the bulk of unimportant and unprofitable insolvency cases, precisely this result could be attained without incurring any expense, and without adding to the work of any other Court by the abolition of the present system of imprisonment for debt; for it is simply to avoid arrest, or to escape from imprisonment, that the great majority, if not all, of the unproposed insolvents apply for the benefit of the Act."

From the HON'BLE F. L. LATHAM, Advocate General, Bombay, to Under-Secretary to Government, Bombay,—(No. 59, dated 14th September, 1885).

With reference to the proposed Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, I have the honour to offer the following remarks.

The Bill is avowedly an adoption, almost a transcript, of the last English Bankruptcy Act, that of 1883. So many systems of bankruptcy have been tried and found defective in England that I cannot help thinking that it would be well to see how this latest system bears the test of experience before trying to plant it in India. A short time will show whether the Act of 1883 is fitted to become the permanent law of bankruptcy, and which of its provisions require repeal or amendment; and the present insolvency law of India, which, though imperfect, does not on the whole work badly, may without any serious inconvenience be allowed to remain in operation for that short time.

2. The most striking difference between the proposed Bill and the present law is the large power given to creditors to control the administration of the bankrupt's estate. Section 17 allows the creditors to take adjudication by a majority of three-fourths, and subject to the approval of the Court, to resolve on a composition or on a scheme of assignment of the debtor's affairs; section 20 (2) allows the creditors, if the Court decline such an appointment desirable, to appoint a person other than the Official Receiver to be trustee of the property of the bankrupt; section 21 allows the creditors to appoint a committee of inspection; section 22 allows the creditors, after the adjudication, to approve of a composition or scheme of assignment, subject to the approval of the Court. I confess that I dread lest the effect of these sections should be to facilitate fraud and to lead to a manipulation of the provisions of the Act in favour of the bankrupt. Even now the schemes of insolvents are often filled with fictitious debts in favour of his relatives and friends, and when under Act XXVII of 1875 the temptation to this form of fraud was greater it was notoriously prevalent. I might say universally. I observe that the approval of the Court is made a condition to the exercise of these powers by the creditors. But such an approval is not to become a mere formality when the responsibility of the initiative is not with the Court itself. I should prefer to have the Official Receiver trustee in every case, and to insist that any composition or scheme of assignment should be directed by the Court, either on the motion and after hearing the Official Receiver.

3. I think that section 2 will not in its present form have the effect desired by the framers of the Bill. Comparing it with section 2 of the English Act, I think it would be construed to refer to the extent of the Bill as regards its effect as a form of procedure against a debtor and would nullify the whole Bill—*vide* Williams' *Bankruptcy Law and Practice* (3rd edition), page 1.

4. Section 8, which gives the debtor immediate protection from process against his person as soon as a receiving order is made, is a most important change in the present law. At present the great struggle in insolvency-proceedings is as to the granting or refusing an *interim* order of protection; there is, comparatively speaking, no contest as to the grant of final orders. It seems to me that the section in its present form is adapted to a state of the law in which imprisonment for debt has almost ceased to exist, whereas in India it is still one of the main remedies by which the execution of debts is enforced.

5. Section 16 is, in my opinion, a most wholesome provision, though, unless the Court has power to dispense with it in small and unimportant bankruptcies, an increase of the number of Judges will be required. I would make it plain that the Official Receiver, or also any creditor may examine the debtor by counsel or solicitor. The requisition of signature by the debtor is (s) should be struck out, as it will tend to nullify the effects of the section. The official record of the evidence is sufficient security for accuracy.

6. In section 13 I do not think that the Chief Justice should have power to remove the Official Receiver at his discretion without good cause.

7. Sections 65 and 67 do not make it clear what is to be done with the interest accruing on the estates of bankrupts. It ought in justice to belong to the estate.

8. I doubt section 88, allowing the delegation of certain powers to the Judges of the Presidency Small Cause Courts, being of any practical use. It is adapted from the provisions of the English Act allowing the delegation of powers from the Judge to the Registrar. But the Registrar has the command of the staff of the Bankruptcy Court, which would not be the case with the Small Cause Court Judge. If anything be done in this direction, I think it should rather be to transfer bankruptcies of small estates to the Small Cause Courts. But I doubt any saving of judicial time or expense being so effected.

9. Part VII, as to small bankruptcies, is a wholesome provision as the Act now stands. But I am inclined to think that in India all bankruptcies should be dealt with in the manner prescribed by that Part.

From J. MARSHALL, Esq., Secretary, Bombay Chamber of Commerce, to Acting Under-Secretary to Government, Bombay,—(dated 25th November, 1885).

I AM directed to acknowledge the receipt of your letter No. 1606, dated 1st July last, forwarding copy of a draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, and requesting that Government may be favoured with the opinion of the Chamber of Commerce thereon.

The Bill was referred to a special Committee, consisting of the Hon. Mr. P. Forbes Adam, of Messrs. W. & A. Graham & Co., Chairman of the Chamber, Mr. A. F. Beaufort, of Messrs. Lyon & Co., Deputy Chairman, Mr. W. A. Baker, Manager, National Bank of India Limited, Mr. E. Miller, of Messrs. C. Macdonald & Co., Mr. J. H. Slight, Deputy Secretary and Treasurer, Bank of Bombay, and Mr. Vazbucandas Atmaram, of Messrs. Narandas Lajaram & Co., and their report having been approved the Chamber has now the honour to submit its opinion on the provisions of the Bill.

Some little delay has taken place in forwarding the report to Government, as the Chamber was anxious to obtain the views of business people at home on the actual working of the English Bankruptcy Act of 1883. These, however, not having come to hand, the Chamber will take the liberty of embodying in a supplementary report any additional information which may hereafter be received in response to the inquiries instituted.

The Bill has been read through and discussed clause by clause, and subjoined will be found in detail the additions and emendations which the Chamber considers desirable. Before proceeding to the discussion of the provisions of the Bill, however, the Chamber had to consider two broad questions—first, whether in the existing state of things a new Insolvency Act was called for; and, second, when in that event the general principles of the proposed Bill were then rightly adapted to the requirements of the trading community and to the conditions attending insolvency in India.

To the first question the answer was unanimously in the affirmative. The necessity of a radical reform in the bankruptcy law for India has long been keenly felt by the mercantile public, and has on numerous occasions been the subject of anxious consideration. In the address which the Chamber had the honour to welcome the arrival in India of His Excellency the Viceroy the matter was prominently mentioned as one of pressing importance; and had it not become known that the Bill now under report was in preparation it was the intention of the Chamber to memorialise Government begging that action might be taken at the earliest possible opportunity.

The second question did not admit of so ready an answer. The conditions under which trade here and at home is conducted are so widely divergent and the nature of the cause of the majority of insolvencies so entirely different, that at first sight the mere fact that the Bill is drawn on the same lines as the English Act carries with it a presumption of possible unsuitableness. A closer examination of its provisions, however, shows that in its leading principle of efficient control over bankrupt estates it is in a great measure a return to what has long been recognised as one of the best features of the present Indian insolvency law. The signal failure in operation and the gross malpractices perpetrated under the Bombay Act for speedy liquidation, (No. XVII of 1860),—which was a distinct departure from this principle, is still well within the memory of several members of the Chamber; and there can be no question that efficient control by responsible, qualified officials must be a fundamental principle of insolvency legislation in India. The absence of the separate supervision exercised in England by the Board of Trade need not, in the opinion of the Chamber, interfere with the effectual working of the Act so long as a careful provision is made in the rules that only thoroughly competent officials are appointed to responsible posts, and that they are placed under the guidance and direction of the Court.

A very marked difference between the law of insolvency here and in England exists in imprisonment for debt being still maintained in India. In the opinion of the Chamber it would be unadvisable as yet to deprive creditors in this country of that power. There are no doubt weighty arguments in favour of following English legislation. Amongst the poorer classes their personal liberty in reality constitutes the security on which they are able to obtain advances, and were the power of utilizing that security once removed the ability of contracting debts beyond the means of repayment would be done away with also, and much unnecessary extravagance in the shape of expenditure on marriage and other festivities—which accounts for a considerable proportion of the insolvencies among the lower classes—would thus be avoided. In other words, by removing the power of getting into debt, people would be compelled to live within their means. While admitting this as regards the poorer classes, the Chamber cannot but amongst merchants and bankers is decidedly adverse to the abolition of liability to imprisonment for debt from a mercantile point of view. The change would be too radical, and, by altering the basis on which business has been conducted in this country from time immemorial, might seriously interfere with the ordinary course of trade. As to whether or not the Bill in its present form fully contemplated the existence of imprisonment for debt is more a question for skilled lawyers than a body of laymen; and the Chamber therefore would content itself as regards this point by merely expressing the opinion that it cannot be too carefully considered.

So far as Bombay is concerned—and the same probably holds good in the other Presidency towns—one of the greatest disadvantages which creditors have to contend with is the facilities which fraudulent debtors have for escaping from the jurisdiction of the Court by absconding into Native territory. Amongst a certain class of Native traders—and that by no means the lowest—this is a very common means of evading punishment, and owing to the ease with which it can be accomplished it tends greatly to encourage fraudulent bankruptcy. The Chamber quite appreciates the serious difficulties there are in the way of bringing about a remedy, but it would earnestly solicit the attention of Government to this point. Once made it possible for the writ of the Bankruptcy Court to take effect in Native States, and reckless trading amongst Native dealers will have received a deathblow which no other form of legislative enactment could administer.

The Chamber observes that the draft Bill omits the disqualification of a bankrupt to hold certain offices, as provided under Part II of the English Bankruptcy Act of 1883. The advisability of this omission the Chamber is very much inclined to question, as there is no doubt that, especially amongst Natives, the holding of certain appointments carries considerable dignity, and the deprivation of these as the direct result of bankruptcy might



have a wholesome deterrent effect. In the opinion of the Chamber the Bill should provide for the disqualification of a bankrupt for holding the following positions where not already settled by existing Acts, namely:—

Member of the Legislative Council.  
Justice of the Peace.  
Member of the Town Council or Municipal Corporation.  
Member of a Port Trust or Harbour Board.  
Director of a Joint Stock Company.

The eligibility of bankrupts for these offices after obtaining their discharge might be made dependent on the nature of the bankruptcy as certified by the Court.

Taking each section in order the Chamber begs to submit the subjoined remarks:—

**Section 5 (1) (d).**—In addition to this clause the Chamber considers it important for the due protection of creditors that in the case of a firm which has carried on business at a place where a Bankruptcy Court exists, and has partners where there is no such Court, the estate should be wound up at the place where the Bankruptcy Court is, and the partners elsewhere should be liable to have their assets at once taken possession of by the Official Receiver. Further that, if a firm so constituted becomes insolvent, the act of insolvency of any one partner should render all other partners, wherever situated, insolvent also, and liable to have their property attached by the Court.

**Section 8.**—The Chamber is of opinion that this section should provide that in the case of a debtor with no available assets the Court should not be able to give a complete discharge, but should have power to compel him to proceed with his insolvency. An *interim* order might be granted in the first instance, but revoked unless the debtor proceeded with the insolvency when called upon to do so.

**Section 12.**—The advertisement giving notice of the receiving order should, the Chamber thinks, be published in at least one of the leading local newspapers in addition to the Government Gazette, and this suggestion should be made applicable in every instance where notice by advertisement is provided for, notably in section 19, (5), section 27 (5), section 30 (3).

**Section 15.**—As the time fixed for submitting a statement of a debtor's affairs seems very limited, it is suggested that under sub-section (2) (i), where an order is made on the petition of the debtor, ten instead of three days should be allowed, and where the order is made on the petition of a creditor (ii) the time be increased from seven to twenty days.

**Section 16.**—The Chamber is of opinion that there is no necessity for making the public examination of a debtor compulsory where a compromise has been agreed upon, and it would therefore ask that the following be added to sub-section (1):—

"Except that in cases where the majority of creditors in number and three-fourths in value are prepared to accept a compromise, the public examination of the debtor may be dispensed with."

**Section 17.**—In all cases of compromise or composition the Chamber deems it most important that the creditors should have the fullest possible information before them as to the true state of the debtor's affairs; and it seems desirable, therefore, that the following words should be appended to sub-section (5):—

"with a full statement of the debtor's affairs."

**Section 21.** The Chamber recommends, should be entirely omitted from the Bill. It may be that in England, where the books of an insolvent are in English and information as to an estate can be obtained without much difficulty, a committee of creditors may prove of considerable assistance in securing a favourable liquidation, but the experience of those who have been concerned with bankrupt estates here is of a contrary character. In all probability it might lead to the appointment of committees of creditors favourable to the debtors, as was found to be the case in working Bombay Act XXVIII of 1865, which was admittedly a complete failure as a means of advantageous liquidation.

The omission of this section and the abolition of committees of inspection would necessitate some alterations in the wording of subsequent provisions of the Bill. For instance, the Chamber suggests that section 50 should read:—

"The trustee may, with the permission of the Court, and after such notice to creditors as the Court may prescribe, do any of the following things":

and in sub-sections (1) and (4) of the same section, (2) of section 51, (1) of section 57, and (1) of section 61, the word "Court" should be substituted for "committee" or "committee of inspection."

**Section 24.** The desirability of arranging to prevent the arrest of an insolvent who has taken refuge in a Native State has already been mentioned, and, if that be practicable, provision would have to be made for it under this section as also under (2) of section 26.

**Section 25.**—The same provision as for the collection and delivery of letters should be made for telegrams.

**Section 27 (5)** allows 14 days' notice only, to creditors of the day fixed by the Court for hearing a debtor's application for discharge. This would be insufficient for creditors out of India, and the Chamber would recommend one month's notice being allowed.

**Section 27 (1).**—The Chamber suggests that a decree passed by the Court against a debtor when making an order of discharge should be in favour of the Official Receiver only, his office being continuous, while a trustee might have to leave the company at times with very short notice.

**Section 28 (5).**—Considering that the current rate of interest in India is 9 per cent as compared with 4 per cent in England, the rate of interest payable on surplus funds, as provided for in this clause, might fairly be increased from 4 per cent as proposed to 6 per cent per annum.

**Section 36 (1).**—The Chamber is of opinion that the preference extended to a landlord's claim for rent under this section is unduly large. It thinks that no power of distrainment should be granted after bankruptcy, and that he should not be entitled to a preferential claim for more than four months' rent, subject, moreover, to assets of that amount belonging to the insolvent's estate lying on the premises.

**Section 52 (2).**—After the words "application of" the Chamber suggests the insertion of the words "the trustee or"

**Section 64 (3).**—It would be well to have the "prescribed officer" mentioned in this clause defined, as it is important to know in whose hands the very responsible power of regulating the charges may be placed. It is also suggested that "leave of the Court" be substituted for "proof of such taxation having been made," before payment.

**Section 67.**—Having regard to the constant fluctuations in the value of Government securities, it seems to the Chamber that if it could be so arranged it would be preferable, instead of investing surplus funds in Government paper, to hand them over to the Accountant-General, who on behalf of Government should pay 4 per cent interest on the amount. Such interest, moreover, should go to the separate estates, or, in other words, be for the benefit of the creditors, who are frequently kept out of their dividends for long periods pending the decision of suits and disputes. The system adopted under the English Act, and sought to be introduced into this Bill, of utilizing the interest obtained on funds held during liquidation towards minimising the fees payable in bankruptcy, has rather a tendency to favour debtors to the disadvantage of creditors.

**Section 70.**—In addition to ordering it incumbent on a trustee to grant a creditor inspection of the books kept in connection with the liquidation of an estate, it should also be provided that creditors should have free



access to the books of the insolvent. It should be further arranged that an experienced and trustworthy staff of Native *mektas* or accountants should be maintained on the staff of the Court (either attached to the Official Receiver or Trustee), through whom reliable translations and extracts from books kept in any of the Native languages could be obtained. Great difficulty is experienced in obtaining information of this character under the existing law, and a need for employing an outside *mektas* for the purpose of searching a debtor's accounts always runs the risk of the man being bought over by the other side.

*Section 88 (2).*—It appears to the Chamber somewhat anomalous that a Judge of the Small Cause Court should not have the same power to commit for contempt as is granted to the Court under section 23, clause (4). The omission of clause (3) is accordingly suggested.

*Section 103.*—The Chamber would be in favour of raising the limit for small bankruptcies from Rs. 3,000 to Rs. 5,000. Estates within the latter sum it is very unlikely that cases of fraudulent books, &c., will occur requiring the more complete machinery of the previous portions of the Act; nor does it seem necessary that the examination of the debtor be insisted upon as provided under clause (c).

From H. BATTY, Esq., Under-Secretary to Government, Bombay, to Secretary to Government of India, Legislative Department,—(No. 784, dated 5th February, 1886).

With reference to your letter No. 113, dated the 18th ultimo, I am directed to forward, for submission to the Government of India, copy of a letter from the Acting Prothonotary and Registrar of Her Majesty's High Court, Bombay, No. 21, dated the 28th idem, and its enclosures, regarding the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

From G. H. FARRAN, Esq., Acting Prothonotary and Registrar, High Court, Bombay, to Chief Secretary to Government, Bombay,—(No. 21, dated 28th January, 1886).

With reference to your letter No. 405, dated the 14 July, 1885, I am directed by the Hon'ble the Chief Justice to forward the accompanying report on the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India, prepared in accordance with his Lordship's directions, and to state that the Hon'ble Mr. Justice Rayley, who has been for some years presiding over the Insolvent Court, approves generally of the same.

From G. H. FARRAN, Esq., Acting Prothonotary and Registrar, High Court, Bombay, and C. A. TURNER, Esq., Official Assignee, Bombay, to the Hon'ble the Chief Justice, Bombay.

In accordance with your Lordship's directions, we beg to submit the accompanying remarks on the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

#### *Remarks*

*Protection from arrest.*—The proposed Act, which is principally taken from the Bankruptcy Act of 1883 now in force in England, where no provision for debtors has been made, provides that the receiving order shall have the effect of protecting the debtor from arrest in respect of any debt payable in bankruptcy. It does not contemplate any opposition on the part of creditors at this stage, but deals only with the granting or withholding of a final discharge. In Bombay, where a person committed to debt is still protected and a protection is afforded by the vesting order under the present Act, the chief object of the majority of insolvents is to obtain immunity from arrest at first by means of *ratat* petitions, and afterwards by obtaining their personal discharge under section 17, after which they but rarely trouble themselves with applying for their final discharge; while the principal object of the opposing creditor is to prevent an insolvent from obtaining such immunity, in order that he may be able to secure better terms by making use of his power of arrest. A practical result would be that the large proportion of petitioning debtors would come to the Court for the purpose solely of obtaining protection from arrest, would have no object in proceeding with their petitions, and would probably neglect to take any further steps after the receiving order was made. To remedy this it is suggested that the Court should have power both (1) to dismiss petitions for ward of person, and (2) to cancel so much of the receiving order under section 8 (1) as gives protection from arrest. It would be unnecessary that the Court should have power to direct the discharge from jail of a debtor imprisoned before the making of the receiving order; there does not appear to be any provision to that effect in the proposed Act.

*Adjudication of bankruptcy.*—The change made by the proposed Act with respect to the adjudication of bankruptcy is highly advantageous. Under the provisions of the Act in respect to that subject it will be possible to have debtors adjudged insolvent before they have had time to dispose of all their property, and creditors will in all probability make use of those provisions more and more if the Act is found to work well. It is very important that adjudicated insolvents should make the statement required by section 15 and (2) come up for the public examination directed by section 16. Debtors who have been adjudged insolvent almost invariably abscond from Bombay into Native States, and the punishment would be to compel their return. Such a power extending over the whole of British India is given by section 24 of the proposed Act; but as the adjudged debtors almost invariably abscond to Native States it would largely increase the efficacy of the Act if it were found possible to extend that power to Native States also.

*Composition with creditors.*—The change made by the proposed Act with respect to composition with creditors is also beneficial. The present Act is silent on the subject, and the result is that documents purporting to be a signature in favour of creditors for the purpose of the vesting order are often set up with the object of either entailing unnecessary and expensive litigation, or of keeping from the Court all power of investigating the insolvent's affairs, even though a majority of creditors may desire such investigation. Considering, however, that the public examination of debtors will in many cases involve the disclosure of affairs of creditors, which they may naturally object to be made public, power might be given to the Court in cases of composition with creditors to dispense with the public examination of debtors when a sufficient majority of creditors desire or consent to it.

*Property of bankrupt.*—The words of section 38 (1), which deals with the property of the bankrupt, are not so wide as those of section 7 of the present Act, and it is important, especially when dealing with property in the Native or outside British India, where the law is imperfectly understood, that the words of the Act should clearly and distinctly cover the property of the bankrupt, whether within British India or without.

*Discharge of bankrupt.*—Under the present Act there are two sorts of discharge that can be granted to an insolvent by the Court: (1) freedom from personal imprisonment for debt, and (2) freedom from liability of after-acquired property. It is one of the great faults of the present Act that a separate application has to be made for each, and the Court at the hearing of the matters of an insolvent's petition under section 35, where all the facts regarding his conduct are before the Court, makes no order as to the latter but only as to the former sort of discharge. In Bombay the principal object of the debtor in coming to the Court is to obtain his personal discharge, and the object of an opposing creditor is either to force the insolvent to buy off his opposition or to induce the Court to dismiss his petition. The reason is that a creditor in Bombay in opposing an insolvent is

invariably working in his own interest and not in that of the general body, and he considers that if the petition is dismissed he will succeed in obtaining a greater portion of the insolvent's property than if it were distributed by the Official Assignee. The power of dismissing petitions given by section 17, and used as a penalty for misconduct, encourages this system. The proposed Act will effect a great improvement in this respect, as under it the Court will consider the whole question of the insolvent's course of dealing and conduct, and will either grant him his discharge (conditional or otherwise) or punish him under the Act itself.

**Penalties.**—The provisions of sections 27, 41, and 467, which deal with penalties and punishments, are much more severe than in the present Act. It may be noted that a bankrupt can now under them obtain an unconditional discharge more than once, and, if and so long, he is liable to be punished by imprisonment if he obtains credit to the extent of Rs. 200 without informing his creditors. There is a clause of penalties under the English Act which has been omitted from the proposed Act, namely, disqualification of a bankrupt to hold certain offices. It, however, seems desirable that a penalty should be granted which may have the effect of causing the mercantile community to regard bankruptcy as a disgrace, which in Bombay, since the share market, they have to a great extent ceased to do. As to the clause in it which would appear advisable to make the disability to hold certain positions which may be regarded as long made the direct result of bankruptcy.

**Decrees against bankrupt.**—Passing a decree in favour of the trustees against the bankrupt is a punishment often enforced in England in cases where no assets are forthcoming in the bankruptcy. The practice in Bombay has been to pass such a decree in every case, even in considering the great facilities bankrupts have in this country for concealing their property from the Court that practice seems a good one, as affording a ready way of recovering from the bankrupt after his discharge property that he may be shown to be possessed of without having to prove that it was concealed at the time of the discharge. It would probably be found more convenient if such decrees were passed in all cases in favour of the Official Receiver, as a trustee might not be forthcoming some years after the bankruptcy, when required to do so. Such decrees should also, if possible, be exempted from the operation of the law of limitation as provided in the present Act, as it would be almost entirely impossible, as well as useless, for the Official Receiver to take the necessary steps for keeping all such decrees alive, and equally impossible to foresee in what cases it would be desirable to do so.

**Procedure.**—The procedure under the proposed Act will largely increase the work of the Court, an essential feature of the Act in the public examination of the bankrupt in every case. During the last three years there have been on an average over forty petitions presented each month, which under the proposed Act would entail an equal number of public examinations, for the taking of which the time and place are fixed for sittings in insolvency would be wholly inadequate. The examination of a bankrupt under the English Act, or in modification of them as may be considered proper, might with advantage be made a matter of the Court's Act, and work of a formal nature, such as taking such examinations in the proposed case, leaving receiving orders and other work of a similar nature, relegated to an officer of the Court. In any case, whether the public examination be taken by the Court or by an officer, the provision in section 16, by which the report and examination are to be signed by the debtor, might, with advantage, be omitted, as it would receive not only the loss of time occasioned by reading over and interpreting his statement to a Native witness, but, especially in the case of a debtor subjected to a searching examination, may result in a refusal to sign the notes as taken down or an endeavour to retract previous admissions or statements.

**Unclaimed dividends.**—The proposed Act provides (section 122) for the payment of any unclaimed dividends under it to the bankruptcy estates account, but omits the provision contained in the corresponding section of the English Act as to the disposal of the unclaimed dividends under the present Act. These unclaimed dividends in Bombay amount to upwards of eight lakhs, of which between two and three lakhs represent a portion of proved claims in estates in which redistribution has been already made under Act XXVII of 1844, and which cannot be further distributed under any Act now in force. There are also a very large number of unclaimed dividends in respect of debts admitted by creditors in their schedules as valid, but which have not been proved and are for the most part unprovable; and it is doubtful whether these dividends can be distributed under the Act of 1844. Section 7 of Bill No. 3 of 1881, which was intended to remedy the state of circumstances, has never become law, and it therefore seems necessary that some means of dealing with these funds should be provided by the proposed Act. The interest upon the first class of these funds at least might be applied to carry out the general purposes of the Act; otherwise there may be a difficulty at first in working the proposed Act, unless a very high scale of fees is adopted.

**Appointment of Official Receiver.**—Under the present Insolvent Act the Official Assignee can only be removed from office in the cases specified in section 18. By the proposed Act the removal of the Official Receiver will depend solely on the pleasure of the Chief Justice. This does not appear to be any new way the person of the Official Receiver should be less independent than that of the Official Assignee, or his tenure of office less secure.

A few remarks dealing with some of the sections made in detail are annexed.

#### Appendix

**Section 2.** *Regarding application of section 5 to England.*—Section 5 of the proposed Act is applicable to England, but nevertheless cases may arise in which one or more of the provisions of section 5 may be inapplicable in India. It is not, however, necessary to provide for such cases in the proposed Act.

**Section 21 (2).** The committee of inspection may very well be dispensed with, or in all events confined to cases in which an order is made under section 19, sub-section (2).

In cases in which the Official Receiver is sitting, reference to the Court for necessary powers and authority will be more satisfactory and cause for less delay than to committees of creditors.

See II A 12 Vol. 2, p. 21, 8-28

In the event of such a case as the following might be added to section 21 (2).—

“by and with such notice to such creditor as the Court may think fit to direct.”

**Section 24.**—As has been already pointed out, the value of this section would be very greatly increased if it enabled debtors residing in Native States to be also included.

In any case, however, the section would seem to be incomplete, as it does not directly provide for the case of a debtor who may have actually absconded from the local jurisdiction of the Court to some other part of British India, but only deals with the case of a debtor who is “about to abscond with his creditors.”

**Section 31 (1).** *Municipal rates.*—Municipal dues, &c., are at present only payable in cash.

**Sub-section (5).** *Interest after payment of principal in full.*—As decrees in India carry interest at 6 per cent, in the same way interest after the receiving order should be allowed in India at the present rate.

**Section 36.**—Section 26 of the proposed Act gives a landlord the power to exercise, with certain restrictions, his right of distress upon the property of the bankrupt for rent due. This right was taken away by the present Act, and the change will considerably hamper the Official Receiver when an estate first comes to his hands. Landlords, on the insolvency of their tenants, often put padlocks on the godowns or premises let to them, and claim a lien for rent, and as rent in Bombay is heavy, and the value of the goods so locked up very small, such claims, even under the present law, are not easily disposed of. The proposed change is, we think, to be deprecated; but if it is considered that the landlords should have any preferential claim, it would be more convenient to allow a preferential claim for two months' rent not exceeding the value of the goods on the premises let by them) under section 31, and leave the law otherwise unchanged.

access to the books of the insolvent. It should be further arranged that an experienced and trustworthy staff of Native *mehltas* or accountants should be maintained on the staff of the Court (either attached to the Official Receiver or Trustee), through whom reliable translations and extracts from books kept in any of the Native languages could be obtained. Great difficulty is experienced in obtaining information of this character under the existing law, and a creditor employing an outside *mehla* for the purpose of searching a debtor's accounts always runs the risk of the man being bought over by the other side.

**Section 88 (3).**—It appears to the Chamber somewhat anomalous that a Judge of the Small Cause Court should not have the same power to commit for contempt as is granted to the Court under section 23, clause (4). The omission of clause (3) is accordingly suggested.

**Section 103.**—The Chamber would be in favour of raising the limit for small bankruptcies from Rs. 3,000 Rs. 5,000. Insolvents with a higher sum it is very unlikely that cases of fraudulent books, &c., will occur requiring the more complicated machinery of the previous portions of the Act; nor does it seem necessary that the examination of the debtor be insisted upon, as provided under clause (c).

From H. BATTY, Esq., Under-Secretary to Government, Bombay, to Secretary to Government of India, Legislative Department,—(No. 784, dated 5th February, 1886).

With reference to your letter No. 113, dated the 18th ultimo, I am directed to forward for submission to the Government of India, copy of the letter from the Acting Prothonotary and Registrar of Her Majesty's High Court, Bombay, No. 21, dated the 28th ultimo, and its enclosures, regarding the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

From G. H. FARRAN, Esq., Acting Prothonotary and Registrar, High Court, Bombay, to Chief Secretary to Government, Bombay,—(No. 21, dated 28th January, 1886).

With reference to your letter No. 105 dated the 1st July, 1885, I am directed by the Honble the Chief Justice to forward the accompanying report on the draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India prepared in accordance with his Lordship's directions, and to state that the Honble Mr Justice Bayley, who has been for some years presiding over the Insolvent Court, approves generally of the same.

From G. H. FARRAN, Esq., Acting Prothonotary and Registrar, High Court, Bombay, and C. A. TURNER, Esq., Official Assignee, Bombay, to the Honble the Chief Justice, Bombay.

In accordance with your Lordship's order we have to submit the accompanying remarks on the draft Bill to amend and consolidate the Law of bankruptcy and Insolvency in British India.

#### *Remarks*

**Protection of creditors.**—The proposed Act, which is principally taken from the Bankruptcy Act of 1883 now in force in England, where it is in force, provides that the receiving order shall have the effect of protecting the debtor from the effect of any debt payable in bankruptcy. It does not contemplate any opposition on the part of creditors at this stage, but deals only with the granting or withholding of a final discharge. In Bombay, where no provision for debtor's stipulated and complete discharge is afforded by the existing order under the present Act, the chief object of the majority of insolvents is to obtain immunity from arrest by means of *interim* protection, and afterwards, by obtaining their personal discharge under section 17, after which they but rarely could be said to be solving the problem of paying for their final discharge; while the principal object of the opposing creditors is to prevent an insolvent from obtaining such immunity, in order that he may be able to secure better terms by making use of his power of arrest. A practical result would be that the large proportion of petitioning debtors, who come to the Court for the purpose solely of obtaining protection from arrest, would have no object in proceeding with their petitions, and would probably neglect to take any further steps after the receiving order was made. To remedy this it is suggested that the Court should have power both (1), to dismiss petitions for writ of possession, and (2) to cancel or annul the receiving order under section 8 (1), if it gives protection from arrest. It would also be necessary that the Court should have power to direct the discharge from jail of a debtor imprisoned in consequence of the making of the receiving order; there does not appear to be any provision to this effect in the proposed Act.

**Adjudication of bankruptcy.**—The change made by the proposed Act with respect to the adjudication of bankruptcy is highly a valuable one. Under the provisions of the Act in respect to that subject it will be possible to have debtors adjudged insolvent before they have had time to dispose of all their property, and creditors will in all probability make use of these provisions more and more as the Act comes to work well. It is very important that creditors and debtors should make the statement required by section 15 and (2) come up for the public examination required by section 16. Debtors who have been adjudged insolvent almost invariably abscond from Bombay into Native States, and there is no power under the present Act to compel their return. Such a power extending over the whole of British India is given by section 24 of the proposed Act, but as dealing debtors amongst natives, who reside in Native States, it would largely increase the efficacy of the Act if it were found possible to extend that power to Native States also.

**Composition with creditors.**—The change made by the proposed Act with respect to composition with creditors is also beneficial. The present Act is silent on the subject, and the result is that documents purporting to be agreements in favour of creditors, executed just before the date of the receiving order are often set up with the object of either obtaining a discharge and exemption from examination, or of keeping from the Court all power of investigation the insolvent's affairs, even though a majority of creditors may desire such investigation. Considering, however, that the public examination of debtors will in many cases involve the disclosure of affairs of creditors, which they may naturally object to be made public, power might be given to the Court in cases of composition with creditors to dispense with the public examination of debtors when a sufficient majority of creditors assent or consent to it.

**Property of bankrupt.**—The words of section 38 (A), which deal with the property of the bankrupt, are not so wide as those of section 7 of the present Act, and it is important, especially when dealing with property in the Mofussil or outside British India, where the law is imperfectly understood, that the words of the Act should of only and directly cover the property of the bankrupt, whether within British India or without.

**Discharge of bankrupt.**—Under the present Act there are two sorts of discharge that can be granted to an insolvent by the Court: (1) freedom from personal imprisonment for debt, and (2) freedom from liability or after-acquired property. It is one of the greatest faults of the present Act that a separate application has to be made for each, and the Court at the hearing of the matters of an insolvent's petition under section 35, where all the facts regarding his conduct are before it, makes no order as to the latter but only as to the former sort of discharge. In Bombay this same public object of the debtor in coming to the Court is to obtain his personal discharge, and the object of an opposing creditor is either to force the insolvent to buy off his opposition or to induce the Court to dismiss his petition. The reason is that a creditor in Bombay in opposing an insolvent is

invariably working in his own interest and not in that of the general body; and he considers that if the petition is dismissed he will succeed in obtaining a greater portion of the insolvent's property than if it were distributed by the Official Assignee. The power of dismissing petitions given by section 47, and used as a penalty for misconduct, encourages this system. The proposed Act will effect a great improvement in this respect, as under it the Court will consider the whole question of the insolvent's course of dealing and conduct, and will either grant him his discharge (conditional or otherwise), or punish him under the Act itself.

**Penalties.**—The provisions of sections 27, 105 and 107, which deal with penalties and punishments, are much more severe than in the present Act. It may be noted that a bankrupt can, under them, obtain an unconditional discharge more than once, and, if made bankrupt, he is liable to be punished by imprisonment if he obtains credit to the extent of Rs. 200 without informing his creditors. There is a class of penalties under the English Act which has been omitted from the proposed Act, namely, disqualification of a bankrupt to hold certain offices. It, however, seemed desirable that no penalty should be omitted which may have the effect of causing the mercantile community to regard bankruptcy as a stigma, which in Bombay, since the share mania, they have to a great extent ceased to do. And for this reason it would appear advisable to make the disability to hold certain positions which may be regarded as honorable the direct result of bankruptcy.

**Decrees against bankrupt.**—Passing a decree in favour of the creditors against the bankrupt is a punishment often enforced in England in cases where no assets are forthcoming in the bankruptcy. The practice in Bombay has been to pass such a decree in every case, and in ordering the great facilities bankrupts have in this country for concealing their property from the Court that practice seems a good one, as affording a ready way of recovering from the bankrupt after his discharge property that he may be shown to be possessed of, without having to prove that it was concealed at the time of the discharge. It would probably be found more convenient if such decrees were passed in all cases in favour of the Official Receiver, as a trustee might not be forthcoming some years after the bankruptcy, when required to do so. Such decrees should, if possible, be exempted from the operation of the law of limitation as provided in the present Act, as it would be practically impossible, as well as useless, for the Official Receiver to take the necessary steps for keeping all such decrees alive, and equally impossible to foresee in what cases it would be desirable to do so.

**Procedure.**—The procedure under the proposed Act will hardly increase the work of the Court, an essential feature of the Act in the public examination of the bankrupt in every case. During the last three years there have been on an average over forty petitions presented each month, which under the proposed Act would entail an equal number of public examinations, for the holding of which the time at present allotted for sittings in insolvency would be wholly inadequate. The provisions of the proposed Act of a formal examination of them as may be considered proper, in regard with additional evidence in the Act, and work of a formal nature, such as taking such examinations in and proposed evidence, and putting the same on record, and other work of a similar nature, relegated to an officer of the Court. In any case, whether the public examination be taken by the Court or by an officer, the provision in section 16, by which the notes of examination are to be signed by the debtor, might, with advantage, be omitted, as it would involve not only the loss of time of a trial by reading over and interpreting his deposition to a Native witness, but, especially in the case of a debtor subjected to a searching examination, may result in a refusal to sign the notes as taken down or an endeavour to retract previous admissions or statements.

**Unclaimed dividends.**—The proposed Act provides (section 122) for the payment of any unclaimed dividends under it to the bankrupt's estate account, but omits the provision contained in the corresponding section of the English Act as to the disposal of the unclaimed dividends under the present Act. These unclaimed dividends in Bombay amount to upwards of eight lakhs, of which between two and three lakhs are in respect of movable claims in estates in which redistribution has been already made under Act XXII of 1874, and which cannot be further distributed under any Act now in force. There are several other large amounts of dividends in respect of debts admitted by insolvents in their schedules, but which have not been paid and are for the most part unprovable, and it is doubtful whether these dividends can be distributed under the Act of 1874. Section 7 of Bill No. 3 of 1881, which was intended to remedy this state of things, has never become law, and it therefore seems necessary that some means of dealing with these funds should be provided by the proposed Act. The interest upon the first class of these funds at least might be applied towards the general purposes of the Act, otherwise there may be a difficulty at first in working the proposed Act, unless a very high scale of fees is adopted.

**Appointment of Official Receiver.**—Under the present Insolvency Act the Official Assignee can only be removed from office in the cases specified in section 18. By the proposed Act the removal of the Official Receiver will depend solely on the pleasure of the Chief Justice. This does not appear to be in any way in way the position of the Official Receiver should be less independent than that of the Official Assignee, or his removal from office less secure.

A few remarks dealing with some of the sections more in detail are annexed.

#### Appendix.

**Section 2. Regarding application of section 1 to England.**—Section 1 of the proposed Act is made applicable to England, but nevertheless cases may arise in which only the provisions of the proposed Act as to the trustee in India. Is not some provision necessary to provide for the removal of the trustee in India?

**Section 21 (2).**—The committee of resignation in every well be dispensable with, or will events proceed to cases in which an order is made under section 20, or section 19.

In cases in which the Official Receiver is setting reference to the Court for necessary powers and authority will be more satisfactory and cause for less delay than to a committee of creditors.

See 11 & 12 Vol. 2, p. 21, 8, 28.

In that event some such words as the following might be added to section 21 (2):—

"by and with such notice to such creditors as the Court may think fit to direct."

**Section 21.**—As has been already pointed out, the value of this section would be very greatly increased if it enabled debtors who are indebted to Native States to be also included.

In any case, however, the Act on would seem to be complete, as it does not distinctly provide for the case of a debtor who may have actually absconded from the local jurisdiction of the Court, or some other part of British India, but only deals with the case of a debtor who is "about to abscond with a view to defraud."

**Section 31 (D). Municipal rates.**—Parastat dues, &c., are at present only entitled to dividends.

**Sub-section (5) Interest after payment of principal in full.**—As decrees in India carry interest at 6 per cent., in the same way interest after the recovery of principal should be allowed in India at 6 per cent. also.

**Section 36.**—Section 26 of the proposed Act gives a bankrupt the power to exercise, with certain restrictions, his right of distress upon the property of the bankrupt for rent due. This right was taken away by the present Act, and the change will considerably hamper the Official Receiver when an estate first comes to his hands. Landlords, on the insolvency of their tenants, often put pressure on the goods on premises let to them and claim a lien for rent; and as rent in Bombay is heavy, and the value of the goods so locked up very small, such claims, even under the present law, are not easily disposed of. The proposed change is, we think, to be deprecated; but if it is considered that the landlords should have any preferential claim, it would be more convenient to allow a preferential claim for two months' rent not exceeding the value of the goods on the premises let by them) under section 34, and leave the law otherwise unchanged.

*Section 38, clause (2).—*The words "wearing-apparel and bedding" are hardly sufficiently wide. In India cooking-pots, &c., are more necessary even than bedding. The words of the Act 11 & 12 Vic., cap 21, section 7, are "wearing-apparel, bedding, and other such necessities."

*Section 51 (2).—*The distribution of a dividend depends almost entirely on the creditors and not on the trustee.

The words "shall be declared and be payable" might be substituted for the words "shall be declared and distributed."

As to the period of four months prescribed by this section for the declaration of the first dividend, see note for section 99.

*Section 57 (2). Allowance to bankrupt.—*We think the allowance to a bankrupt should be limited both as to amount and as to duration. The limit we would propose is Rs. 100 per month extending over not more than ten months.

It must be remembered that in all bankruptcies the bankrupt himself has always influence in the liquidation of his estate.

A considerable body of the creditors, either through friendship or relationship, or because they have received, or expect to receive, special preference, are always ready to support the bankrupt.

In large estates there will always be danger of candidates for trusteeship making a bid for the bankrupt's influence by promise of a good allowance if they are appointed.

Some limit of time is necessary, or an insolvent in receipt of a good allowance will be tempted to protract the liquidation of his estate.

*Section 61. Official Receiver's report.—*Before the discharge of any bankrupt under section 27 of the new proposed Act, the Official Receiver has *in every case* to prepare a report, which has to be taken into consideration by the Court at the hearing of the bankrupt's application under that section. In order to make such reports of any value, the Official Receiver must (in cases of insolvency of traders) have the assistance of experienced Native accountants capable of themselves reading and understanding Native account-books.

Account-books in Bombay are kept not only in different languages and character, but even on different principles, varying according to the particular trade or business carried on by the bankrupt or to the skill or ignorance of the *meh-tas* employed by him.

The accountants would have to be high class men, well paid, and in the regular employ of the office (not engaged for any particular estate), to ensure trustworthy performance of their work.

The examinations of account-books so made would be of the greatest value both to creditors who might wish to oppose and also to the Court itself at the hearing.

This would, however, seem to be a matter to be dealt with by rules under the Act, and not in the Act itself.

*Section 65 (3).—*We do not consider that this provision can be of any value in India.

*Section 67. Investment of moneys.—*Under this section investment is made out of the "bankruptcy estates account" generally and not out of the moneys belonging to any particular estates, and the whole interest so realized is appropriated for the general purposes of the Act (section 67 (3)).

Were it possible to distribute the moneys to creditors as quickly as is contemplated in the Act, there would be no great hardship in the present provision. In Bombay, however, considerable sums have always to be reserved to meet the possible costs of the litigation that invariably ensues on any large insolvency proving unsuccessful, and (as has already been pointed out) claims of creditors cannot be quickly adjusted.

It would be hard on creditors that money so locked up should not be invested for their benefit.

Perhaps the simplest way would be to leave the provisions of the Act as they are, and out of the interest accruing under the provisions of this section (67) to allow interest at 4 per cent. on all sums paid into the "bankruptcy estates account" until dividend is declared.

*Section 88.—*It appears from paragraph 29 of the draft "Objects and Reasons" that this section has been put in at the request of the Government of Madras. We do not think that the section can be of any value in Bombay while the High Court and the Small Cause Court are so far apart. It would be necessary to have a special Official Receiver and Registrar, with proper office establishments, to carry on the insolvency business of two separate Courts.

We believe that in 1880 both the High Court and the Small Cause Court of Bombay were opposed to the introduction of this provision.

*Sections 92 (1) & 104. Times.—*All "times" allowed for the act are far too short, and though full power of extension is given by section 92 (1), yet the times mentioned in the different sections for each Act should, as far as possible, approximate the amount of time within which such act ought to be done.

There are several reasons why longer times will be required in Bombay than in England—

- (1) the Courts sit weekly only;
- (2) books of account are always in arrears, especially during the busy season, and take a long time to make up, and only a very limited number of *meh-tas* can be employed on them at once;
- (3) traders of every position always have goods on their way to England or elsewhere, the account-books of which are not received for a considerable time;
- (4) no estate of any size can be realized without litigation owing to the invariable attempts made by bankrupts to conceal property or favour particular creditors; and litigation in Bombay is both tedious and expensive.

*Section 99. Petition of partners in different Courts.—*Under this section we suppose petitions by partners of firms carrying on business in the different Presidency towns would be transferred to the Court in which the first petition was filed, otherwise some provision is required on this point. See also section 13.

*Section 103 (3).—*Small bankruptcies under Part VII, section 103, might, with advantage, be extended to Rs. 6,000.

Where the gross assets of an estate are not more than Rs. 6,000, it would rarely be worth the creditor's while to attend meetings and take any direct interest in the winding up of the estate, nor will the estate itself stand the expenses of proceeding prescribed by the Act and by the first schedule.

Creditors pay of course in such cases wish to have the bankrupt's affairs more expensively investigated and the bankrupt himself punished; but provision is made for this by clause (c) of this section (103).

*Section 116 (2).—*If the suggestions contained above regarding business to be done before the Registrar be adopted, it might be convenient to provide for the remuneration of that officer also under this section.

*Section 120, clause (4).—*We could if this provision is sufficient in the case of Native States. Would it not be simpler to allow affidavits to be also made before the British Resident or Consul or Political Agent?

*Lien on bankrupt's books of account by solicitors and others.—*There have been several cases lately in Bombay of solicitors claiming a lien on insolvent's books of account and so making it extremely difficult for creditors to get full and free inspection of them. Such claims might, moreover, be set up in collusion with an insolvent.

Section 121 of the English Act of 1861 abolished claims for lien of an insolvent's books of account, and the same provision was made by a rule under the Act of 1669, there being power under that Act to make the rule.

—See *Late Lec on Bankruptcy*, page 676.

A similar rule has been made under the present English Act of 1883, but it is of doubtful validity under section 127 (4) of that Act.

It would therefore seem advisable to put the provision into the Act itself.

From F. B. PLACOCK, Esq., Chief Secretary to Government, Bengal, to Secretary to Government of India, Legislative Department,—(No. 799J., dated 15th January, 1886).

I AM directed to acknowledge the receipt of your letter No. 1011, dated the 14th June, 1885, forwarding copies of the Bill to amend the Law of Bankruptcy and Insolvency in British India with Statement of Objects and Reasons, and asking for an expression of the Lieutenant-Governor's opinion and of the opinions of such persons as His Honour might think fit to consult on the provisions of the Bill.

2. In reply, I am desired to submit, for the information of the Government of India, the following replies received from the officers and gentlemen named in the margin and the Secretary to the Calcutta Trades Association, who were consulted by this Government, and to say that, with the exception of section 88 (1), the Lieutenant-Governor approves generally the provisions of the Bill. This section provides that the High Court may, from time to time, direct that a Judge of the Presidency Small Cause Court shall have all or any of the powers therein mentioned. In this

The Solicitor to the Government of India, No. 1996, dated the 2nd September, 1885, and enclosure.

The Chief Judge, Court of Small Causes, Calcutta, No. 68, dated the 2nd October, 1885.

The Superintendent and Remembrancer of Legal Affairs, No. 901, dated the 9th November, 1885.

Md. Iqbal Sir Jotendra Mohan Tagor, K.C.S.J., dated the 31st August, 1885.

Bahadur Doss Raj Churn Law, dated the 7th September, 1885.

connection I am to ask the attention of the Government of India to the letter from the Chief Judge of the Calcutta Court of Small Causes, and to say that, even with the assistance that this Government is about to ask should be given it, the Court of Small Causes, Calcutta, has more work on its hands than it can satisfactorily get through, and the Lieutenant-Governor is therefore averse to throwing additional burdens on the Judges of that Court.

From R. L. UFFOX, Esq., Solicitor to Government of India, to Officiating Under Secretary to Government, Bengal,—(No. 1693, dated 3rd September, 1885)

REFERRING to your No. 1363 J.D. of the 28th June, I have the honour to forward you herewith a copy of the Honble the Advocate General's opinion on the subject therein referred to.

#### OPINION.

THERE can be no doubt that the present Insolvent Act is antiquated and requires to be replaced by fresh legislation.

The Statement of Objects and Reasons very clearly and fully explains the grounds on which the proposed change in the present Insolvency Law is asked, and it is an excellent example of the principles which are to be followed in framing a new Bankruptcy Act. I agree in the main with the Objects and Reasons, and I think it advisable that the Bill which should be supported by an Act of Parliament.

The provisions of the draft Bill are principally taken from the English Bankruptcy Act, 1883, with certain necessary modifications.

The English Bankruptcy Act is the outcome of an extended experience of years, and has, I think, been properly adapted as a model for the proposed legislation. I have doubts whether the provisions in the English Statute in relation to composition or arrangement, which have been embodied in the present draft Act, will be found useful or of any practical benefit in this country.

With regard to jurisdiction, I think that up-country traders, who have had large commercial transactions, and whose estates would be more satisfactorily administered in a Bankruptcy Court, should be allowed to petition for Bankruptcy Court of the Presidency in which they have carried on business, and such Court should be vested with powers to adjudge such persons bankrupt on their own petition if it think fit, the powers to adjudge being discretionary, to be exercised according to the circumstances of the case. The objection to such a provision would naturally be that it would be a hardship upon creditors living at a distance to follow the proceedings in a Bankruptcy Court, but such a hardship must often occur where a debtor carrying on business in Calcutta is adjudicated by the High Court of Calcutta, and has creditors up-country as well as in the adjacent Presidencies.

The 29th August 1885.

(Signed) G. C. PATIL.

Advocate General.

From G. C. SCORCE, Esq., Officiating Chief Judge, Court of Small Causes, Calcutta, to Chief Secretary to Government, Bengal,—(No. 68, dated 2nd October, 1885).

WITH reference to your letter No. 2916, dated 9th September, 1885, from the Under Secretary to the Government of Bengal, calling my attention to No. 1312 J.D., dated 8th July, 1885, I have the honour to consult with my colleagues, to say that we believe that the provisions of the draft Bill to amend and consolidate the law of Bankruptcy and Insolvency in British India are calculated to be of great benefit to the country.

We also approve of section 88, which empowers the High Court, from time to time, to direct that a Judge of the Presidency Small Cause Court shall deal with the matters therein mentioned, but we do not consider it would be beneficial to deprive a Judge of the Small Cause Court of the power to exercise on matters relating to bankruptcy and insolvency such authority as he has in the exercise of his ordinary jurisdiction under section 88 of the Presidency Small Cause Courts, Act, 1882, to punish for contempt.

His Honour the Lieutenant-Governor is fully aware that the Judges of this Court are, on account of the existing state of the files, to cope with the mass of business that comes before them. Any addition to the ordinary business will necessarily occasion further arrears.

From T. T. ALLEN, Esq., Superintendent and Remembrancer of Legal Affairs, Bengal, to Chief Secretary to Government, Bengal,—(No. 901, dated 9th November, 1885).

IN reply to your office No. 1337 J.D., dated 8th July last, I have the honour to say that the draft Bankruptcy Bill is applicable to the presidency-town where at present a similar law is administered by the High Court in its original jurisdiction. As I have no knowledge or experience of the working of the existing law, I am unable to form an opinion as to the necessity for, or improvements effected by, this Bill.

2. As to the necessity, I consider the present Bill utterly and entirely inadvisable, but as there appears to be no intention to make it current there, this is no deduction from its merits.

From MAHARAJÁ the HON'BLE SIR JOTENDRO MOHUN TAGORE, K.C.S.I., to Officiating Under-Secretary to Government, Bengal,—(dated 31st August, 1885).

I HAVE the honour to acknowledge the receipt of your No. 1310 J.D., dated the 8th ultimo, forwarding, for the expression of my opinion on it, copy of a draft Bill to amend the Law of Bankruptcy and Insolvency in British India, and in reply to submit the following remarks for the consideration of His Honour the Lieutenant-Governor of Bengal.

2. The primary object of the project is consolidation. The law of bankruptcy and insolvency, as now current in India, is scattered in different Acts, which are in some respects defective, and in others discordant or not convenient; and the Bill under notice proposes to reconcile differences, to supply omissions, to remove defects, and generally so to amend and alter the present law as to make it fully suited for the requirements of the day. In so far the project is worthy of commendation. The opportunity has also been taken to make it accord with the lat est English law on the subject, and provision has been made so to transfer cases from Indian to English Courts as to cause no inconvenience.

3. It is not necessary for me, however, to notice all the alterations, particularly as the hon'ble and learned gentleman who has drafted the Bill has fully and clearly treated the subject in great detail in his Statement of Objects and Reasons. I desire, therefore, to confine myself here to only those points which appear to me to require further consideration.

4. In the Civil Procedure Code Act (XIV of 1882, sections 336 and 344), relief for bankruptcy is made dependent on a preliminary arrest or imprisonment; no debtor can obtain the benefit of the law until he is taken up under an execution warrant. This mode of making relief accessible only through the gates of a prison to honest but unfortunate debtors is highly objectionable, and clause (D) of section 7 of the Bill does well in doing away with it in the case of persons residing or carrying on business within the jurisdiction of the Presidency Courts for at least a year. The limit of time fixed, however, appears to me to be too long. There are many causes which may, and not unfrequently do, bring on insolvency within a much shorter time, and that without any dishonest or fraudulent motive on the part of a debtor; and in such cases it is not at all desirable to insist upon a preliminary punishment. The law provides ample safeguards against fraud, and the punishment should come when the fraud is laid bare in the course of enquiry, and at the time of granting the discharge, and not precede enquiry. The provision, moreover, appears to me to be totally ineffectual as a salutary measure. A debtor who becomes insolvent in six months' time can easily avoid going to jail by getting up a creditor to petition against him, and the law is at once defeated. This applies likewise to the first part of the section, which insists upon lodgment in prison as a *sine quâ non* in the case of an ordinary debtor. It makes a provision which can always be circumvented, except in the improbable contingency of a debtor being so unfortunate as not to be able to get a creditor to petition against him. Under these circumstances, I am respectfully of opinion that the clause in question should be divested of the conditions attached.

5. Clause (f) of section 26 gives power to the Court to compound with the debtors to an insolvent estate; and this is as it should be, inasmuch as, however, such compositions must, as a matter of course, be effected by the Receiver or the Trustee of the estate, and more frequently by his subordinates. It would be an advantage if provision were made to give an opportunity to the creditors, or the Committee appointed by them, to appear in Court and show cause why petition for compound should not be made in the way proposed. Instances are well known of such compositions in connection with charge in equity on estates having been made in a manner injurious to the interests of creditors.

6. Clause (5) of section 26 appears in effect as it stands. There should be some provision made with reference to any counter claim that the person concerned may have against the debtor.

7. Among the facts which would disqualify a bankrupt from getting immediate discharge, mention is made of absence of books of account for three years immediately preceding his bankruptcy clause (a) of section 27(3). This would suggest the idea that the discharge would be withheld or delayed if the books of account are not forthcoming, or should extend only to one or two years. Such cannot, however, be the intention of the law in cases in which insolvency supervenes after one or two years' trading. It is not to merchants and traders, the law should be so worked as to imply a period of not less than three years in the case of persons carrying on business from a long time, and for the whole period in the case of persons who have carried on business for less than three years; as regards persons other than merchants and traders, it may be a grave hardship to demand regular books of accounts. Such people do not ordinarily keep any account of their income and expenditure; they live upon what they get, and are satisfied. They may, however, be overtaken by a sudden misfortune, such as a decree of a Civil Court calling upon a person of this class to pay heavy damages, for which he might be forced to seek the benefit of the Insolvency Court, and in such a case it would be cruel to call upon him to produce regular books of accounts, and on default subjecting him to punishment. The Court should be left perfectly free to exercise its discretion as to whether the omission is due to unavoidable or accidental circumstances, or to improper motive. The word 'shall' in line six of the clause, page 16, leaves no room for such discretion.

8. I look upon clause (g) of the same section as calculated to operate harshly. There are many merchants and traders now in Calcutta who have been under the necessity through their misfortune, without any fraudulent or dishonest action, of taking the benefit of the Insolvency Act two, three, or more times, and there is no valid reason why men of that class should not readily obtain their discharge under the proposed Bankruptcy Act. The broad line of distinction between honest misfortune and fraud should never be lost sight of.

9. Clause (2) of section 16 appears to contravene to a certain extent the provisions of the current law of the country on the subject of pensions. Section 14 of Act XXIII of 1871 says, "No money due or becoming due on account of any such (political considerations or past services) pension or allowance shall be liable to seizure, attachment or sequestration by process of any Court in British India at the instance of a creditor for any demand against the pensioner, or in satisfaction of a decree or order of any such Court." This provision is repeated in several subsequent Acts, and appears last in section 266 of Act XIV of 1882, and no circumstances have since transpired to suggest a departure from it. Pensions are in theory benevolences, and to render them liable to seizure by a decree of a Court is to convert charity into civil law. They are granted by Government to provide for the support of persons who have rendered good service for extended periods, and are liable to stoppage at any time at the will of the donors, and should not on any account be treated as a fixed asset.

10. When the Bill regarding the amendment of the Courts of Small Causes in Presidency towns was under consideration a few years ago, the public feeling was strongly expressed against a section in the Bill which proposed to vest those Courts with an execution power to the amount of Rs. 1,000, and in compliance with the wishes then expressed the section was withdrawn. Section 88 of the Bill now under notice renews the project in a modified form, that is, by delegation of power by a High Court, but removes the money limit. There are cases in which such delegation would prove useful, but I would respectfully urge that the limit of value should be fixed by law and not exceed Rs. 1,000.



From BABU DOORGA CHURN LAW, to Officiating Under-Secretary to Government, Bengal,  
—(dated 7th September, 1885).

I HAVE the honour to acknowledge the receipt of your No. 1341J.-D., dated the 8th July last, forwarding copy of a draft Bill to amend the law of Bankruptcy and Insolvency in British India, and requesting an expression of my opinion on it.

2. In reply, I beg to submit the following remarks on the Bill for the consideration of His Honour the Lieutenant-Governor of Bengal.

3. Time was when a bankrupt or trader who seceded himself, or did certain act with intent to defraud or delay his creditors, was looked upon as a criminal or offender, but that time has long since passed away, and the act of legislation has of late been to afford every protection to honest but unfortunate debtors. All the insolvency and bankruptcy laws now current have been framed with this object, and the present attempt is to effect a general amendment of the law alike in the interests of general trade, and the principles of humanity and justice. The opportunity has also been taken for a consolidation of the law so as to make it most conveniently workable. The occasion has moreover been utilized to make the Indian Act accord with the latest English law on the subject, and provision has been made so as to transfer cases from India to English Courts as to cause no inconvenience. The necessity for these amendments and improvements, it is stated in the "Draft Statement of Objects and Reasons," has been frequently of late years pressed upon the attention of Government, and in my humble opinion Government does well in taking up the measure.

4. The bulk of the Bill is made up of the law now in force, with such alterations and improvements as the experience of the last four and thirty years during which the Statute 11 & 12 of Victoria, 21, has been in operation in the Presidency Courts has suggested; and as the honourable and learned gentleman who has drafted the Bill has fully and clearly explained the nature and drift of the alterations in his Statement of Objects and Reasons, there is no need for my noticing them. I shall, therefore, confine myself here to only those points which appear to me to be susceptible of further improvement.

5. For expeditious and satisfactory liquidation of an insolvent estate, it is necessary that power would be given to the Court to compound with the debtors to it, and this is done in clause (f), section 26. Inasmuch, however, as such compositions must, as a matter of course, be effected by the Receiver or the Trustee of the estate, and more frequently by his subordinates, it would be an advantage if provision were made to give an opportunity to the creditors, or the committee appointed by them, to appear in Court and show cause why a particular composition should not be made in the way proposed. Instances are well known of such compositions in connection with large insolvent estates having been made in a manner injurious to the interests of creditors.

6. The provision made in clause (5) of section 25 is necessary and proper, but as it stands it appears imperfect. There should be some provision made with reference to any counter-claim that the person concerned may have against the debtor. In all such cases the counter-claim should be fully satisfied before any demand is made. In other words, the demand should be limited to the difference between the claim and the counter-claim.

7. I am respectfully of opinion that clause (a) of section 27 (b) is likely to act with hardship. In it mention is made of absence of books of account for time year immediately preceding a bankruptcy as a ground for withholding immediate discharge. This would suggest the idea that the discharge would be withheld or delayed if the books of account forthcoming should extend to one or two years only. Such cannot, however, be the intention of the law in cases in which insolvency supervenes after one or two years' trading. In regard to merchants and traders, the law should insist on a period of not less than three years in the cases of persons carrying on business from a long time, and for the whole period in the case of those who have carried on business for less than three years. This should, however, not apply to debtors other than merchants or traders. Such people do not keep any account of their income and expenditure; they live upon what they get, and are satisfied. They may, however, be overtaken by a sudden misfortune. A decree of a Civil Court may condemn a person of this class to pay heavy damages for which he may be forced to seek the benefit of the Insolvent Court, and in such a case it would be cruel to demand of him to produce regular books of account, and, on default, subjecting him to punishment. The Court should be left perfectly free to exercise its discretion as to whether the omission is due to unavoidable or accidental circumstances, or to dishonest intention. The word "shall" in line 6 of the clause, p. (16), leaves no room for such discretion.

8. The provision made in clause (g) of the same section also appears to me as calculated to operate harshly. There are, I believe, many cases of merchants and traders in the Presidency towns in which men have been under the necessity, through sheer misfortune, without any vicious or dishonest action, of taking the benefit of the Insolvent Act more than once, and there is no valid reason why men of that class should not readily obtain their discharge under the proposed Bankruptcy Act. The broad line of distinction between honest misfortune and fraud should be very rigidly fixed in all such cases.

9. Clause (f) of section 16 provides for the stoppage for the benefit of creditors of the pay and allowances of persons in the service of Government who may happen to become insolvent, but the next clause appears to contravene to certain extent the provisions of the current law on the subject of pensions. Section 11 of Act XXIII of 1871 says: "No money due or becoming due to a person of any such judicial considerations or past services, pension or allowance shall be liable to arrest, attachment, or sequestration by process of any Court in British India at the instance of a creditor for any demand against the pensioner, or in satisfaction of a decree or order of any such Court." This provision has been repealed by subsequent Acts, and appears to be in section 266 of Act XIV of 1882, and no circumstances have since arisen to suggest a departure from it. Pensions are in theory benevolent gifts, and to render them liable to seizure by a decree of a Court is to convert them into a civil right. Pensions are granted by Government to provide for the support of persons who have rendered valuable service for extended periods, as provisions for old soldiers, and are liable to stoppage at any time at the will of the donors, and should not, as any account, be treated as a civil asset.

10. Section 88 of the Bill invests the High Courts with the power of delegating their powers for certain purposes to Presidency and District Courts. This is indirectly a revival of the clause in the Bill for the Presidency Court of Summons Causes which proposed to invest those Courts with insolvency jurisdiction. The public feeling against the project was then strong, and it was therefore withdrawn. The modified form in which it is now proposed appears to me to be not only unobjectionable, but likely to prove very useful. I would respectfully urge, however, that the money limit of the jurisdiction should be fixed by law, and not left to the discretion of the High Courts. In matters of jurisdiction the law can never be too precise.

From E. HICKIN, Esq., Secretary, Calcutta Trades Association, to Secretary to Government, Bengal,—(dated 14th December, 1885).

I HAVE now the honour to place before you, for submission to His Honour the Lieutenant Governor, the views of the Committee of the Trades Association on the Bill to amend the law of Bankruptcy and Insolvency in British India.



As regards the North Western Provinces and Oudh we shall have ample opportunity of seeing how the law works before we extend it to any commercial centre. My experience as a Judge leads me to think that it will be some time before we shall require any extension, and that when it is extended we shall need stronger Courts and Courts with more leisure than they at present enjoy.

Many of the large commercial firms in these Provinces have offices in the Presidency-towns, and, as I understand, creditors would be entitled to present bankruptcy petitions against such firms, so that some considerable portion of the class for whom the Act is intended will be covered by the provisions of the Act.

It is worth noticing that the number of petitions filed under Chapter XX of the Civil Procedure Code. The number of applications for insolvency must vary in a considerable manner with fluctuations in the number of applications for execution of decrees. Compared with the year the percentage of applications for insolvency has steadily increased from 15 per cent. in 1881 to 30 in 1882, to 37 in 1883 and 50 in 1884. I feel convinced that, in spite of the provisions of Chapter XX now in force, there are still too many and expensive for the poor insolvent—but for this we should have a still greater number of applications.

With a few alterations the provisions of Chapter XX would meet the present wants of these Provinces, but the present practice is plain to discuss those alterations.

I see little use in discussing *verba* of the provisions of a Bill which is not to be applied to these Provinces, and I doubt whether I could do so to much purpose. It would need more acquaintance with the customs and wants of Presidency-towns to do so effectually.

From Registrar, High Court, North-Western Provinces, to Secretary to Government, North-Western Provinces and Oudh,—(No. 2701, dated 3rd November, 1885).

I AM directed to acknowledge the receipt of your letter No. 671-VII-782, dated 23rd June, 1885, in the Judicial Office Department, forwarding a Bill to amend the Law relating to Bankruptcy and Insolvency in British India, and requesting to be favoured with the Court's opinion thereon, and in reply to state as follows:

2. The Hon'ble the Chief Justice has forwarded a minute on the subject direct to the Hon'ble Mr. Herbert, Legislative Member of Council.

3. The Hon'ble Mr. Justice Straight regrets he has had no leisure to consider the provisions of the Bill or offer any remarks thereon.

4. The Hon'ble Mr. Justice Brathurst believes it is not intended that any Court in these Provinces shall, for the present at all events, have jurisdiction under the proposed Act, and he therefore refrains from offering any remarks on the proposed legislation.

5. The Hon'ble Mr. Justice Fyrell also has no remarks to offer on the Bill.

From C. L. TUPPER, Esq., Officiating Secretary to Government, Punjab, to Secretary to Government of India, Legislative Department,—(No. 974, dated 26th November, 1885).

- (1) Judges of the Calcutta High Court (No. 2582, dated 13th August, 1885).
- (2) Governor of Assam (No. 370-A, dated 21st September, 1885).
- (3) Bunssee Lal Ram Rattan, Rai Bahadur (No. 982, dated 2nd September, 1885).
- (4) Rai Mohi Ram, Jilal, 25th Avenue, 1885).
- (5) Rai Kishan Das, Honorary Magistrate, Delhi (dated 10th October, 1885).
- (6) Rai Bheem Singh, Honorary Magistrate, Amritsar (dated 1st September, 1885).
- (7) Choti Lal, Honorary Magistrate, Amritsar, (dated 16th October, 1885).
- (8) Lalji, Honorary Magistrate, Amritsar, (dated 1st October, 1885).
- (9) Bagga Lal, Honorary Magistrate, Amritsar, (dated 1st September, 1885).

With reference to your letter No. 1012, dated the 17th of June, 1885, I am desired by the Lieutenant Governor to inform, for the information of the Government of India, the opinions of the officers noted on the margin, who have been consulted upon the draft Bill to amend the law of Bankruptcy and Insolvency in British India.

From T. G. WALKER, Esq., Registrar, Chief Court, Punjab, to Officiating Secretary to Government, Punjab,—(No. 2582, dated 13th August, 1885).

In reply to your letter No. 654-S, dated 13th July, 1885, forwarding, for the opinion of the Judges, a copy of a Draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India I am desired to say that as it is proposed to limit the application of the Bill to the Presidency-towns and certain other commercial centres, the Judges have no remarks to offer on the Bill.

From E. P. HENDERSON, Esq., Government Advocate, Punjab, to Officiating Secretary to Government, Punjab,—(No. 370-D.A., dated 21st September, 1885).

I HAVE the honour to acknowledge your letter No. 655-S of 13th July last, forwarding for opinion draft Bill to amend the law of Bankruptcy and Insolvency in British India.

2. I observe that the Act only extends to its direct operation four Courts of Bankruptcy, namely, the High Courts of Calcutta, Madras and Bombay, and the Court of the Resident of Rajputana. I also observe that while power is taken to confer upon local Governments authority, with the previous sanction of the Governor-General in Council, to constitute other Courts of Bankruptcy in the territories administered by them, the insolvency sections of the Punjab Laws Act (18.2) have not been repealed.

As moreover I am now, and have been for some time past, much pressed with important references, I trust that I may be permitted to refrain from discussing in detail a measure which is not intended to apply to this Province, and which appears to me to be far too advanced and framed for the state of things prevailing here.

From BUNSEELAL RAM RAFFAN, Rai Bahadur, to Under-Secretary to Government, Punjab,—(No. 982, dated 2nd September, 1885).

As directed in your letter No. 844-S, of 3rd July 1885, which you have very kindly sent for my remarks that I may wish to offer, I have the pleasure to state for your information that the Draft Bill to amend the law of bankruptcy and insolvency in India is worth of maintenance, and that the draft Statement of Objects and Reasons is worth of consideration.

I beg to suggest to afford the following remarks after full examination of the documents you have so kindly sent.

1st.—The cost of Court for advertising notices, &c., should be defrayed from the estate concerned, but the Court expenses should not exceed some fixed allowances at the rate of percentage which after full consideration the Legislative ought to fix.

2nd.—In India there are lot of persons who, in anticipation of being insolvent give up their estate, cash and property to their sons or brother, and they themselves remain to be insolvent. In this case the Legislative should pronounce some kind of punishment to be awarded to such insolvent.

3rd.—To avoid re-occurrence of insolvent the Legislative should consider and order some kind of distinguished mark to be worn by the bankrupt, in order, if the bankrupt go to another country or city, he may soon be recognized as such a man, as in India there are many men who are dealing in this way, i.e., open a shop in a city, and, while their trade became popular, they abstract lot of money by sending it to their homes or making it away otherwise, and afterwards declare themselves as insolvent. If some distinguished mark be ordered to be worn by the insolvent, there will be a kind of check over them.

4th.—In section 21 I beg that the committee should consist of 8 members, i.e., 4 from among the creditors and 4 who do not any way mixed in the case, but know the custom of the city, and the Judge should take their opinion before passing any order on the file.

5th.—In my opinion in section 38 the hereditary rights, such as villages or other landed property, should be included in the estate which must be sold too and assessed in the administration leaving a necessary portion for the insolvent only.

I beg to return the paper received with your letter under reply.

From RAJ MEHA RAY, to Secretary to Government, Punjab,—(dated 27th August, 1885).

I HAVE gone through the draft Bill received with your letter No. 8448, of the 30th July, and am very glad to come to know that steps have been taken to make up the deficiencies which have been observed during the last 35 years. Handing over the matter to the committee of creditors whose interest is chiefly concerned in such proceedings is a great improvement to bring this law to the point of completion, and I hope it will satisfy those who were sulking at the introduction of such a defective measure as that of the Insolvency and Bankruptcy. As far as my experience is concerned, I would beg to state that Part VII of the Bill, regarding the small bankruptcies, would not work efficiently in a Province like the Punjab until the educated party takes lead in the way of improving the commercial condition of the country. Of course it will be received with great satisfaction in Presidency and other towns where the people by means of their extensive education are sufficiently enabled to understand the objects and reasons of the measure in question. I would, however, beg to suggest that for such cases the qualifications of trustees must be prescribed, as they have to manage the estate without the control and supervision of those whose interest they are to guard.

2. In conclusion, I request that the Insolvent Estates Courts must be very strict in awarding punishment to the guilty debtors, as the number of rejected applications clearly shows the bad motive with which they have often been led to defraud their money-lenders.

From RAMKISHAN DAS, Honorary Magistrate, Delhi, to Under-Secretary to Government Punjab,—(dated 25th September, 1885).

IN reply to your No. 814, dated 30th July last, enclosing a draft Bill on the law of Bankruptcy for opinion, I have the honour to submit the following remarks.

In my opinion the Bill should, when enacted into law, be made applicable to the Punjab and North-Western Provinces, and the District Courts empowered to exercise authority conferred on "the Court" under it. The provisions of the Bill, though based on the English law, are not so very abstruse or intricate as to be difficult of comprehension or to be peculiarly suitable to any particular town or city. They are catholic and general in their character, and may advantageously be extended to the Mufassal. Uniformity of principle certainly so far as the British Indian Empire is concerned—necessitates the existence of one and the same law for identical cases and circumstances wherever they may occur in that empire. The provisions as to the voluntary management by creditors and as to appointment of trustees and the conduct of business by the insolvent under the supervision of trustees or of the committee of inspection are of new or strange. They are acted upon every day in this part of India. Indeed, there is hardly a case in which resort is not had to them as the most efficacious machinery for realising assets for distribution. I would therefore very strongly urge the extension of the Bill to the Mufassal.

SECTION 3 (b) and (c) may be fused into one clause. There is no meaning in keeping them separate.

SECTION 8 (2).—There is no benefit likely to accrue to the insolvent's estate by allowing a secured creditor to realise or deal with his security. Except in cases of English mortgages (as to which even there is considerable doubt), no mortgagee can exercise the power of sale, except through the medium of a Court, and why he should be allowed to bring a suit to sell the property and thus entail more costs, which are after all to come out of the insolvent's estate, is incomprehensible to me.

SECTION 15 (2).—For 3 days I would substitute 10 days, and for 7 days 1 month. The time mentioned in the section is very little, especially in the case of a creditor who has to enter on very difficult enquiries in order to submit the statement.

SECTION 15 (1).—The word "so" before stating should be omitted. "So" would mean *for this purpose, i.e., for inspecting statement*. The penalty should be general and absolute, and not confined to any particular circumstance.

SECTION 17 (15) AND SECTION 18 relate to the same matter, and with some slight change of language could easily go into one section or clause.

SECTION 25.—This is a very harsh measure and has been strongly condemned recently by Mr. Justice Norris. If it is considered advisable to keep it, then there can be no meaning in the limitation of 3 months, which should be expunged.

SECTION 28 (2).—Would *deposits* come under this or not?

SECTION 31.—To this section add "*Barred debts, obligations without consideration—Voluntary bonds* shall not be provable."

SECTION 36 should be omitted and its provisions added to section 34, which is their proper place.

SECTION 38.—Add *executory contracts* which the assignee or receiver may perform.

SECTION 46.—"Or engaged in the Civil service." Omit the word "Civil."

SECTION 48 (5).—Add "Provided that if the party does not agree and feels aggrieved, he may institute a suit for declaration as to quantum of damages which he will be allowed to prove as a debt."

SECTION 48 (6).—"And on hearing such person" modify into "on hearing the trustee or such other person."

SECTION 49.—Add "(f) *Sue debtors*." This power should be conferred on the trustee irrespective of the following section.

SECTION 64.—The word "solicitor" will have to be changed into "legal practitioner" or "pleader."

Adverting to the Statement of Objects and Reasons, it would of course be necessary to obtain the sanction of the British Parliament to ratify the measure. It is of no importance whether the sanction is antecedent or subsequent, but I consider Draft I to be the preferable of the two.

From RAI BAHADUR KALLIAN SINGH, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,—(dated 1st September, 1885).

WITH reference to your letter dated 30th July 1885, I have the honour to submit my few remarks as to the Draft Bill to amend the Law of Bankruptcy and Insolvency in certain parts of British India, and they are as follows.

2. In Section 3 it is necessary that the British India may be defined, that it may be more clear whether the foreign States comes within the definition. Although the General Clauses Act, I of 1858, defines the British India, but still remains doubtful as to its limits, supposing for instance—*Bukharia*, &c., &c.

3. In the same section clause (c) is somewhat harder, that by issuing the process of sale in execution of decree cannot be said that the debtor has committed the act of bankruptcy.

4. In Section 5, clause (d) paragraph 2nd, where it is said within a year before the date of presentation of the petition ordinarily reside, &c., &c.

The above clause in the section is not clear to fix the period gives rise to a doubt.

5. In the Section 6, clause I, it should be added that the copy of petition must be furnished to the opposite party, that the opposite party may come proper and unnecessary delay may not occur.

6. In the Section 6, clause 5, that the work to take security for payment of debt is to put the hindrances in the way, but to ask security for the costs of the proceedings is not so.

7. In the Section 7, clause I, where it is said unless he is in prison, &c., &c., should be added if he is left on security under Section 336 of Civil Procedure Code, Act XIV of 1882, as there is generally the case with judgment debtors in execution of decrees of civil court.

8. Section 17, paragraph 10, provides that the order made on the application may be executed as if it were a decree. It ought to be for those persons only who wish to get the dividend from the estate of bankrupt and not for others who do not wish to be benefited by the provisions of the Act.

9. Section 27 is silent. Clause (c) should be added that who contracted debt *recklessly or carelessly*.

10. Section 28, clause I, should fix any period in which debt may be liquidated, say 12 years is a reasonable time. After that he must declared free from the such debt, otherwise it would be once a *bankrupt* always a *bankrupt*.

From CHORA LAL, House Proprietor and Contractor, to Under-Secretary to Government, Punjab,—(dated 16th October, 1885).

I beg to acknowledge receipt of your letter, dated Simla, the 30th August, under cover of No. 844 enclosing a copy of a draft Bill to amend the Law of Bankruptcy and Insolvency in certain parts of British India, with Draft Statement of Objects and Reasons, for my humble remarks on the same.

I have gone through the whole of the draft, and, so far as I can see, I agree with it, except in two or three places, for which I beg to offer the following remarks.

In Section (7), No. 3, the debtor's petition ought to be withdrawn without the leave of the Court, except in cases the Court thinks it fit as otherwise.

In Section (11) the manager for the debtor's estate ought to be appointed by the Court, as well as the receiver and the debtor also be consulted.

In (Section 6), No. 6, when persons owing the debtor acknowledge themselves as debtors to the debtor, the Court ought to give decree against them in favour of the receiver for the debtor.

In (Section 23) in cases where debtor is personally required to point out persons owing him, the expenses in so doing by the debtor ought to be given him.

Also there is required a section by which a debtor may settle with his creditors privately or by appointing arbitrators.

Hoping you approve of the above.

From LALA GAGAR MAL, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,—(dated 15th October, 1885).

I beg to acknowledge the receipt of your favor, No. 540 dated 8th instant, as well as a copy of draft Bill to amend the Law of Bankruptcy and Insolvency for my opinion. In reply to that I beg to return herewith, under a separate cover, the said draft with my note thereupon. Some delay occurred in forwarding the draft as I had to consider it thoroughly. Please excuse delay.

*Within a year*—This seems to be a very long time. For it is just possible that a person may contract large debts within a year, and he himself be unwilling to go to the Insolvency Court and the creditor may not be able to take any steps. Therefore in my opinion 3 months or 6 months at the most should be the limit.

\* Rather vague. It should be *during office hours*, or some definite time or day should be fixed.

*Signed* must be *dated*, and made to include sealing and marking.

† *Fide* note to section 15, clause (1)

‡ Should be *and*. It is very easy to put the seal of Court on papers without the Judge knowing it. Seals are always in the hands of peons and others of the same class.

*Section 5, clause (d)*. The debtor is in prison within the local limits of the jurisdiction of the Court under an order of a Civil Court for non-payment of money, or has within a year before the date of the presentation of the petition ordinarily resided or had a dwelling-house or place of business within these limits.

*Section 15, clause (4)*—Any person stating himself in writing to be a creditor of the bankrupt may personally or by agent inspect the statement at all *reasonable times*,\* and take any copy thereof or extract therefrom. \* \* \* \* \*

*Section 16, clause (8)*.—Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be read over to and signed by the debtor, and may thereafter be used in evidence against him; they shall also be open to the inspection of any creditor at all *reasonable times*.†

*Section 17, clause (7)*.—If the Court approves the composition or scheme, the approval may be testified by the seal of the Court being attached to the instrument containing the terms of the composition or scheme, or‡ by the terms being embodied in an order of the Court.

*Section 42, clause (1).—*Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors shall, if the person making, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy.

Avoidance of preference in certain cases

\* Should be six months. three months is too little time

## PART V.

### TRUSTEES

#### *Remuneration of Trustee.*

*Section 63, clause (1).* When the creditors appoint any person to be trustee of a debtor's estate, his remuneration (if any) shall be fixed by an ordinary resolution of the creditors, or, if the creditors so resolve, by the committee of inspection, and shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realized after deducting any sum paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend.

*Section 83, clause (a).—*The local limits of the jurisdiction of a Court appointed by a Local Government shall be such as may, from time to time, be fixed, with the previous sanction of the Governor General in Council, by that Local Government within the territories administered by it.

*Section 91, clause (a).—*An appeal shall lie from the order of a Court appointed by a Local Government under section 82 of the High Court of the province.

The remuneration of the trustees should be fixed by the Court itself in every instance. It will be very improper to give this power to the creditors. It is sure to be abused.

It will be quite unnecessary to obtain the Governor General's previous sanction on a matter like this. The words in *clauses* should be omitted.

The appealable orders should be specified. At present the law (which is the same as this) is very unsatisfactory. Some orders are appealable and some are not. Further why should an appeal lie to the Chief Court direct? This is a *hardship*. It will be convenient to give this power to the Divisional Courts in this Province and other corresponding Courts in other Provinces.

There should be a final appeal to the Chief Court or High Court, as sometimes intricate questions arise in such cases.

## PART VII.

### SMALL BANKRUPTCIES

*Section 103.—*When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official receiver reports to the Court, that the property of the debtor is not likely to exceed in value *three thousand rupees*, the Court may make an order that the debtor's estate be administered in a summary manner.

*Section 105.—*Any person against whom a receiving order has been made under this Act shall, in each of the cases following, be punished with imprisonment which may extend to two years or with fine or with both, *or with both*.

#### *Notice.*

*Section 125.—*All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.

*Section 125 (1).—*In this Act, unless the context otherwise requires, —

#### *Interpretation*

"Province" means the territories under the administration of a Local Government;

"High Court of the province" means the highest Civil Court of appeal for the province;

"The Court" means the Court having jurisdiction in bankruptcy under this Act;

"Affidavit" includes declarations under any legislative enactment, affirmations and attestations on honour;

"Available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made.

*Small Bankruptcies.—*This should not be with regard to the amount of the debtor's property. It should be the reverse, i.e., with reference to the amount of *debts due*, and the amount to make a bankruptcy *small* should be Rs. 1,500 only, and not more; otherwise some dishonest people may succeed in arranging that their property may not exceed Rs. 3,000.

*Imprisonment.*—Simple or what?  
*Fine.*—What amount?

Insert *registered* between the words "prepaid" and "part."

These interpretation clauses should be placed in the beginning.

Should be *one hour*.

21. If within *half* an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

From BAGGAN LAL, Honorary Magistrate, Amritsar, to Under-Secretary to Government, Punjab,--(dated 1st September, 1885).

With reference to your letter dated 30th July 1885, I have to submit my few remarks as to the Draft Bill to amend the Law of Bankruptcy and Insolvency in certain parts of British India, and they are as follows.

2. In section 3 it is necessary that the British India may be defined, that it may be more clear whether the foreign States come within the definition. Although the General Causes Act, I of 1868, defines the British India, but still remains doubtful as to its limits supposing, for instance *Baluchistan*, &c. &c.

3. In the same section, clause (c) is somewhat *verbi*, that by issuing the process of sale in execution of decree cannot be said that the debtor has committed the act of bankruptcy.

4. In section 5, clause (d), paragraph 2nd, where it is said within a year before the date of presentation of the petition a lunary reside, &c., the clause in the section is not clear to fix the period gives rise to a doubt.

5. In the section 6, clause I, it should be added that the copy of petition must be furnished to the opposite party that the opposite party may come proper and annunciate any delay may not occur.

6. In the section 6, clause 5, that the words to take security for payment of debts is to put the hindrances in the way, but to ask security for the costs of the proceedings is not so.

7. In the section 7, clause I, where it is said unless he is in prison, &c., &c., should be added if he is left on security under section 336 of Civil Procedure Code, Act XIV of 1882, as there is generally the case with judgment-debtors in execution of decree of civil court.

8. Section 17, paragraph 10, provides that the order made on the application may be executed as if it were a decree.

It ought to be for those persons only who wish to get the dividend from the estate of bankrupt, and not for others who do not like to be benefited by the provision of the Act.

9. Section 27 is silent. Clause (c) should be added that who contracted debt *recklessly or carelessly*.

10. Section 28, clause I, should fix any period in which debt may be liquidated, say 12 years is a reasonable term. After that he must be declared free from that said debt, otherwise it would be once a bankrupt always a bankrupt.

From Officiating Secretary to Chief Commissioner, Central Provinces, to Secretary to Government of India, Legislative Department,--(No. 1134-202, dated 21st October, 1885).

I AM directed to acknowledge your No. 1013, dated 17th June last, forwarding for opinion a draft Bill to amend the Law of Bankruptcy and Insolvency in British India.

2. The Bill will affect only the Presidency towns, the four chief towns, in British Burma and the few large commercial centres to which it may hereafter be extended. There are no large commercial centres in the Central Provinces at present, and the likelihood of the extension of the Bill to any town in these provinces in the future is remote. Under these circumstances the Chief Commissioner does not think it necessary that he should make any observations on it.

3. The Bill was sent for opinion to two selected officers, Mr. J. W. Neill, Officiating Judicial Commissioner, and Mr. Venning, Commissioner of Nagpur. Neither of these officers has offered any criticisms on it.

From E. S. SMYTH, Esq., Officiating Secretary to Chief Commissioner, British Burma, to Secretary to Government of India, Legislative Department,--(No. 351-26-L., dated 15th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1014, dated the 17th June last, regarding a draft Bill to amend the law relating to Bankruptcy and Insolvency.

2. I am now to submit copies of the letters cited in the margin, which contain expressions of the opinion of the Recorder of Rangoon, of the Judge of Moulmein, and of the Rangoon Chamber of Commerce, on the provisions of the Bill. The opinion of the learned Judicial Commissioner is still awaited. It will be submitted in due season. The delay in replying to your reference has been occasioned by the Chief Commissioner's desire to be in possession of the views of the Chamber of Commerce and, if possible, of the Judicial Commissioner, before taking the matter into consideration.

3. The Chief Commissioner agrees that for the present, as regards this province, the new Act should apply only to the four principal seaport towns. By Act XIV of 1885 power has been conferred on the Chief Commissioner to transfer the jurisdiction in insolvency matters of the Recorder of Rangoon to the chief Civil Courts of Moulmein, Akyah, and Bassein in respect of these towns. Subject to the assent of the Governor General in Council, a similar power is conferred on the Chief Commissioner by sections 82 and 83 of the Bill. It would seem necessary to take care that the provisions of the Bill should not conflict with those of the Act above cited. But the Chief Commissioner does not support the suggestion made by the Judge of Moulmein that the power at present exercised by the Local Government of conferring insolvency jurisdiction on and withdrawing it from the Moulmein Court should be annulled by the constitution of that Court as an Insolvency Court under section 82 of the Bill.

4. The Chief Commissioner supports the proposal made by Mr. MacEwen that power should be taken in section 88 to confer on the Court of Small Causes in Rangoon the limited jurisdiction in bankruptcy matters which it is proposed to enable the High Court to confer on the Small Cause Courts in the presidency towns.



5. Section 91 of the Bill provides for appeals from orders in bankruptcy matters. Before the Bill is introduced into the Legislative Council it is probable that the jurisdiction of the superior Courts in this province will have been satisfactorily settled. But should the question of the constitution of a Chief Court in Burma be still unsettled when the Bankruptcy Bill is finally drafted, it will be necessary to specify in clause (c) of section 91 the particular High Court to which appeals under that clause would lie. Such appeals might appropriately lie to the Court of the Recorder of Rangoon.

6. The Chief Commissioner solicits special attention to the opinion of the learned Recorder of Rangoon, particularly to the views stated in paragraphs 5, 6 and 7 of his letter which seem to be worthy of consideration. It seems very important that the application of the less cumbersome procedure (section 103 of the Bill) should be extended so as to embrace cases where the assets are, apparently, not more than Rs. 10,000. Mr. MacEwen's figures, namely, 91 insolvencies, Rs. 28,74,000 of debts and only Rs. 43,000 (less than 2 per cent. of the debts) recovered by the Official Assignee in all, do not warrant sanguine hope that bankruptcy proceedings will greatly benefit the mass of creditors. There is, perhaps, therefore, the more reason for attempting, when the law is under revision, to free innocent debtors from some part of the pains and penalties now accruing to themselves and their families from non-fraudulent debt.

The recommendation made in paragraph 8 of Mr. MacEwen's letter regarding the abolition of dual jurisdiction in the same Court also commends itself to the Chief Commissioner.

7. Mr. MacEwen's report contains a recommendation for the abolition of imprisonment for non-fraudulent debt. The learned Judge is clearly in favour of such abolition, though he mentions that the retention of this penalty has been practically decided upon. The Chief Commissioner does not know how this may be. He ventured previously (letter No. 679—1-L., dated the 21st July, 1882, to Home Department) to show cause for the total abolition of imprisonment for non-fraudulent debt. He still holds to the same opinion. He recently referred to the Judicial Commissioner certain cases of imprisonment for civil debt in the hope that the learned Judge would advise or comment upon the matter. If anything of interest or value results from this recent reference and discussion, the papers will be laid before the Government of India.

From D. G. MACLEOD, Esq., Judge of the Town of Moulmein, to Junior Secretary to Chief Commissioner, British Burma,—(No. 129—2, dated the 21st August, 1885)

IN compliance with the request made in your letter No. 190—23L (Judicial Department, Legislative), dated the 6th ultimo, I have the honour to offer the following opinion on the Indian Bankruptcy Bill.

In dealing with the first question raised in the 11th paragraph of the Statement of Objects and Reasons, namely, as to the extent to which the proposed law should be applied locally in British India, it is necessary to bear in mind the main object of a bankruptcy law, which is to relieve honest debtors from the punishment of imprisonment for debt. The securing of the debtor's property for the benefit of his creditors is really subsidiary to the relief to the debtor, and the question, therefore, should not be entirely judged with reference to the existing machinery for working the proposed law for the benefit of creditors.

The question, however, as discussed in the Statement of Objects and Reasons of the Bill, is not, as it was in the correspondence in 1882, whether it is advisable to abolish imprisonment for debt, but whether the privileges of the proposed law should be extended to debtors in India generally, or only to a favoured few who have the good fortune to be inhabitants of the small local areas to be brought under the operation of that law.

Allowing even that there are differences between the circumstances of indebtedness arising in commercial centres and those occurring in the Mofussil, it seems to me desirable to have only one insolvency law for the whole of India, and thus, as stated in paragraph 11 of Statement of Objects and Reasons of this Bill, might be effected by inserting in the proposed measure a chapter providing the modification and simplifications necessary to suit the requirements of Mofussil Courts. Chapter XX of the Civil Procedure Code has been, if not long enough in force to pave the way for a measure such as the present, sufficiently tried to show the necessity for its very considerable amendment, if not for its abolition, and I consider it unadvisable to retain it in preference to a simplified but complete insolvency law.

If it should in the end be decided not to frame an Act applicable to the whole of British India, it should, I think, at least be left optional with persons resident beyond the local limits of the Courts with insolvency jurisdiction to avail themselves of the benefit of the insolvency law. Cases are conceivable in which it may be a less hardship to debtors and creditors to get insolvency affairs administered by a Court having jurisdiction under the proposed measure than by the ordinary local Court with limited powers under Chapter XX, Civil Procedure Code, such for instance as the case of a debtor who resides just outside the limits of an Insolvency Court or has considerable property within such limits.

Coming to that part of the Statement of Objects and Reasons which refers to the difference between the Bill and the law on which it is modelled, I would remark in regard to the question of jurisdiction to entertain applications for a declaration of insolvency, that by reason of the difficulty in the case of natives of proving the fact of residence at all, it seems desirable to amend the provision by including *the personal carrying on of business or working for gain* as grounds of jurisdiction. This would afford creditors more and easier means of proving the point of jurisdiction, which would probably be frequently raised by reason of the limitations imposed on it by the draft Bill.

As regards the provisions of the Bill, it is not easy to foresee how details, for the most part adapted to English modes of business, would work in practice in India. My remarks, therefore, will be directed and confined to what appear to me to be omissions in the Bill rather than to criticising the propriety or efficiency of the proposed procedure.

*Section 8 (1).*—If it is intended, as I think it must be, to give the Court power to release the debtor from jail if he should be there when the receiving order is made, provision for that should be made here by empowering the Court to order the release of the debtor whenever he may be confined. The power to release from jail, even if the jail be without the jurisdiction of the Court, is necessary in view of the different grounds which confer insolvency jurisdiction.

(2)—Under Act XXVIII of 1866 the power of sale is only conferred in respect of mortgages to which English law is applicable, and unless this provision is limited to the exercise of such power, mortgagees would be entitled to realize their securities by suit to the detriment of the interests of the uncured creditors, which the expenses of the suit would occasion. This remark should be read in connexion with another, which I shall presently make in reference to the rights of mortgagees (*infra* 2nd Schedule 12c).

*Section 17 (4).*—Provision similar to that previously suggested should be made here also for the release of the debtor from jail if not released at the time of making the receiving order.

*Section 26 (1).*—The right to summon others than the debtor should be limited, as in the Civil Procedure Code, with reference to the means of communication between their place of residence and the court house.

(2) I would add after the word "sum" the words "for his travelling expenses and subsistence."

*Section 45.*—It is, I think, desirable that the power of the Courts to seize the property of a bankrupt should extend to any part of Her Majesty's dominions, suitable provision being made for the procuration of the necessary authority from the Court having jurisdiction where the property is situate.

*Sections 82 and 83.*—As the Bill was drafted before the amendment of the Burma Courts Act 1875, by the Act of 1885, whereby the insolvent jurisdiction before exercised by the Recorder of Rangoon in Moulmein has been vested in the Judge of Moulmein, these sections should be altered so as to give the Court at Moulmein jurisdiction in bankruptcy by the direct operation of the proposed Act.

*Part VII.*—The usefulness of this chapter would be extended by providing that the Official Receiver shall not be required to pay the court-fees prescribed for proceedings in Court for the recovery of debts, but that the amount due for such fees shall be a first charge on any decree that may be obtained by him, or that it shall be payable out of the general funds of the estate. The difficulty also of investigating small claims of insolvents must, I should think, act prohibitively against the institution of suits for the recovery of such claims. If such suits were allowed to be brought on the statements made by insolvents in their schedules, greater responsibility would attach to such statements, and the burden of the suit would be rightly thrown on the person who, but for the intervention of the Receiver, would be the party to sue. The Official Receiver of course would be bound to satisfy himself as to the legality of the claim as disclosed by the facts stated in the schedule, but every other facility should be given him to realize the property of the debtor in the way I have indicated. No. 25 of the rules of the Calcutta High Court, framed under the present Insolvency Act, provides that the Official Assignee may sue without payment of *office fees* if he have no funds, but this does not include stamp-duty, to which my remarks are intended to apply.

*Second Schedule 12 (c).*—To meet the case of mortgagees whose securities exceed in value the amount of the debt, corresponding rights should, I think, be to the trustee to force a sale of mortgaged property at a reserved price equal to the amount due on the mortgage, as the trustee may not always be in a position to redeem.

The trustee should also have the right to sell the equity of redemption in mortgaged property if the mortgagee does not seek to foreclose his mortgage within some specified time.

From R. S. T. MacEwen, Esq., Officiating Recorder of Rangoon, to Secretary to Chief Commissioner, British Burma, (No. 164—51, dated the 20th August, 1885).

I HAVE the honour to acknowledge receipt of your letter No. 100—26-L, dated 6th July last, forwarding copy of a draft Bill to amend the Law of Insolvency and Bankruptcy in India, and asking for an expression of opinion on the provisions of the Bill.

2. The Bill itself is a large measure and deals with a somewhat difficult and complex subject. It is drawn on the lines of the recent English Bankruptcy Statute, and would require much more time than I have at present at my disposal to examine its provisions in detail and consider their probable effect in the event of its becoming law. But I may say that a new Act dealing with insolvency and bankruptcy in India has long been felt to be a necessity, and I think the general feeling has been, both amongst lawyers and commercial men, that any measure of the kind which is undertaken should be as clear, simple and effective as possible. Whether this Bill fully answers these requirements it is difficult to say without a much more minute examination of its provisions than I am now able to give to it.

3. Part I (sections 3—29) of the Bill deals with the procedure to be followed from an act of bankruptcy to discharge, and in cases of large bankruptcies, where the bankrupts are traders and the scope for distribution is considerable, the provisions are no doubt to the advantage of creditors, but they are more numerous than under the present system, and will lead to greater expense in the administration of bankrupt estates. They will add considerably to the work of the Courts and of the Official Assignee (called *Official Receiver* in the Bill), and appear to contemplate (in large cases at least) the appointment of a trustee, other than the Official Receiver, in each bankruptcy. The appointment of such a trustee, except in large and intricate cases, seems unnecessary and undesirable. If generally adopted, the effect would be to take all bankruptcies likely to render reasonable remuneration to the trustee out of the hands of the Official Receiver and Trustee and to leave him with only such cases as would yield little or no returns, and as he is not a salaried officer, but dependent wholly upon commission for his own labour and the cost of his establishment, it would be difficult, if not impossible, to secure the services of competent persons as Official Receivers. If the commission to come to the Official Receiver is likely to be inadequate, the Government will have to pay a large salary to the Official Receiver and the cost of his establishment. For the duties imposed by the Bill on the Official Receiver are considerable and important, and must be performed by a professional lawyer. At present the Official Assignee and his establishment cost the Government nothing. No doubt section 29 leaves it in the discretion of the Court to appoint an independent trustee, but the appointment might be applied for by the creditors. The Official Receiver would probably object. At all events there would be a conflict of interests, and it might be difficult to refuse an application by the body or a majority of the creditors. Such applications would never be made in non-paying bankruptcies, and the practical effect might be to leave these and no other in the hands of the Official Receiver. It seems to be considered that there would be difficulty in finding non-official persons qualified and willing to act in such cases. I do not think this is so much to be apprehended, as the competition there would be for paying trusteeship. There are always a considerable number of persons ready to offer for any business that may be expected to pay, and sub-section (2) of section 64 contemplates the appointment of solicitors. It appears to me, therefore, that unless some restrictions are placed upon the appointment of non-official trustees, there is likely to be a good deal of competition for the business, and if appointments were freely made, it would be with the result just indicated. On the whole, I think the business is likely to be better performed in the hands of a respectable professional Official Receiver, and, in addition to the discretion imposed upon the Court in the matter, I think no appointment of a non-official trustee should be made except upon a resolution of three-fourths in number and value of the creditors, and that section 20, sub-section (2), should be altered to this effect.

4. The Bill (section 63) provides for the remuneration of non-official trustees, but it does not appear how the Official Receiver is to be paid. Of course if it is intended that he shall be a salaried officer and receive no commissions, then these observations will be inapplicable. But if he is to be on the footing of the present Official Assignee, they appear deserving of consideration; and if he is to be a salaried officer, it may be well to enquire from what source his salary and establishment are to be met. The only court-fee chargeable in insolvency cases is the ordinary petition fee of eight annas, and the fees for serving notices go to the messenger and not to the credit of Government.

5. The provisions of Part I are, it seems to me, unnecessarily complex for the large number of small bankruptcies which occupy so much of the time of the Courts at present. It is true that VII provides a summary procedure for some, but not for all of these cases. It is only in cases where the property to be administered does

not exceed Rs. 3,000 that this part applies. I annex a statement showing the number of insolvencies in this Court during the past three years, with the scheduled liabilities, assets, and actual recoveries. In 1882 there were 20 insolvencies, aggregating Rs. 4,511 of liabilities, and scheduled assets amounting to Rs. 2,12,523, while the total recoveries amounted to Rs. 23,187 and of this sum Rs. 20,163 was secured, the sum which the Official Assignee recovered for distribution amongst creditors being only Rs. 3,321.

In 1883, out of 22 insolvencies with total liabilities of Rs. 11,17,821 and scheduled assets of Rs. 6,32,792, Rs. 82,823 was all that was recovered. Of this sum, Rs. 60,080 was secured, and the balance, Rs. 22,743, the Official Assignee called in.

In 1884 the total liabilities in 49 insolvencies was Rs. 10,63,635. The assets as per schedule amounted to Rs. 7,82,933, the recoveries to Rs. 50,146, of which Rs. 39,782 was secured and the Official Assignee recovered Rs. 16,664.

It is not quite clear what "property of the debtor" in section 103 is intended to cover. If it means scheduled assets, then Chapter VII would apply to about one-half of the business in this Court. Of the 91 insolvencies shown in the statement it would apply to 47. Having regard, however, to the results in the remaining 44 cases, it would seem that the amount actually recovered would be raised to Rs. 5,000, and I think it might with safety and advantage be raised to Rs. 10,000. In three only out of the 91 cases has property of the value of Rs. 10,000 and upwards been administered, and in seven cases has property between Rs. 5,000 and Rs. 10,000 been recovered. In the remaining 84 cases the property actually administered was less than Rs. 5,000. In 53 cases absolutely nothing was recovered. The provisions of section 11 relating to meetings of creditors would be inapplicable to the whole of these 84 cases.

In part of 10 of these cases the insolvent's only come into Court for the purpose of obtaining a protection order. They are either in jail in execution of a Civil Court decree or are threatened with arrest; they have little or no property; in many cases absolutely none. They are nearly all petty traders or men of means, clerks, and other persons; the number of their creditors and the individual debts are small. There is seldom more, if any, opposition, and the whole business in these cases is of a simple and rudimentary character. To apply the provisions and machinery of this Bill, to any great extent, to these cases would, in my opinion, be a mistake. The cost, trouble, and delay would far exceed the benefit to be derived. The cost they would bear the cost, which would therefore fall upon the Government.

6. I have very little doubt, although I have not the means of testing my opinion by returns, that in the presidency towns the results will be found to be much the same as here. I think that if there was no imprisonment for debt there would be very little insolvent business in India; at all events it would be confined to *bona fide* trading bankruptcies. It seems to me that no matter how stringent a bankruptcy law may be made, it will be taken advantage of so long as imprisonment for debt continues, and the Courts will be resorted to by a class of debtors who ought not to be able to get rid of their debts by means of an Act of this kind.

The true remedy is abolition of imprisonment for debt. It would curtail credit and be immensely to the advantage of the public and the administration of justice. It would practically abolish small bankruptcies, save much legislation, the time of the Courts, and the expenditure of public money. I understand the question has lately been considered and it has been decided to retain imprisonment for debt. I think, however, it is well worthy of further consideration in connection with the subject of insolvency and this Bill.

7. Section 103 (6) provides that the committee of inspection may be dispensed with in small bankruptcies, and (c) allows for other modifications by rules. But there is an inconvenient arrangement, and the power to make rules which absolutely amend the direct provisions of an Act is often questioned. I think where modifications are considered necessary they ought to be made in the Act itself in this part. I am of opinion that all the provisions relating to meetings of creditors should be dispensed with in small bankruptcies, and that this modification should precede or follow clause (6).

8. I am also of opinion that in Courts where the Bankruptcy Act is in operation, Chapter XX of the Civil Procedure Code should not apply. The double practice and procedure lead to confusion, doubts, and uncertainty; persons will not know which procedure to come under, and objections and difficulties will be raised. As it is, Chapter XX has been very little used in the Courts now exercising insolvent jurisdiction. There is not a single instance of it in this Court, and until the High Court of Calcutta lately held that it had concurrent jurisdiction under the Civil Procedure Code, the power was doubted. At all events it had not been freely exercised. I am of opinion, therefore, that one of two courses ought to be followed with regard to this part of the subject—

- (1) Additional provisions ought to be added to Chapter XX to provide more fully for small bankruptcies, and they should be omitted from this Act altogether; or
- (2) Part VII ought to deal with them entirely and be the only law in the Courts to which the Act would apply, and Chapter XX of the Code should be restricted to Courts in which the Act did not apply.

I think the second is the preferable course, and that their proper place is in this Act; but the procedure should, as nearly as possible, be that of the Code.

9. This Court has not at present the machinery necessary to carry out the provisions of the Bill, and even if a Chief Court should be constituted for British Burma, it will require some addition to its establishment to work the Act properly in all bankruptcies, where the property likely to be realized exceeds Rs. 3,000, were to be made subject to the Bill provisions of the Act. The principal Civil Courts at Moulmein and Akyab have lately been brought within insolvency jurisdiction, and certainly they have not and are not likely to obtain the establishment necessary for the purpose. The jurisdiction might no doubt revert to the Recorder or be vested in a Chief Court, but I think it would be a very great hardship on persons resident in these places to compel them to come to Rangoon in all cases of small bankruptcies. The principal Civil Courts in these places are quite competent to deal with small insolvencies, and with a simple procedure they would not require extra establishments. I think, therefore, that this is a matter of considerable importance so far as the seaport towns of this province are concerned.

10. Section 88 confers certain powers on the Judges of the Presidency Small Cause Courts. I see no objection to this provision. It will relieve the High Courts of a great deal of purely formal work and of a number of petty *pecuniary* bankruptcies, and I presume the rules contemplated by sub-section (1) would fix a *pecuniary* limit beyond which the Courts could not receive or hear bankruptcy petition. In the draft Bill to constitute a Chief Court for British Burma power has been taken to extend the Presidency Small Cause Courts Act to Rangoon. Similar power might be taken to extend, at any time, the provisions of section 88 to the Small Cause Court of Rangoon, although I could not at present recommend that the powers given by the Bill should be exercised by the Rangoon Small Cause Court. But if that Court is reconstituted under the Presidency Acts, and the necessary establishments are allowed, there is no reason why it should not exercise the same powers as the Presidency Courts.

11. I entirely approve of the penal sections of the Bill. I think they are most necessary and will meet most of the cases which arise in practice.

Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1882.

Number of Insolvencies.	Liabilities in rupees.	ASSETS AS PER SCHEDULE.				ACTUAL RECOVERIES.				Remarks.
		Debts due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	...	...	...	...	...	...	...	...	...	Registry of bankruptcy in Scotland.
2	0,305	300	...	...	300	...	920	...	920	The insolvent compromised with his creditors out of Court at four annas in the rupee.
3	13,330	13,527	...	...	13,527	116	...	...	116	
4	6,579	...	...	...	...	...	...	...	...	
5	21,167	1,000	...	8,000	9,000	111	...	1,700	1,811	
6	2,840	12,300	...	...	2,300	...	...	...	...	
7	...	...	...	...	...	...	673	...	673	No schedule filed; insolvent settled with creditors out of Court and paid in Rs. 12,800, to be divided amongst creditors at four annas in the rupee.
8	11,007	...	...	...	...	...	...	8,050	8,050	
9	...	...	...	...	...	...	...	...	...	No schedule filed.
10	21,054	...	...	...	...	...	...	...	...	
11	2,35,847	...	478	1,21,600	1,21,978	...	478	...	478	Rupee 1,217 was also realized from rents of house. This insolvent compromised with his creditors out of Court for eight annas in the rupee.
12	Cannot be ascertained as case is transferred to Akamb.	...	...	...	...	46	...	...	46	
13	2,081	...	...	...	...	...	...	...	...	
14	61,311	4,537	1,700	...	6,237	...	658	5,571	6,229	
15	6,951	3,511	...	720	4,231	...	...	1,553	1,553	
16	1,000	10,500	...	...	10,500	...	...	...	...	
17	6,227	1,100	...	4,876	6,203	50	...	3,220	3,270	
18	20,500	500	...	30,000	30,500	...	118	...	118	
19	5,118	...	...	...	...	...	...	...	...	
20	3,005	1,755	...	1,800	3,555	...	25	...	25	
	4,61,401	39,512	2,258	1,70,510	2,25,080	455	2,909	20,163	23,147	

Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1883.

Number of Insolvencies.	Liabilities in rupees.	ASSETS AS PER SCHEDULE.				ACTUAL RECOVERIES.				Remarks.
		Debts due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	716	...	...	...	...	...	...	...	...	
2	1,04,975	...	...	...	...	...	...	...	...	
3	...	...	...	...	...	...	...	...	...	No schedule filed.
4	61,850	784	7,381	...	8,165	...	6,150	...	6,150	
5	...	...	...	...	...	...	...	...	...	This was for final discharge.
6	6,802	3,110	...	...	3,110	...	...	...	...	
7	5,300	...	...	3,000	3,000	...	...	...	...	
8	6,055	8,106	...	...	8,106	...	...	...	...	
9	1,000	10,500	...	...	10,500	...	...	...	...	
10	2,965	...	233	...	233	...	33	...	33	
11	...	...	...	...	...	...	...	...	...	This was for final discharge.
12	58,903	7,202	...	675	7,877	...	...	...	...	
13	4,780	...	...	...	...	...	...	...	...	
14	2,800	575	...	...	1,775	...	...	...	...	
15	1,583	...	...	...	...	...	...	...	...	
16	8,000	2,008	...	...	2,008	...	...	422	422	
17	4,733	913	...	160	5,806	...	...	...	...	
18	3,108	41,000	...	3,08,116	3,40,119	...	570	...	570	
19	5,500	4,085	...	...	4,885	...	...	...	...	
20	8,702	...	...	...	...	...	...	8,325	8,325	
21	8,00,467	21,702	5,420	2,00,550	2,34,312	2,104	14,630	61,333	68,117	
22	2,506	1,504	...	...	1,504	...	...	...	...	
	14,17,824	68,264	13,034	5,11,110	6,33,028	2,308	20,417	60,080	82,821	

*Statement showing Scheduled Liabilities and Assets and Recoveries by the Official Assignee during the year 1884.*

Number of insolventcies.	Liabilities in rupees.	ASSETS AS PER SCHEDULE.				ACTUAL RECOVERIES.				Remarks.
		Debt due to the estate in rupees.	Value of property unsecured in rupees.	Value of property secured in rupees.	Total in rupees.	From debtors in rupees.	Property unsecured in rupees.	Property secured in rupees.	Total in rupees.	
1	2,295	...	...	...	...	...	...	...	...	
2	4,718	284	...	...	284	...	...	...	...	
3	3,807	169	...	...	169	...	...	...	...	
4	5,642	784	...	...	784	...	...	...	...	
5	...	...	...	...	...	...	...	...	...	This case is for final discharge.
6	3,885	...	127	...	127	...	43	...	43	
7	2,644	...	...	...	...	...	...	...	...	
8	2,550	306	...	...	306	...	...	...	...	
9	2,644	170	...	...	170	...	...	...	...	
10	2,635	...	300	...	300	...	108	...	108	
11	9,080	...	...	...	...	...	...	...	...	
12	...	...	...	...	...	...	...	...	...	No schedule filed.
13	2,050	2,624	...	...	2,624	...	...	...	...	
14	7,157	7,755	150	...	7,905	13	601	...	674	
15	2,000	...	...	...	...	...	525	...	525	
16	...	...	...	...	...	...	...	...	...	No schedule filed.
17	65,209	...	...	...	...	...	5,157	17,800	22,957	
18	9,870	3,046	695	...	4,041	...	624	...	624	
19	7,947	8,085	112	...	8,197	...	...	...	...	
20	8,266	785	184	...	1069	...	420	...	420	
21	13,810	3,620	9,260	...	12,880	1,749	3,889	...	5,548	
22	20,603	2,957	...	7,300	10,257	...	...	5,012	5,012	
23	73,763	71,662	1,918	...	73,580	...	81	...	81	
24	57,047	67,389	2,573	...	69,962	...	1,913	...	1,913	The insolvents in these cases compromised with their creditors out of Court at eight annas in the rupee.
25	1,60,136	41,426	4,274	2,10,000	2,55,700	...	...	...	...	
26	85,336	60,657	3,684	...	64,341	...	...	...	...	
27	1,84,000	15,000	1,086	1,10,000	1,56,086	...	...	...	...	
28	...	...	...	...	...	...	...	...	...	
29	11,095	...	...	...	...	...	620	...	620	This case is for final discharge.
30	7,733	2,000	...	...	2,000	...	...	...	...	
31	10,950	5,309	141	6,776	12,226	...	516	1,500	2,016	
32	6,510	3,364	418	250	4,020	...	221	...	221	
33	9,409	...	20	...	20	...	...	...	...	
34	27,921	520	...	...	520	...	...	...	...	
35	6,175	200	7,207	13,000	20,407	...	...	...	...	
36	32,393	8,006	772	15,500	25,178	254	200	13,200	13,754	
37	...	...	...	...	...	...	...	...	...	No schedule filed.
38	Cannot be ascertained; case transferred to Moulmein	...	...	...	...	...	74	...	74	
39	10,510	4,230	...	...	4,230	...	...	...	...	
40	Cannot be ascertained; case transferred to Moulmein	...	...	...	...	...	...	...	...	
41	3,013	...	...	...	...	...	...	...	...	
42	3,163	...	...	...	...	...	...	...	...	
43	6,460	...	...	2,000	2,000	...	...	625	625	
44	14,108	10,022	...	...	10,022	...	...	...	...	
45	...	...	...	...	...	...	...	...	...	This case is for final discharge.
46	6,191	5,747	186	...	5,933	...	...	...	...	
47	51,013	24,121	...	11,500	37,921	...	...	825	825	
48	Cannot be ascertained; case transferred to Moulmein	...	...	...	...	...	131	...	131	
49	32,706	...	...	...	...	...	...	...	...	
50	10,03,035	3,42,807	33,710	4,08,328	7,82,033	2,016	14,648	39,782	10,446	

From J. STUART, Esq., Secretary, Rangoon Chamber of Commerce, to Secretary to Chief Commissioner, British Burma,—(dated the 5th December, 1885).

I HAVE the honour to acknowledge receipt of your No. 101—26-L., dated the 6th July, 1885, asking the opinion of this Chamber on the draft Bill to amend the law of bankruptcy and insolvency in British India.

In reply I am directed to inform you that, as this was a matter involving legal knowledge for a complete understanding of the proposed alterations, the members of the Chamber did not feel themselves qualified to express an opinion. They, therefore, referred the matter to their legal adviser, and I am directed to forward to you his remarks on the proposed amendments.

I have further to apologise for the long delay in submitting an opinion on this matter, a delay which was occasioned by the references which Mr. Gillbanks, the Chamber's adviser, had to make as to the course of legislation in England on the same subject.

Note by Mr. J. C. GILLBANKS, Barrister-at-Law, Rangoon,—(dated the 5th December, 1885).

FROM the Statement of Objects and Reasons attached to the proposed draft Bill to amend the law of bankruptcy it would appear that in 1870 a proposal of Sir James Stephen's to introduce virtually the English Bankruptcy Act of 1869 was by general opinion negatived as being too complicated for the mofussil and because the principle of voluntary management by creditors was considered unsuited to India. We think that for the same reasons the present proposed Bill is unsuited for the mofussil in Burma. A proposal in 1881 to amend the existing insolvency law was rejected on the ground that the law required recasting rather than amendment. We fully agree with this opinion, and we believe that nothing short of re-casting the law would be satisfactory. The present law does not seem to us to be cumbersome, though it certainly is defective and out of date.

The proposed Bill adopts the English Bankruptcy Act of 1883; thus we pass at once from legislation in 1848 (our present Insolvent Act is dated 9th June 1848) to an Act of 1883, a gap 35 years in legislation. We consider that it is eminently desirable to assimilate the law in force in India in insolvency to that in force in England and thus to afford our Courts the advantage of English decisions.

In the face of the opinions elicited by previous proposals we are not prepared to recommend at present that the proposed Bill should extend beyond the limits of Rangoon, Moulmein, Akyab, and Bassein as far as Burma is concerned, but we think it desirable that a proviso should be inserted giving power to the local Government to extend the Act to other places in this province when it shall be deemed desirable or necessary. Further, we consider it advisable that the jurisdiction in bankruptcy shall be vested in the Court of the Recorder of Rangoon (or such Court as may be constituted in its place), except as to Moulmein, where there is already a Judge, in whose Court the jurisdiction might be vested with a right of appeal. Provisions on this point must, however, await the passing of the new Burma Courts Act.

Some of the most important provisions of the Bill are those which apply to a composition in satisfaction of the debts due from the bankrupt, or for a scheme of arrangement of his affairs. These provisions remove some of the gravest defects of the existing Indian insolvency law, and they show the enormous gap in our legislative enactments, for the principle of deeds of arrangement, by which the property of an insolvent trader was made available for the common benefit of his creditors without his being adjudicated a bankrupt, was introduced in England as far back as 1825. Now, without any preparatory legislation it is proposed at once to progress from our legislation of 1848 (which was then more backward than English legislation) to the latest English enactment. We must admit that we are legally advised that it appears somewhat doubtful, whether as the proposed Bill is shorn of whatever advantages were expected from the control of the Board of Trade, it is desirable to follow so closely the English Act of 1883.

It may be broadly stated that the chief defects of the English Bankruptcy Act of 1869 were in the provisions for liquidation of the debtor's affairs by arrangement and composition. These defects, it has been alleged, arose mostly from the improper use of proxies and the supineness of creditors, which led to the adoption of inadequate compositions through the influence of the debtor's friends and from the want of control over trustees in bankruptcy in case of liquidation by arrangement, the trustees being exempted from the control of the Court.

We presume that the principle of liquidation by arrangement under the voluntary management of creditors is no longer (as in 1870) considered unsuitable to India. From our experience in Rangoon and Burma we do not think the principle unsuited for this province. We may add that many instances of a desire to carry out such arrangements have come within our experience. Sometimes they have been frustrated because there was no method of making them compulsory, and no control could be exercised by the Insolvent Court. A similar want has been felt when a petition has been withdrawn upon arrangement with creditors.

In so far as a provisional order is only made for the protection of the bankrupt's estate when necessary in the first instance, and the creditors are to have a voice in deciding whether the debtor shall be adjudicated a bankrupt or his affairs be liquidated by composition or arrangement, we approve of the principle of the proposed Bill. If it appears that the approval of the Court, which is necessary, was obtained by fraud, or if it appears that in consequence of legal difficulties, or for any sufficient cause, the composition or scheme cannot proceed without injustice or undue delay to the creditors or the debtor, the composition or scheme may be annulled without prejudice to anything done under it. This is a departure which we approve thoroughly, but at the same time we feel some doubt as to whether the proposed Bill is adapted in details to Indian circumstances. It is extremely stringent in many of its provisions, and we think complicated. We should prefer an Act embodying the main principles and features (with the exception of the important changes just noticed, which should be engrafted) of the English Bankruptcy Act of 1869, which was not found to work badly, and could have been amended without much difficulty, rather than a close copy of an enactment, which has not been in force for two years, and of the working of which doubts have already been expressed.

We are hardly prepared at present to recommend the abolition of imprisonment for debt or the introduction of more of the provisions of the Debtors Act, 1869, than the proposed Bill contains.

The duties to be discharged under the English Act by the Board of Trade can, we conceive, only be undertaken by the Courts through properly appointed officers. The appointment of such an officer is much needed in Burma.

We can see no object in preserving any distinction between traders and non-traders.

The limitation of the jurisdiction of the Court, and the departure from the corresponding provisions of the English Act, are adapted to this province, and we think that domicile should be rejected as a ground of jurisdiction.

With regard to bankruptcy being a disqualification for certain officers. We consider that a provision for the removal of the disqualification on a bankruptcy being annulled might be provided for.

In sections 29 and 40 of the proposed Bill the provisions of section 295 of the Civil Procedure Code as to the time at which an attaching creditor's title becomes complete as against rival decree-holders will be that at which it becomes complete as against the trustee in bankruptcy. This seems to be a sufficient provision, and one which it is desirable to insert, for although it is in consonance with a decision in the Court of the Recorder of Rangoon there are decisions which conflict with that law.

At present it would not be desirable to overburden the Small Cause Court by jurisdiction in bankruptcy in petty cases transferred. But a provision for the delegation of such powers might be inserted to be exercised when desirable, as it appears to have worked well in Madras.

The following are instances of the stringency of the proposed Bill:—

*Section 3, (1) (c).*—"If execution issued against him has been levied by sale of his property in any civil proceeding in British India."

If this is intended to include a foreclosure of a mortgage or order of sale in a suit on a mortgage it is, we consider, extravagant; such a provision as that contained in the Bankruptcy Act, 1869, would be sufficient.

"That execution issued against the debtor on any legal process for the purpose of obtaining payment of not less than Rs. 500 has been levied by seizure and sale of his goods."

*Section 15 (2).*—The time for filing a statement of, and in relation to, his affairs by the debtor is extremely short; it is true that the Court may, for special reasons, extend it. By the present Act a debtor is allowed such time as the Court may deem reasonable.

*Section 27*, relating to the discharge of the bankrupt, especially 3 (a), which requires him to keep such accounts as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position for three years preceding his bankruptcy. For the present the analogous provisions of section 48 of the Bankruptcy Act of 1869 would suffice for form, which are shortly as follows:—(1) assent of creditors to closing of bankruptcy by special resolution; (2) that he has paid or set apart in the rupee, unless prevented by trustees or other circumstances, for which the bankrupt is not justly responsible, and that they desire his discharge, unless he has made default in giving up property required to be given up by the Act, or that he is being prosecuted under the Debtors Act, 1869. This might be coupled with the provisions of the Bankruptcy Act, 1869, as to the status of an undischarged bankrupt (see Div 54).

*Section 28*, is stringent enough as to those debtors who are likely to make settlements on their wives, but it does not touch the case of movable property which is bought by a debtor and conveyed to his wife or child. Such transactions are, unfortunately, not uncommon, and some provisions might be inserted as to them. Partially provided for in section 41.

*Section 31*, restricted to Rs. 500. Under the present Act, no restriction as to amount. The rate of interest, 4 per cent., is very low; the usual Court rate allowed is 6 per cent., 9 per cent. being an average rate of interest.

*Section 8*—Property not divisible among creditors, only Rs. 200. At present Rs. 300. In the present state of exchange it is much below the value allowed by the English Act, 1883, namely £20 (111) of this section is less stringent than section 24 of the present Insolvent Act on the words "in his trade or business" are inserted. Having regard to the abolition of the distinction between traders and non-traders, it would seem hardly desirable to insert these words, but rather to infuse the former provisions of the reputed owner's name.

Considering the heavy stamp duties exacted in India and that certain conveyances, letters of attorney, &c., are by section 75 of the present Insolvent Act exempt from stamp duty, we hope that a section similar thereto, or to section 111 of the Bankruptcy Act, 1883, may be inserted in the new Act.

The provision that a creditor may convey his dissent to a composition or scheme by a letter in a prescribed form attested by a witness, section 17 (2) does not appear adapted to this country; a more formal attestation is necessary.

In section 59 it will be necessary to insert such provisions as would include a senior Judge of a Court not being a High Court; but this will depend on the new Courts Act as far as this province is concerned.

We consider that it is unnecessary at present to introduce the most stringent provisions of the English Bankruptcy Act of 1883, as they are, we think, not adapted to the circumstances of this province. And for the present, and until the English Act of 1883 has been long in operation, and its advantages practically demonstrated, we would suggest that the main principles of the English Bankruptcy Act of 1869 should be adopted with the requisite amendments, already mentioned, and with the adoption of the principle that the creditors are to have a voice in deciding whether the debtor shall be adjudicated a bankrupt or his affairs shall be liquidated by composition or arrangement. We hold that less complicity and greater simplicity is necessary both to adapt the Act to Indian circumstances and to render it possible for our Courts and their officers to work an Act which will be such an enormous stride in legislation. Finally, we are glad that there has been a return to the older and more usual nomenclature, and that the terms 'bankrupt' and 'bankruptcy' will replace 'insolvent' and 'insolvency.'

From E. S. SYMES, Esq., Officiating Secretary to Chief Commissioner, British Burma, to Secretary to Government of India, Legislative Department,—(No. 259—31., dated 15th January, 1886).

With reference to paragraph 2 of my letter No. 352—26 L., dated the 15th ultimo, I am directed to submit a copy of a note by the Judicial Commissioner on the Bill to amend the Law relating to Bankruptcy and Insolvency.

#### Note by Judicial Commissioner, British Burma.

I HAVE compared the Bill with the English Statute, 41 & 47 Vict. cap. 52. With very few alterations the Bill reproduces the Statute. To criticize the Bill is in effect to discuss the Statute, which has in law in England after very full consideration, and which is the outcome of the experience of some twenty years of the working of the Statute which it displaces. That Statute came into force just two years ago. I have no experience of its working and I can find very few cases bearing upon it.

It is difficult to see how the bankruptcy law of the Presidency towns should so closely resemble that in force in England as local conditions will allow. I approve of the proposal to restrict the operation of the bill to selected areas in which business is usually conducted on Western lines. As far as my own experience goes the greater part of the provisions of the Bill are unsuited to the small bankruptcies which usually come before the Courts of the interior, and those Courts have no agency for working the Bill.

From E. SACK, Esq., Officiating Secretary to Chief Commissioner, Assam, to Secretary to Government of India, Legislative Department,—(No. 1017, dated 7th June, 1885).

In reply to your letter No. 1015, dated the 17th June, 1885, I am directed to say that the Chief Commissioner thinks it unnecessary to offer any remarks on the Bill to amend and consolidate the Law of Bankruptcy and Insolvency, as the proposed Act is not likely to be wanted in this Province.

From A. MARTINDALE, Esq., Secretary to Chief Commissioner, Coorg, to Secretary to Government of India, Legislative Department,—(No. 610—70, dated 3rd July, 1885).

I AM directed to acknowledge the receipt of your letter No. 1016, dated the 17th of June, 1885, forwarding, for an expression of the Chief Commissioner's opinion, a draft Bill to amend the Law relating to Bankruptcy and Insolvency in British India with draft Statement of Objects and Reasons.

2. In reply, I am to say that, so far as the Officiating Chief Commissioner is able to judge, the Bill seems suited to the circumstances of the places to which it is proposed to apply it in the event of its becoming law.



From **LIEUT.-COLONEL SIR E. R. C. BRADFORD**, Chief Commissioner, Ajmer-Merwara, to Secretary to Government of India, Legislative Department,—(No. 507, dated 29th July, 1885).

I HAVE the honour to acknowledge the receipt of your letter No. 1017, dated the 17th of May, 1885, forwarding copies of the papers noted on the margin, and in reply to state that I have no observations to offer on the provisions of the draft Bill.

From **J. R. FITZGERALD, Esq.**, Secretary for Berar to Resident, Hyderabad, to Secretary to Government of India, Legislative Department,—(No. 570G., dated 7th December, 1885).

I AM directed to acknowledge the receipt of your letter No. 1018, dated the 17th June, forwarding, for the opinion of the Resident at Hyderabad, a draft Bill to amend the Law of Bankruptcy and Insolvency in British India.

2. In reply, I am to inform you that, as the operation of the Bill is by paragraph 11 of the Statement of Objects and Reasons expressly and closely limited to certain seaport towns and commercial centres, of which none exist in the Hyderabad Assigned Districts, Mr. Cordery has no observations to offer in the matter.

From **R. BELCHAMBERS, Esq.**, Registrar, High Court, Calcutta, to Secretary to Government of India, Legislative Department,—(No. 107, dated 13th February, 1886).

I SEND herewith copy of a letter from the Official Assignee and the original note received therewith.

From **J. C. MACGREGOR, Esq.**, Official Assignee, Calcutta, to Registrar, High Court, Calcutta,—(No. 76, dated 13th February, 1886).

I HAVE the honour to enclose herewith a note on the Draft Bill to amend and consolidate the Law of Bankruptcy and Insolvency in British India.

#### Note.

THE draft Bankruptcy Bill is, in my opinion, calculated to effect a great improvement on the existing law but I think that it follows the lines of the English Statute too closely, and requires certain alterations and modifications to adapt it to the requirements of this country. In the following note I have attempted to indicate section by section the amendments which seem to me to be most necessary or desirable.

*Section 3 (1) (d).*—I would add the words "or closes his place of business". A considerable number of the persons who pass through the Insolvent Court are Marwarrees, who reside in Native States and carry on business in the Presidency-towns by their gumasthas. Some such words as I have suggested would seem to be required to meet their cases.

I think the following clause, or one to the same effect, might be added with advantage:—"or suffers himself to be arrested or taken in execution for a debt not due, or submits collusively or fraudulently to an adverse decree, or procures himself, or his property, movable or immovable, to be attached or taken in execution."

*Section 3 (1) (e) and (g).*—These clauses are very sweeping; I think they should be modified.

*Section 7.*—I think the question is worthy of consideration whether up-country debtors, Native or European, should not be allowed to seek relief in the Bankruptcy Courts. The provisions of Chapter XX of the Civil Procedure Code apply only to judgment-debtors; they are very defective in many respects, and residents in the Mufassal have practically no really effective insolvency law.

*Section 9 (2).*—The power given to the Bankruptcy Court to stay suits, executions and other proceedings against the debtor in any Court should prove highly useful. When a debtor, having property in the Mufassal files a petition of insolvency, his up-country creditors at once proceed to sue him in the local Courts and to attach his property, and, as the staying of such proceedings is, under the present law, a matter of some difficulty, the trouble, cost and delay of winding up his estate are greatly increased.

*Section 11.*—The Official Receiver should be empowered to appoint a special manager with or without an application by the creditors, whenever he considers such functionary necessary. He should also be empowered to appoint the debtor to be special manager if he considers such appointment expedient, and without having imposed upon him the necessity of first procuring the sanction of the Court. It should further be provided that in the event of a private trustee not being appointed the special manager should be continued so long as the Official Receiver deems his services necessary.

The Official Receiver, who makes the appointment, might also be allowed to settle what security should be given by the special manager, and what remuneration, within certain limits prescribed by rule, he should be allowed. For reasons of economy, as well as of expedition, it is desirable to dispense, as far as may be, with frequent applications to the Court.

*Section 11.*—The provisions as to meetings of creditors do not seem to me to be suited for India. I believe that, in many cases out of ten, creditors will not take the trouble to attend, or, at any rate, that only two or three of them will do so. In my opinion it would be well to omit all the provisions and rules as to meetings; or the proceeding by meetings might be made the exception instead of the rule, power being given to the Court to direct that, in any particular bankruptcy, meetings should be held. When no such direction is given the holding of meetings should not be compulsory but should be left to the discretion of the Official Receiver or Trustee. It might also be provided that a meeting should be called on a requisition signed by a certain number of creditors.

*Section 15 (2).*—Provision should be made for the preparation of the statement of affairs in the event of the debtor absconding or neglecting to prepare it. The present practice seems a convenient one and might be adopted. The Court, on the application of the Official Assignee or a creditor, directs the Chief Clerk to issue advertisements calling upon creditors to bring in statements of their claims supported by affidavit before a fixed date, and the Chief Clerk prepares a schedule from such statements.

The proviso to section 62 (2) authorizes the Official Receiver to employ some persons to assist "in the preparation of a statement of affairs" when the debtor himself cannot prepare it, but that does not go far enough, and will not be found sufficient in the not uncommon cases of residents up-country who hide in their native villages and put the Court at defiance.

*Section 16 (9).*—The declaration that the debtor's examination is concluded should not prevent his being brought up for further examination in the event of fresh facts transpiring which render such further examination desirable.

*Section 17.*—If, as I have suggested above, the provisions regarding meetings are omitted or not made compulsory in all cases, this section must be altered. The best plan would seem to be to enact that when a debtor makes a proposal for composition such proposal shall be submitted, in the first instance, to the Official Receiver who, if he considers it reasonable, shall either call a meeting of, or submit the proposal by circular to, the credi-

tors. If the creditors, or a sufficient majority of them accept the proposal, it should then be submitted to the Court for sanction.

*Section 20.*—The power to appoint some person other than the Official Receiver to be trustee of the bankrupt's property is similar to that which the Court now possesses, under section 17 of the present Act, to order the election of a special assignee. I have not known a single instance in which that power has been used, and I believe the instances are very rare. In this country there will always be some difficulty in finding a fit and proper person who has the leisure and inclination to accept a very troublesome and responsible office. Again, it is a fact that native creditors are generally suspicious of one another, and prefer a responsible public officer to one of their own body. Nor is it likely that the creditors will often agree as to the person to be appointed, and the making of a selection by the Court will almost always involve delay, and possibly a tedious and contentious enquiry, attended with some considerable expense. The frequent changes among the European population would involve constant changes in the office of trustee of European bankruptcies and the cost and delay of repeated applications to the Court for appointment of a new trustee in place of a former one who has died or gone home. Management by a public officer has the further advantage of being cheaper than management by a private trustee. The former would not find himself under the constant necessity of consulting a solicitor, while, as a responsible permanent officer of the Court, he might be safely entrusted with a wide discretion and be allowed to take steps for which a private trustee would require the previous sanction of the Court. I have already adverted to the advisability of avoiding frequent applications to the Court. The little use that has been made of the existing power to appoint a special assignee seems to show clearly that administration of insolvent estates by official agency is better adapted to the circumstances of this country than their administration by private agency. I believe that if this section is passed in its present form it will be rarely, if ever, used, and I think, therefore, that it would be well to omit altogether the power to appoint a private trustee, and to entrust the administration of all bankrupt estates to a public officer.

If, however, it is thought expedient to retain that power, then I am clearly of opinion that the person appointed private trustee should always be one of the creditors of the bankrupt; otherwise there will be some danger that the provisions, if used at all, may give rise to a class of professional trustees, and that, when an estate which is likely to be lucrative is brought into Court, we may see several such persons canvassing for the trusteeship and trying to outbid one another.

*Section 20 (6).*—If it is thought expedient to retain the provisions as to appointment of private trustees in certain cases, then I would suggest that a trustee once appointed and approved by the Court should be removable from his office only by order of the Court on cause shown. It seems to me that this sub-section will increase the difficulty of getting proper persons to accept the office, inasmuch as it makes their tenure of office dependent upon the will of the creditors. The trustee should hold office, during good behaviour and not at the will of the creditors.

*Section 21.*—I think the power to appoint a committee of inspection will be as little used as the power to appoint a trustee, and that, whenever it is used, the committee will serve no useful purpose, but will be a hindrance to the proper discharge of his duties by the trustee. I would, therefore, entirely omit this section. In the event of a private trustee being appointed the functions which the Bill gives to the committee of inspection might be exercised by the Official Receiver, while in cases when that officer is acting as trustee no controlling or inspecting authority other than the Court would seem to be necessary.

*Section 22.*—See my note on section 17, *ante*.

*Section 23.*—This and the three following sections should prove most useful. One of the great defects of the present Act is that it is comparatively easy for the insolvent to keep the Court and the Official Assignee at arms' length.

*Section 24 (1).*—I would add "or of any creditor who has proved his debt" after the word "trustee."

*Section 26 (4) and (5).*—Instead of the words "If any person on examination before the Court admits" I would say "If it shall appear to the Court on such examination that any person is indebted," &c. I would further suggest that the Court should be empowered to order the person examined, or any other person, to deliver any money or property which the examination showed him to have received from the debtor under such circumstances as to render it a fraudulent preference, also any property which the debtor has settled upon him by a settlement which would be void under section 41, and also any property which he appeared to hold *bénéficiaire* for the debtor.

*Section 27 (3).*—The following might be added to the list of *facts* proof of which shall render a bankrupt liable to have his discharge refused or suspended, namely:—(1) failing to give proper assistance in the realization of his assets; (2) procuring or assisting any person to raise a false claim to property of the bankrupt; or it would perhaps be better to add these to the offences punishable under section 105, in which case it would be unnecessary to repeat them here.

*Section 27 (5).*—When there are creditors residing out of India longer notice than 14 days should be given.

*Section 27 (7).*—This ought to be useful. One of the great difficulties of the present Act is that, in the great majority of cases, insolvents after obtaining personal discharge take no further trouble and give no assistance. The only way of punishing them is by refusing them final discharge, but this is practically ineffectual, as about 90 per cent. of the persons who become insolvent never apply for final discharge.

*Section 32.*—Would it not be well to specify who shall take the account—whether the Court or the trustee?

*Section 34 (1) (d) and (e).*—The present Act gives six months' wages, which seems reasonable.

*Section 38 (2).*—The present Act gives Rs. 300 as the limit of value of excepted articles. That does not seem excessive, especially in the case of Europeans.

*Section 38 (3).*—The concluding words of this clause seem to be unnecessary in India.

*Section 48 (1).*—The time allowed to the trustee to disclose onerous property is the same as that given by the English Statute; but the circumstances of the two countries are so different that that time would frequently not suffice in India. I think the various periods mentioned should be doubled.

*Section 50.*—I have already said that I believe a committee of inspection will be rarely appointed, and even when one has been appointed I do not think the trustee should be obliged to ask its permission before he can exercise the powers specified in this section. To obtain that sanction will almost always involve delay, and in many of the matters specified expedition may be of the utmost importance. In cases when a person other than the Official Receiver is acting as trustee I would suggest that he should obtain the permission of the Official Receiver to exercise these powers. When the Official Receiver is acting as trustee he might be safely left to exercise them on his own responsibility and without sanction. See note on section 20.

*Section 51 (2) and (3).*—In a large number of cases it is quite impossible to declare a dividend within four months after the adjudication, or indeed to specify any time within which it will be possible to declare a first or any subsequent dividend. I would omit these two sub-sections. The words in sub-section (1)—"*with all convenient speed*"—will suffice to show that the trustee is to avoid all needless delay, and it will always be open to the creditors to bring undue delay to the notice of the Court.

*Section 52 (2).*—It will not always be possible to declare dividends of joint and separate property together, for instance, in the not uncommon case of a partner whose separate estate is not sufficient to pay any, or more than one, dividend, while the joint estate may suffice for several dividends, or the perhaps still more common case when the separate estate can pay 10 per cent. at once, while the difficulties connected with the winding up of the business render it impossible to declare a dividend on the joint estate for many months.

**Section 57 (1) and (2).**—For the reasons given in my notes on sections 20 and 50 I would omit the reference to the committee of inspection and would substitute the Official Receiver as the authority to give the requisite permission to a private trustee, while in cases in which the Official Receiver is acting as trustee would allow him to exercise the powers without previous permission.

**Sections 59 to 62.**—Part IV, which treats of Official Receivers, is one of the most important parts of the Bill, and seems to me to require a good deal of amendment to make it, as it should be, one of the most useful.

In the first place I would observe that the title "Official Receiver" will be likely to cause some confusion. There is already in Calcutta an officer whose official designation is Receiver of the High Court, but who is commonly described as the Official Receiver. Why not retain for the officer to be appointed under the new Act the title of "Official Assignee," with which the Indian public are now familiar?

I would submit that in common justice it should be expressly provided that the persons who, when this measure passes into law, may be Official Assignees of the present Insolvent Courts should be appointed to be the first Official Receivers (or whatever other title may be given to that officer), and that the rights of their respective establishments to employment not less remunerative than they now enjoy, or to compensation, should be expressly preserved. The Bill to amend the Insolvency Law, introduced by Sir J. F. Stephen in 1871, proposed to substitute Comptrollers in Bankruptcy for the Official Assignees and contained an express provision that the existing Official Assignees should be the first Comptroller in their respective Presidencies. Similarly the English Act of 1883 (sections 91 and 153) saves the rights of all persons holding office under the old Act.

The only reference to the Official Assignee made in the Bill is in section 134 (4), which provides that proceedings pending when the measure comes in to force shall be continued as if the Act had not been passed, and that for the purposes of such proceedings the Official Receiver shall be deemed to have been appointed Official Assignee. This shows that the framers of the measure consider the new office analogous to the old one, and it would certainly save much confusion, so long as any proceedings continue under the old law, that is to say, for at least two or three years after the new law comes into force, if the Official Assignees are retained in office as Official Receivers, and use is made of their experience to bring the new procedure into working order.

In a country like India where fraud is not only more common and more subtle, but where the facilities for its successful prosecution are infinitely greater, than in England, it is in the highest degree essential that the powers of the Official Receiver or Trustee (I continue to use the titles used in the Bill, although I have suggested that the former should be changed and that trustees should be altogether omitted) should be strengthened.

One of the main defects of the existing law, and one of the principal reasons,—perhaps the principal reason,—why it works so unsatisfactorily, is because of the very limited power it gives to the Official Assignee. I admit that these powers are theoretically fairly extensive, but practically they are all but non-existent. He can hardly take a step save at great risk of personal liability. To give only a few examples: an insolvent has no property in Calcutta, but the Official Assignee is informed, perhaps by the insolvent himself, that there is large property in the Mufassal; he takes possession of that property and proceeds to sell it; it almost invariably happens that a number of claimants spring up, who at once file suits against him in the local Courts; the Official Assignee having no assets in hand, is obliged to decide whether to withdraw from possession at once at the risk of being blamed by the Court or the creditors, or to defend the suits at the risk of being made personally liable for costs. Or again, the Official Assignee ascertains that property which is in the possession of a third party is really the property of the insolvent; if, as often happens, he has no assets, he cannot seize that property without exposing himself to the risk of being held personally liable in a suit for damages. I might multiply instances of the difficulties which confront the Official Assignee under the present law, but I will give only one more—one of not uncommon occurrence. A man files his petition with no other object than that of gaining time and avoiding arrest; he brings in little or no assets, and, as soon as he has got his order for *ad interim* protection, he studiously absents himself from the Official Assignee's Office, and begins behind that Officer's back, to settle with his creditors taking the more importunate first. If the operation takes a long time he applies from time to time for an adjournment of the hearing; and when he has thus purchased the acquiescence or silence of all of them he comes before the Court; there is no opposition, and he gets his discharge almost as a matter of course. This is generally the true explanation of a very common occurrence in the Insolvency Court, namely, the sudden and apparently unaccountable collapse of an opposition which had commenced with every appearance of vigour and *bonâ fides*. It is easy to say that when the Official Assignee has reason to believe that anything of this kind is going on he has only to bring it to the notice of the Court, and to apply for an order which shall force all creditors who have been paid behind his back to disgorge. But this is not so easy in practice as in theory. When there are no assets, or only nominal assets, in the Official Assignee's hands, it is practically impossible, and even when he has assets he cannot do it, as the law now stands, without running the risk of personal liability for costs.

For these reasons I think that the principal ministerial officer in each bankruptcy should be invested with very extensive inquisitorial, and even *quasi-judicial*, powers. He should be empowered to enter upon the premises of the debtor at all times, and to seize any property which he has reason to believe to be the property of the debtor, even though it be in the actual possession of a third party. He should be allowed to summon before him the debtor or any person whom he believes to be in a position to throw light on the debtor's affairs, and to examine them upon oath; perjury committed on such examinations should be liable to the same punishment as perjury committed in Court, and disobedience to such summons should be treated as a contempt of Court and a ground for refusing discharge; in all suits brought by or against him he should be described by his official title, and no suit should lie against him personally for any act done by him *bonâ fide* in the performance of his duties; he should be entitled to two or three months' notice prior to the institution of any suit against him, and suits not instituted within twelve months from the date of the cause of action should be barred; he should be allowed to apply to the Court at all times for advice and instructions, and should have power to bring before it any debtor or person whom he suspects to hold property of the debtor. If an estate is being administered by a private trustee, that trustee should have all, or most, of the same powers and privileges. It may perhaps be objected that such powers are too extensive to be conferred upon any person whom the creditors might select as trustee. That may be, and I think is, a strong argument against the whole system of private trusteeship in Indian bankruptcies. But it does not follow that the powers are too extensive to confer upon a responsible public officer, who would doubtless be selected with a view to his special fitness for their exercise, and who, it may be presumed, although the Bill does not expressly say so, would in all cases be a professional lawyer. It might be well to provide expressly that the Official Receiver shall always be a barrister.

Finally, if the provisions as to private trustees are not abandoned, then the Official Receiver should exercise over private trustees the functions which the Bill gives to the committee of inspection; the trustees should be subordinated to his authority and control, and should be required to furnish him with periodical accounts and reports, and to obey his directions in all matters respecting the estates under their charge.

**Section 63.**—If, as I have already suggested, the idea of allowing private trustees is abandoned, this section will be unnecessary or will require much alteration. Assuming, however, that that idea is retained as part of the Bill, I would remark that the proposed method of remunerating trustees by a commission, calculated partly on the assets realised and partly on the amount distributed in dividends, is very much fairer than the present system, whereby the Official Assignee is remunerated only by a commission on dividends—a system which has the result

that a large number of estates, some of them involving great labour and responsibility, bring him absolutely no remuneration. But I fail to see the justice of denying him commission on sums which he may pay to secured creditors out of the proceeds of their securities. If he has the trouble of realising these securities he should surely be paid for that trouble. This is recognised by the general rules passed under several of the English Bankruptcy Acts (see General Rules under Act of 1883, Nos. 65 to 69), which direct that when a trustee sells mortgaged property under order of Court his commission and costs shall be a first charge on the proceeds.

I would further remark that the fixing of the remuneration should not be left to the creditors: to do so will give rise to bargaining and will have the effect of degrading the office of trustee. The remuneration should be regulated either by the Act or by a rule of Court.

*Section 64 (3)* would seem to imply that the trustees must get the sanction of the Court before employing solicitors, auctioneers, &c. This will necessitate frequent applications to the Court, always attended with more or less expense and delay. The employment of such persons might be left to the discretion of the trustee.

*Section 65.*—The provisions regarding the bankruptcy estates account will impose considerable labour upon the Court, and will necessitate the creation of a new establishment. At present all moneys and securities belonging to insolvent estates are deposited in the Bank of Bengal in the name of the Official Assignee, and that officer has a staff which is specially adapted for, and well acquainted with, the keeping of the necessary accounts, while the fact that his accounts are regularly and strictly audited by the Comptroller General's Office affords an effectual guarantee against fraud or carelessness. I have already suggested that the Official Assignee should be appointed Official Receiver, and that his staff should be taken over by the Official Receiver. I would add the further suggestion that the bankruptcy estates account should be kept in his name and under his control, the system of a Government audit and a half yearly report by the auditors to the Chief Justice being continued as at present.

*Section 67 (1)*—The investment in Government securities should stand in the name of the Official Receiver, and the interest should be devoted to paying his salary and pension (if he is to be remunerated by salary), the salaries and pensions of his establishment, his office and audit charges, and to the costs of advertising and of administering poor estates, so as to leave as large a portion as possible of the assets available for the creditors. This is the present system, which was established many years ago with the sanction of the then Chief Justice on the recommendation of the auditors of the Official Assignee's accounts. It has the advantage of utilising for the general purposes of administration of insolvent estates a large number of cash-balances of individual estates which, by reason of their smallness or liability to immediate demands, could not be separately invested. It removes from the corpus of individual estates the heavy burden of a proportional share of the cost of administration, and substitutes a simple and economical machinery for a clumsy and costly system.

*Section 67 (2)*—The proposed procedure will take time and cause some expense. If the invested funds are allowed to stand in the name of the Official Receiver for the time being, he can, when necessary, sell them with a minimum of delay and expense, and the audit will be an effectual check upon any misuse of that power.

*Section 68.*—In this section I would substitute "Official Receiver" for "Court" in respect of all cases in which a private trustee is appointed. Where the Official Receiver is acting as trustee the regular Government audit of, and periodical report upon, his accounts will suffice. These alterations would save the Court much labour, without diminishing the efficacy of the proposed checks.

*Section 72.* My remarks on section 68 will apply, *mutatis mutandis*, to this section also.

*Section 79.*—I would substitute the words "Official Receiver" for "committee of inspection." See notes on sections 20 and 50, *ante*.

*Section 88.*—The delegation of powers to a Judge of the Small Cause Court seems most objectionable. The time of the Judges of that Court is already very fully occupied; examinations of debtors or of persons suspected of having in their possession property of the debtor frequently take up several days, and it is certain that in a large number of cases the Small Cause Court would not be able, without a considerable increase to the number of Judges, to give those matters the time and attention they require. Moreover, complicated and difficult questions of law arise so frequently in bankruptcy proceedings that it is most desirable that every step should be taken before a Judge of the High Court. I agree with the Select Committee on the Small Cause Courts Bill of 1880 in thinking that unless the Small Cause Courts are to hear cases which, owing to their length, intricacy and difficulty, ought to be removed to the High Court, the saving of time to the latter tribunal will be altogether unimportant. If, as I have suggested, the powers of the Official Receiver are extended, he will be able to dispose of a large portion of the petty business. Should this and not, I think, I believe, be found better and cheaper to appoint a special Registrar for bankruptcy business, as in England, than to delegate a portion of the business to the already over-burdened Small Cause Court.

*Section 91.*—If the Bankruptcy Court are allowed to delegate powers to a Small Cause Court Judge, there should be a provision for appeal from his orders.

*Section 94.*—I think it would be advisable to empower the Court to give the carriage of proceedings to the Official Receiver or trustee, whenever it has reason to suspect that the want of diligence on the part of the petitioning creditor due to his having made an illegal arrangement with the debtor. The case is one of frequent occurrence in this country.

*Section 103 (b)*—I would omit the words "with the permission of the Court", as their retention will necessitate frequent applications to the Court with their attendant delay and cost. The Official Receiver, as a permanent officer of the Court, may be entrusted with a wide discretion, and his position will be a sufficient guarantee against abuse of that discretion.

*Section 105.*—The following offences, all of which are common in this country, might be added to the list of offences which will render a debtor liable to punishment under this section, namely—fraudulently making away with property; improperly interfering with, or hindering, the trustee in the realization of the bankrupt's property; doing, or procuring, or being doing, any act which is likely to prevent the disposal of the property at its full value (for instance, inducing bidders to absent themselves from the trustee's sales); showing fraudulent preference to any creditor; entering into a composition with his creditor, or any of them, without giving notice thereof to the Official Receiver or trustee; inducing any creditor by an illegal gratification or promise to withdraw, or neglect to proceed with, a petition, or to acquiesce in the discharge of the bankrupt.

*Section 110.*—The Bankruptcy Court should be empowered to try offences under the Act, and to pass sentence, without sending the offender to the ordinary Criminal Courts.

*Section 113.*—This section would seem to exclude ordinary business partnerships from the operation of the Act. It is not, however, likely to be held to have that meaning, as it follows the words of the English Statute, and there is no doubt that such partnerships are constantly adjudicated in England. Still it might be well to make the wording clearer.

*Section 132 (2).*—The present system of investing unclaimed dividends in the name of the Official Assignee, and devoting the interest to the maintenance of his office and to administering poor estates, works well, and there seems no reason why it should not be continued. See note on section 67 (1) *ante*.

*Schedule 11.*—The English rules regarding the sale of mortgaged property and the taking of mortgagees' accounts (General Rules 65 to 69) are frequently followed here. They have been found to work admirably and to effect a considerable saving of time and expense in realizing mortgage securities. I would suggest their incorporation in this schedule. The rules in question are substantially the same as those issued by Lord

Loughborough in 1794, and the fact that they have been retained, with slight alterations, under the various Bankruptcy Acts passed since that date is strong evidence of their utility.

I have now finished my remarks on the Draft Bill, but before closing my note I desire to add a few words on subjects not mentioned therein.

*First.*—I submit that Chapter XX of the Civil Procedure Code should be repealed as regards the local limits of the Courts created under the new law. There seems no valid reason for maintaining in the same place two entirely distinct systems of insolvency law. That the application of Chapter XX to the Presidency-towns has not caused very great confusion is, I take it due only to the rarity of the instances in which the provisions of that chapter have been used. There is, however, a recent case in which the two systems came into direct conflict. I allude to *Pagot v. Hulse* (ILR 11 Cal.). The defendant, Mr. Hulse, was on his own application declared an insolvent under the Civil Procedure Code, and was on the same day adjudicated under the provisions of 11 & 12 Vic., c. 21, on the petition of the plaintiff. The fact that the Official Assignee, in whom his estate became vested under the latter proceeding, was also appointed Receiver under the former, alone prevented the raising of serious difficulties and confusion. Moreover, the principles of the Civil Procedure Code insolvency, although they may be adapted for the Mufussil, are altogether unsuited for the Presidency-towns, and will be quite out of place beside the elaborate system of the new measure.

*Second.*—The introduction, either as part of the Bill or as a separate enactment, of a system of compulsory registration of mortgages on moveable property, similar to the English Bills of Sale Acts, would be a most valuable auxiliary to the bankruptcy law. It is a matter of frequent occurrence, when a tradesman comes before the Insolvent Court, to find that his entire assets are mortgaged to one or two creditors, and that he has been trading for years on a credit which he would certainly never have obtained had there been any means of ascertaining the real state of his affairs. A notable instance of this kind occurred some months ago, when, on the occasion of a well-known and old established trading firm in Calcutta becoming insolvent, it transpired for the first time that their entire stock-in-trade and outstandings were mortgaged to two creditors, who stepped in at once and seized and sold the property. There are some 500 other creditors, to some of whom the firm owed large sums, and none of whom are likely to get any dividend. The entire assets having been swallowed up by the mortgage debt. It may safely be assumed that had the mortgages been registered, thus affording the public an opportunity of learning their existence, the firm in question would not have obtained such long and extensive credit, and many of the 500 unsecured creditors would have been saved from serious loss. This is only one of many similar instances which have occurred lately.

*Third.*—A system of compulsory registration of business-partnerships would also be highly valuable.

*Fourth.*—The system of what are known as *hufan* transactions is one of the most serious difficulties in the administration of insolvent estates and if any means could be devised of grappling with it successfully an enormous boon would be conferred upon the country. I am well aware of the great difficulty in the subject, and I merely throw out this suggestion as one which might be appropriately considered concurrently with the amendment of the bankruptcy law.

From C. A. WILKINS, Esq., Registrar, High Court, Calcutta, to Secretary to Government of India, Legislative Department,—(No. 570, dated 27th February, 1886).

In continuation of my letter No. 3019 of the 3rd November, 1885, I am directed to forward the accompanying enclosed copy of a report prepared by a sub-committee of the Judges of this Court, as well as a printed copy of a note by the Official Assignee, on the provisions of the bill to amend and consolidate the law of Bankruptcy and Insolvency in British India.

2. I am to request that you will be good enough to submit these papers for the consideration of the Governor General in Council.

3. I am to inform the High Court enquire generally in the observations made by its sub-committee, and that any further observation that may occur to any individual Judge will be communicated in due course for the information of His Excellency in Council.

#### Report of the Committee of Judges appointed to consider the provisions of the Bankruptcy Bill.

We regret the lapse of time which has occurred since the Bankruptcy Bill was submitted for our opinion; but the changes which are sought to be introduced by the Bill require grave consideration, and it has therefore been impossible to avoid the delay which has taken place.

We have held repeated sittings, and have come to the conclusions which are hereafter particularly mentioned.

We were met by the preliminary difficulty that the Bill as drafted is, as it professes to be, a reproduction of the last English Bankruptcy Act, introducing English law and methods of procedure and English phraseology, and we had to decide whether the proposal to introduce the English Bankruptcy Act with modifications into a country offered advantages sufficient to counterbalance the mischief of completely upsetting a system to which, from the practice of many years, the Court, the practitioners and the suitors had become accustomed.

We have come to the general conclusion that much of the substance of the English law and system of procedure may be introduced in India, but that some important parts of it are wholly inapplicable.

On the other hand we think it preferable to adopt the phraseology of the English Act, except where there is strong reason for not doing so, as thereby the Courts in this country will have the assistance of the decisions of the English Courts.

For the sake of convenience we have dealt with the Bill in the order of the sections.

The following are our recommendations:—

1. We think the proposed form of legislation open to question. An enabling Statute followed by an Indian Act will give rise to questions as to whether the Indian Act has exceeded the powers given to it by the English Statute. The best course will be for the Indian legislature to pass such Act as may be deemed suited to the requirements of the country, and then to obtain from Parliament a Statute confirming and ratifying the Indian Act.

2. We do not think that the provisions for the appointment of trustees and of committees of inspection are suited to this country. It will be very difficult in most cases to induce creditors to meet together, and in many cases it will be quite impossible to expect creditors residing at a distance to attend any meeting.

Power is given to the Court by section 17 of the Indian Insolvent Act (11 & 12 Vic., cap. 21) to order the election of assignees by the creditors; but such power has rarely, if ever, been exercised. As far as we can ascertain, in only one case in recent years have creditors applied to the Court for an order under this section; but, although this shows that creditors prefer to see the estates of insolvents administered by the Official Assignee, there would be no harm in inserting in the new Act a provision similar to that contained in section 17 of the present Act.



Shortly, the objections to the administration of insolvent estates by creditors through trustees and committees of inspection are—

- (1) danger to the interests of creditors residing at a distance: the whole administration would be in the hands of Calcutta creditors;
- (2) the general body of creditors would not place the same amount of confidence in a trustee or in a committee of inspection as they would in a competent court officer such as the Official Assignee;
- (3) the expenses of an administration by the creditors would be very large: in all cases the trustee, and in many cases the committee of inspection, would have to be remunerated; the former would be paid by commission, but the latter would be paid according to the number of their meetings, and would therefore not be inclined to expedite the winding up of the estates; with an Official Assignee representing the creditors, the legal expenses of the administration are minimised, as the Official Assignee is usually a Barrister of some standing; in the case of administration by the creditors, most of it would be taken without legal assistance, which would have to be paid for out of the estate.

For these reasons we would strike out from the Bill, as now drawn, the following sections, namely:—sections 11, 14, 17, 18, 19 (sub-sections (2) and (3)), 20, 21, 22, so much of section 23 as relates to meetings of creditors, sections 63 to 81 (note inclusive), section 103, sub-section (b), and section 118; and the following sections will require alteration, namely:—sections 17, 51, 119 and 132. The first schedule will also become unnecessary.

3. We think it important that the insolvency sections of the Procedure Code should cease to apply to the Presidency towns.

As the law at present stands it is possible for a debtor in Calcutta to seek relief from his debts both under the Civil Procedure Code and under the Insolvent Act. The main advantage to an insolvent of proceeding under the Code is that he can under section 336 be relieved from imprisonment as soon as he is arrested. The main advantage of proceeding under the Act is that if he or a trader he can get his final discharge without paying any portion of his debts. There are also many other points of difference between the two systems of insolvency, that under the Code being very unsuited to the requirements of a commercial city like Calcutta.

The disadvantages of having two different systems of insolvency law and procedure applicable to the same place do not require enumeration. They have been made apparent in two cases, in which recently attempts have been made to work the two systems concurrently in the matter of *Hasta*, L. R. 11 Cal. 151, and in the matter of *Zeck*, now pending.

4. We recommend that the expression "vesting order" should take the place of the expression "receiving order" in the Act, and that the court officer to whom the management of the estates of insolvents is to be entrusted should be called the "Official Assignee" and not the "Official Receiver." There is already an Official Receiver of the High Court, and the appointment of another officer with the same official designation but with different powers and duties would lead to confusion.

5. Section 3, sub-section (1) (a), should be altered to meet the case of a man carrying on a business by himself, or by his agent or partner, and closing such business. Under the 9th section of the present Insolvent Act, a trader who with intent to defraud or delay his creditors departs from his usual place of business within the jurisdiction of the Supreme Court is liable to be adjudicated an insolvent, and it is on this ground that most adjudications are made.

We do not think that paragraphs (b) and (c) of sub-section (1) of section 3 ought to be retained. In their place we would recommend the introduction of provisions similar to those contained in sections 8 and 9 of the present Act, as to persons lying in prison 21 days, as to fraudulent executions, including not only executions in fraud of creditors generally but also executions in the nature of fraudulent preferences.

6. The effect of the proposed Act would be to limit the insolvency jurisdiction of the High Court. By section 18 of the Charter of the Calcutta High Court (1865) it is provided "that the Court for Relief of Insolvent Debtors at Calcutta shall be held before one of the Judges of the High Court of Judicature at Fort William in Bengal; and the said High Court, and any such Judge thereof, shall have and exercise, within the Bengal Division of the Presidency of Fort William, such powers and authorities with respect to original and appellate jurisdiction and otherwise as are constituted by the laws relating to insolvent debtors in India." By section 5 of the Indian Insolvent Act, an insolvent debtor who is in prison within the limits of the town of Calcutta, or who resides within the jurisdiction of the Supreme Court at Calcutta, can petition for relief. The Supreme Court at Calcutta had a personal jurisdiction over all European British subjects residing in Bengal. Their jurisdiction over persons other than European British subjects was limited to the town of Calcutta. It is settled law that the effect of these provisions is to entitle all European British subjects who reside in Bengal to petition for relief from their debts, but that persons other than European British subjects cannot so petition unless they actually reside within the limits of Calcutta. In the cases of creditors' petitions the only limit of jurisdiction seems to arise from the acts of bankruptcy, some of which are restricted to the areas mentioned in the Insolvent Act. This is not a question of a choice between two jurisdictions, as the insolvency procedure applicable to Courts outside Calcutta can not pretend to be efficient or to meet in the smallest degree the requirements of the commercial classes. We think therefore that the present insolvency jurisdiction of the High Court in this respect should not be curtailed.

7. We think that in the case of a debtor's petition the vesting order should be made at once, and as a matter of course, on the receipt of the petition.

In the case of a creditor's petition we think that, as at present, if a *prima facie* case be made out on the petition, the debtor should be adjudicated an insolvent and his property vested in the Official Assignee at once. Any delay in making the vesting order would make it impossible in most cases to save any of the debtor's property for his creditors. In order to prevent the risk of an improper adjudication it will be well to provide that the debtor may at any time before his public examination come in and apply to have his adjudication annulled, and that it shall be so annulled unless the creditors satisfy the Court that the debtor has committed an act of bankruptcy. Section 19, sub-sections (2) and (3), might therefore be omitted from the Bill.

8. Section 9 of the proposed Bill does not clearly provide for *ad interim* protection orders, and therefore we recommend that power should be given to the Court, in terms similar to the provisions of section 13 of the Indian Insolvent Act, to grant orders for the protection of insolvents for such time as the Court might direct. The granting of such protection should be within the discretion of the Court, and the Court should have power to revoke a protection order at any time.

9. We think that the mere fact "that a majority of the creditors in number and value are resident in the United Kingdom or any other part of Her Majesty's dominions beyond the limits of British India" should not give a creditor or other person a right to set aside an adjudication, and we recommend that in section 13 of the Bill the above words should be transposed and placed between the words "the debtor" and the words "other creditors" in the same section.

10. With reference to section 15, sub-section (1), we think that the statement of affairs should be filed in court, and that a copy should be filed in the office of the Official Assignee. It is necessary that there should be two copies, and it is desired that of the two the one filed in court should be taken as the original statement with respect to sub-section (1) of section 15. We think that the statement therein mentioned should be in a written application for inspection, to be filed in court.

11. Section 16, sub-section (2), should empower the Court at any subsequent stage to reopen the public examination and to order a fresh examination of the debtor.

12. We do not think that in this country any creditors, however superior in number or value, should be able to force a composition upon the other creditors.

13. Section 23 should require the insolvent to attend at the Official Assignee's office or wherever required by the Official Assignee, and to give that officer every assistance in realizing his estate and distributing the proceeds.

14. All references to a *bankruptcy-notice* should be struck out of section 24.

15. In addition to the powers mentioned in section 23 we think that the Court should have power at any time after a vesting order has been made, upon application by the Official Assignee *ex parte*, to make an order empowering the Official Assignee to take possession of any property as the property of the insolvent. With regard to such property and also with regard to other property which may be claimed by the Official Assignee or the creditors to belong to the estate, we think that the Court should have the same power as in a regular suit, and with the same right of appeal to determine finally all questions between the insolvent's estate and persons in possession of or claiming such property. The High Court should be empowered to frame rules of procedure for the trial of these questions, and also for the payment of the expenses of witnesses to be examined under section 26.

16. Section 27 of the proposed Bill seems to place upon the opposing creditor the burden of proving that the debtor is unworthy of obtaining his discharge. We think that a debtor should, before any relief is granted to him, satisfy the Court, not only that he has not been guilty of the acts specified in the Bill as disentitling him to his discharge, but also that he has been neither dishonest in his dealings nor culpably imprudent in respect of his personal expenditure or the conduct of his business. This principle has been recognized by the legislature in section 351 of the Civil Procedure Code.

We think that section 27 should be altered so as to permit the debtor, should the Court refuse to grant him a discharge, to renew his application for such discharge at a future date; otherwise it might be held that if the Court had once refused to grant an order of discharge the debtor was for ever thereafter debarred from obtaining such discharge. On the other hand it will be necessary by some limitation to prevent frequent applications to the Court upon the same materials.

17. It will be necessary to provide for the discharge of the debtor in the case of the whole body of his creditors releasing him from the whole or a portion of his debts. Section 58 will also have to be altered to meet this event.

18. With reference to section 29 of the Bill we think it will be as well to give the Court power in discharging an insolvent to exempt him from arrest, either generally, or with the exception of particular debts, or after such period as to the Court may seem fit.

We would also recommend that in this section the words "any person for any offence against an enactment relating to any branch of the public revenue" should be struck out, and that the words "Secretary of State" be substituted therefor.

19. In the case of an adjudication being annulled on the ground that the debt alleged by the petitioning creditor was not a good debt, we think that the Court should have power to allow the bankruptcy to proceed as upon the debt of another creditor.

20. With reference to section 36, we would point out that in Calcutta rents are payable monthly, and that, therefore, the landlord should not be entitled after the bankruptcy to levy for more than three months' rent.

21. With regard to section 37 we think that in the case of a debtor's petition the assignee's title should commence at the date of the vesting order, and not before.

22. We do not think that an attaching creditor should be entitled to any priority over other creditors, unless the proceeds of execution have been paid to him. This alteration might be effected by striking out from section 39 the words "realised in the course of execution by sale or otherwise," and substituting therefor the words "actually received by such person."

As the law at present stands, a creditor who procures an attachment before the vesting order is in a better position by reason of the insolvency of his debtor than he would be without it, as he obtains a title preferable to that of the general body of creditors; and other decree-holders who would, under the Code, on obtaining orders for attachment, be entitled to share *pari passu* with him, are prevented by the insolvency from effecting attachments.

23. Section 50 should be altered so as to give the Official Assignee, with the leave of the Court, power to do the acts therein mentioned.

24. As to sub-section (1) of section 62, the only part which, having regard to our previous recommendation, need remain, is the part relating to advertisements. The duties, powers and liabilities of the Official Assignee should, however, be clearly defined. We think that his liability should only extend to assets in his hands, unless the Court should find that he had not acted *bona fide* in the performance of his duties. We also recommend that he should be entitled to at least one month's notice of action in respect of acts done by him in his official capacity.

25. In sub-section (2) of section 62 the words from "but shall" to "claiming to be creditors" should be struck out.

26. Part V of the Bill requires alteration to meet the case of the Official Assignee, who is an officer of the court. The Court should have power to determine the amount of commission or percentage payable to him. We think that if, at the request of a secured creditor, he realizes the security, the Court should have power to sanction the payment to him of a percentage on the amount realised.

27. We do not think it desirable that the extension of the Act to local Courts as contemplated by section 82, clause (c), and section 83, clause (c), should be carried out, except through the action of the supreme legislature.

28. We have already discussed the effect of section 83, clause (a).

29. We think that section 85 should be struck out, and that the Insolvency Court at Calcutta should have power to transfer to itself any insolvency proceedings under the Civil Procedure Code which may at any time be pending in the Civil Courts subject to the High Court.

30. We think that section 89 should be struck out.

31. It should be made clear that the powers proposed to be given to the Court by section 90 extend to persons other than insolvent debtors and their creditors.

32. Having regard to our other recommendations, section 99 requires alteration, and section 103 (b) and the proviso at the end of section 103 should be struck out.

33. If section 109 is intended to apply to compositions under the Act, it should in our opinion be struck out.

34. We presume that it is intended by section 113 to prevent a receiving order being made against a partnership in its firm name. If so, the section should be made clearer.

35. We do not recommend that estates of persons dying insolvent should be administered in the Bankruptcy Court, except in the cases where they die during the pendency of bankruptcy proceedings.

36. Having regard to our previous recommendations, it will be unnecessary to act on the second paragraph of section 132.

37. We think that the rights of present officers of the Insolvent Court in respect of pension or otherwise should be saved.



In conclusion we wish to remark that in this report we have only called attention to the general principles on which we think the Bill requires attention.

There are many questions of detail which will have to be considered before a Bankruptcy Bill is passed into law.

(Signed) A. WILSON.

( " ) J. PIGOT.

( " ) E. J. TREVELYAN.

From S. E. J. CLARKE, Esq., Secretary, Bengal Chamber of Commerce, to Secretary to Government of India, Legislative Department,—(dated 30th April, 1886).

My Committee have submitted their remarks upon the new Bankruptcy Bill for India to the Government of Bengal, who will do this for and then to you in due course, but in order to save time now that the draft Bill is before the Legislative Council I am directed to send you with this letter four extra copies of the Chamber's letter of this date.

From S. E. J. CLARKE, Esq., Secretary, Bengal Chamber of Commerce, to Acting Chief Secretary to Government, Bengal,—(dated 30th April, 1886).

I AM directed by my Committee, in reply to your No. 1335 J. D. of 8th July last, to submit the following observations upon the draft Bill to amend the law of Bankruptcy and Insolvency in British India.

Generally, my Committee are of opinion that the Bill makes a much needed improvement in the law at present in force. Should the Bill become law, and if its administration be carried out with close care and attention, it will do much to simplify proceedings in insolvency and, my Committee believe, to check fraudulent bankruptcies. It will thus afford a larger measure of convenience than heretofore to unfortunate persons, whilst at the same time it will extend to creditors some measure of that protection which the mercantile community especially have long desiderated, and the need for which has been pressed upon the Government at various times by the Chamber of Commerce.

Whilst accepting the Bill as an improvement upon the existing law, my Committee think that in some points it does not sufficiently recognise the peculiar circumstances of India, or the difficulties which these circumstances frequently place in the way of creditors, or the facilities which are offered to Native dealers in evading the payment of their debts. This subject has been long before the Government and the public, and, whilst admitting the difficulties which surround it, my Committee still think it is a matter to be kept very closely in mind in framing any new insolvency law for British India. Indeed, in spite of the failure some years ago, which attended the attempt to frame a Bill to provide for the registration of partnerships, my Committee cannot but consider that it is extremely desirable that a new enquiry should be made with the view to ascertain whether such a registration cannot be secured, or to bring into prominence the existing provisions of the law in India which afford to some extent the protection to be derived from such a measure. Since the failure both in Bombay and Calcutta to draft a satisfactory Bill dealing with this subject some change has come over the views of Native merchants, and the more prominent among them have evinced a desire to have the question reopened. Those who have transacted business directly with English merchants and in the natural development of Indian trade, the number of whom is slowly but steadily increasing, evince quite as much anxiety for the passing of a law to compel a registration of partnerships as the European mercantile community. It would be well if, in connection with so large and important a measure as a new Bankruptcy Bill for all India, a careful and exhaustive enquiry were made into the subject of the registration of partnerships.

Another extremely difficult subject to deal with, but one which, when a bankruptcy measure is before the legislature, should not be overlooked, is the practical exemption which a fraudulent Native trader can acquire by taking shelter within the jurisdiction of some Native State. My Committee are aware of instances where Europeans have availed themselves of this shelter to avoid decrees of the High Courts, and though in the case of Europeans the shelter might not be so effectual as in the case of Natives, yet the fact ought not to escape the attention of the legislature that under present circumstances for a Native insolvent to flee from British into Native territory is to give him an immunity the certainty of obtaining which is found to encourage reckless speculation and thereby to ruin many of our fraudulent traders. The impunity with which a fraudulent Native debtor can set his creditors at defiance, and in especial the smallness of the dividends derivable from the estates of Native insolvents, have long been grievances of the mercantile community in this city for very many years. Indeed, so far back as 1854, the latter formed the subject of a reference from the Chamber of Commerce to Mr. John Cochrane, then Chief Official Assignee. What the Chamber then complained of is still a serious ground of complaint. There seems to be no good reason why, with proper precautions, decrees of the Indian High Courts should not be allowed to run in the jurisdiction of Native States. The matter is one which my Committee feel is most properly within the province of the Foreign Department of the Government of India, but they see no reason why the Legislative Department should not move the Foreign Office to deal effectually with so important a question, or why the Foreign Department should not undertake this task in close communication with the Legislative Department, and, if need be, with the Judges of the High Courts in India. The greater the improvement in the bankruptcy law of India, and the greater the simplicity which may mark the procedure of the Insolvency Court, the greater will be the anxiety of a Native insolvent who has been guilty of fraud, concealment of property, the setting up of fictitious partnerships or wrongful preference of particular creditors to avoid appearing before an Insolvency Commission, and in this way it may well happen that improvements in law and procedure will have a tendency to concentrate and render more acute the grievance alluded to above and which is felt equally in all the great trading centres of India.

One change of great moment effected by the Bill is that which makes a trustee appointed by the creditors the primary authority for administering an insolvent's estate, whilst the Official Receiver is only to act if the creditors fail to appoint a trustee.

Section 14 of the Bill has the support of my Committee. It should, however, in their opinion, be made clear that, if the creditors of an insolvent will not attend a meeting to consider his position, the Official Receiver shall have the powers to act in the premises upon his own responsibility. My Committee do not feel themselves in a position to recommend that the powers now vested in the Official Assignee, which powers they consider all that are reasonably necessary to enable him to take possession of the property of a bankrupt and to realise the same for the benefit of the creditors, should be extended. But with reference to clause (5) of section 26, they can see no objection to a larger measure of protection than he now enjoys should not be given to the Official Receiver. Where it is clear that that officer has acted in good faith, they consider that he should not be held personally responsible in the event of its being shown that he acted under a mistake or upon information wrong in itself but accepted by him as correct. Unless in such cases should, my Committee venture to think, be obtainable not at the expense of the Official Assignee but at the cost of the estate concerned.

It is a frequent subject of complaint that an insolvent's books are not promptly forthcoming, that his accounts are confused and in many cases unintelligible, that there is a want of system in presenting an insolvent's accounts, and that schedules are amended in a hasty manner. It is, however, the complaint appears desirable that the office of the Official Receiver should be strengthened by having attached to it an experienced professional accountant. The books of an insolvent should vest in the Official Receiver from the date of the adjudication order. A report should be made at the next sitting of the Court that the books are either in the Official Receiver's hands or under his authority and control. The removal of the estate could then, as might prove most convenient, be made up either in the office of the Official Receiver, where the insolvent would attend for this purpose, or in the insolvent's office under the supervision of the official accountant. In either case creditors would receive additional and much needed security, time would be saved and a greater interest in the settlement of the estate be exhibited on the part of creditors. It will be seen that this suggestion does not in any way throw obstacles in the way of a bankrupt's access to his books or tend to do so in any manner. It would compel him rather to avoid all concealment and delays, and to furnish the Court with a true and correct statement of his position as possible at the earliest possible moment. The immediate subdivision of the presentation of this statement by the official accountant, or by the inspection of the books with it as being delayed, would effectually deprive merely acts of the many common excuses which are put forward for delaying the making over to the Official Receiver of the books of a bankrupt. The provisions of the draft Act as to the delivering up of a bankrupt's books should be thoroughly and carefully enforced, and as a corollary means should be provided to secure that the books shall be properly entered. There are not a few insolvencies who require experienced and capable assistants to enable them to close their books. At this time the knowledge that upon the commencement of an act of insolvency the closing of the books would be a necessary and prompt would tend to greater strictness in the keeping of accounts and would in itself ensure that such measures which Insolvency Commissioners in India are constantly recommending. The suggestion that the office of the Official Receiver should be strengthened in the way above indicated has been put forward by my Committee because of the great importance which cannot but be attached to the speedy closing of an insolvent's books. They would prefer that, so far as possible, this should be done by a professional and experienced officer responsible to the Official Receiver and the Court rather than by some skilled but outside agency. In connection with this particular question, and as pointing to a branch of duty which would devolve upon the official accountant, it is extremely desirable that information as to the position of an insolvent's estate should be more generally and more readily available than it is at present. This end could only be attained with the greatest advantage to all concerned. My Committee would therefore suggest that it should be a duty of the Official Receiver or other trustee in bankruptcy to issue periodical reports duly certified by the official accountant and the progress made in realising the assets of each estate. These reports should be circulated at reasonably brief intervals, and should give creditors all the information needed to enable them to understand the progress made in settling a bankrupt's affairs. It is very desirable that creditors should be encouraged to take a steady and persistent interest in the liquidation of an estate, and nothing so much likely to produce this result as assurance that delays will be reduced to a minimum, and that the Official Receiver or Trustee shall as a matter of course keep the creditors informed of that which it most concerns them to know. In this way the expense which now attaches, but too often to the proceedings in the Insolvency Courts, that they are more or less of a purely formal character, would be done away with and the Courts themselves would be in a better position to judge of the character of an insolvent's dealing, and to distinguish between culpable and excusable trading and the unfortunate arising from the necessities of trade or of living.

The suggestion for the periodical circulation of an account of the progress made in liquidating an estate applies equally to a trustee other than the Official Receiver or a receiver of Insolvency. Hitherto one of the main difficulties in working the existing Act has been that a trustee is very often, and it is, in the opinion of my Committee, necessary to know that they are very often, are not acquainted themselves with all that concerns them as regards an insolvent estate, to whom they are appointed trustees, and to take an active part in the winding up of the insolvent's affairs. So long as creditors have to attend meetings and to proceed without knowledge to any other matter of practical importance, and so long as they avoid, unless under necessity, attendance at such meetings. When the amount payable to a creditor is small, the chances of getting together the creditors are small, and the smallness of the amount payable to the Official Receiver power to call a meeting of creditors is a serious objection.

The attention of the Committee, in the course of the discussion on the draft Bill, has been in various ways strongly drawn to the question of protection against *fraudulent* dealings and the fact that the property of a trader who might be actually insolvent at the time of the transfer but who might be able to carry on his business, and thus secure to the transferee some chance of a time success. *Fraudulent* transfers, in cases of insolvency, are somewhat common and ought to be in a special way guarded against. In this connection it would seem that sections 28 and 41 of the draft Bill should be more fully considered. It is, however, as it should be that the property therein indicated, as existing in the insolvent's estate, should be taken into consideration of marriage, or in the case of a woman, in relation to the maintenance and education and provision of the settlor's wife or children, that the property should be held by the Court as an asset of the estate. This section is governed by the provisions of the law. The transferor is one which should not be left in doubt. So long as there is no account taken of the transferor's intention to evade the law.

My Committee accept the limitation of time mentioned after the date of which accounts made by persons who may become bankrupts, except in special cases, should be made. It is, however, desirable to provide for *bona fide* cases and to the frequency with which such transfers are made. The provisions of section 41 should be made sufficiently wide to take account of transfers made in the way said children or other relatives of bankrupts or the transferee of property to them, and any fraud or concealment, such cases are not provided for in the proposed Act. They would be a serious defect in the proposed Act. On the one hand, it has been urged that property should be transferred to a Native or to a Native bankrupt should be presumed to be the property of the bankrupt, and where the contrary was shown. But it would be unjust to thus suppose a wife or child of a bankrupt to be a party to the right to property made over to them in good faith and at a time when the transferor was insolvent, or in a position which would make the transfer a matter of prudence. In such cases, if the property is transferred, should the transferor subsequently become bankrupt, would be that the property should be held for their support. Such cases require protection. Still it is extremely desirable that such cases should be provided for, and my Committee would commend this subject to the consideration of the legislature.

There is another matter which ought to receive attention, and in regard to which it is to be said that the present opportunity should be taken to provide a much needed remedy. It is generally known, however, although there may not be an application to the Liquidation Court, still creditors, and only creditors, a business and takes possession of all its assets. In such cases the creditors are excluded altogether from participation in the assets, or find their interests postponed to the claims of a creditor of whose rights they have been kept in ignorance. That such a state of things is a grievous wrong, and to reckless trading and still more reckless borrowing. As the law in India is, it is a leader's duty at the mercy of the representations which may be made to him, and may in some cases, and may for the assistance of a business which is not only actually insolvent but which may be in a condition where for

all practical purposes it may be said to be carried on for the benefit of the creditor holding a possessory mortgage. In England this class of cases is dealt with by the Bills of Sales Act. Instruments of the kind alluded to must be registered within twenty-one days, and under certain circumstances are absolutely null and void as against a decree of the Court, a trustee in bankruptcy or in the event of the insolvency of the maker of the mortgage. In India it is very desirable that all instruments of this class should be made to come under the provisions for compulsory registration. The records of the Insolvent Court and the experience of the Official Assignee will amply bear out the necessity for some action such as that just suggested. It seems to convert the Bankruptcy Courts into a shelter for fraudulent dealings when a bankrupt who has deprived the general body of his creditors of security for their claims applies to the Court for protection against any steps they might ordinarily institute against him.

My Committee approve of the provision which retains for India imprisonment for debt. A very great number of Native traders are not subjects of the British Government, and have a means of conveying greater or lesser portions of their assets out of the jurisdiction of British Courts. Another large section of Native traders shelter themselves behind the Hindu custom of a joint family; where such a custom prevails, and where important classes of Native dealers have their domicile beyond the limits of the territories directly administered by the Government of India, it is necessary that imprisonment for debt should be retained even if on general grounds a good case could not be made out in its favour.

Section 34 provides that a limit of Rs. 500 as wages shall be paid, in priority to all other debts, to any clerk or servant who may have rendered services to the bankrupt during four months before the date of the receiving order. My Committee are strongly in favour of a limit in the amount to be paid under this section, but they consider Rs. 500 too low considering the average range of the salaries of assistants. They would make the limit Rs. 1,000, but would require that the amount of wages due to any clerk or servant should be certified by the Official Receiver or Trustee, or the official agent of the Receiver's office.

Section 35 gives power to a landlord to distrain for one year's rent accrued due prior to the date of the order of adjudication. This provision would appear to be unnecessary considering the powers already ordinarily enjoyed by landlords.

My Committee are not disposed to cavil at the provision contained in section 46 of the Bill. Where the Crown reserves to itself the right to dismiss its servants as a punishment for insolvency, it seems reasonable that it should retain the authority of regulating the amount to be retrenched from the pay of an employé.

It would appear to be in accordance with reason and the spirit of the Bill that the lying in prison of a person under a warrant of arrest or execution of a decree of the Courts, as well as the closing of, or departing from, a place of business with intent to elude or delay creditors should be deemed to be acts of bankruptcy on which a receiving order should be made. The latter is under the present law, a ground for adjudicating a trader, and the lying in prison under a warrant of arrest in execution of a decree a ground for adjudicating a non-trader, a bankrupt. There seems to my Committee no good reason why they should be omitted from the proposed Act, more especially as cases can readily be conceived in which the omission of these circumstances as acts of bankruptcy might give rise to difficulty. The lying of a debtor in prison is sufficient to give the proposed Bankruptcy Court jurisdiction, and it ought therefore to be an act of bankruptcy. It does not appear to my Committee that paragraphs 19, 20 and 21 of the Statement of Objects and Reasons give any good reason for excluding the jurisdiction of the Court in cases where persons or persons subject to the jurisdiction otherwise, and by reason of their being imprisoned or having within a twelve-month ordinarily resided or had a place of business within the local limits of the Courts jurisdiction. At present persons who come to Calcutta to sell produce, purchase goods, or to make contracts in this city for such purposes, are in respect of such contracts liable to be sued in the Calcutta High Court.

As the draft Bill is framed a Calcutta merchant who had obtained a decree against a person in the position referred to would be unable to avail himself of the provisions of the proposed Bankruptcy Act for enforcing payment of the amount for which he had obtained a decree. My Committee are decidedly of opinion that it would be a great advantage to the mercantile community if in the proposed Act the bankruptcy jurisdiction were extended so as to embrace all cases in which the High Court has jurisdiction to entertain a suit.

The third and fourth clauses, section 38, subsection (3) provides for all moveable property in the order and disposition of a bankrupt, with the exception of the true owner, be a debt with us the property of the insolvent. This subsection is substantially identical with the corresponding clause in the present Act. Under the operation of the existing Act it may be held that property to be the true owner, being a mortgagee, in the possession of a third person resident in India, of which becomes an insolvent, is not in the possession, order or disposition of the insolvent within the meaning of the Act, inasmuch as it is not in his sole possession, order or disposition, but in that of himself and his agent partners jointly. It was therefore ruled in *ex parte Gubbay in re Morgan* (1 L. R. 6 C. 623) that the clause does not apply. It is very rare indeed to find in any business, whether carried on by Europeans or Natives, that all the partners are resident, and, this being so, the ruling referred to has a large number of cases the effect to a great extent of nullifying the possession, order or disposition clause, which is a very useful portion to be maintained in the interests of the creditors generally of a bankrupt estate. My Committee would therefore suggest that subsection (3) of section 38 of the draft Bill should be amended in a way to meet the principle which the decision in *Gubbay in re Morgan* has raised. Possibly section 2 of the Bill which provides that a creditor of a firm may proceed in bankruptcy against the firm if the firm is carried on business, may in the case of some of the acts of bankruptcy specified in section 36 of the Bill get over the difficulty which has been pointed out. But the matter is doubtful, and the question one of such great importance that my Committee consider the doubt should be removed as far as possible.

My Committee cannot accept the suggestion made in section 88 that any of the functions of a Court of Bankruptcy should be allocated to a Small Cause Court Judge. The Small Cause Court is a Court of summary jurisdiction. It is filled and cluttered with business, and to transfer to it insolvency business would alter the character of the Court, establish direct insolvency jurisdiction in the Presidency towns, and prove an inconvenience in stead of a convenience to the public. The insolvency courts would be to follow existing precedents and provide for the appointment of a Registrar of the Bankruptcy Court. The work could not be imposed upon the Registrar of the High Court, for the officers in the Calcutta High Court already overburdened with business. A Registrar of the Bankruptcy Court might have duties similar to those performed by Registrars in Bankruptcy at Home. He might also perform the functions which under the English Bankruptcy Act are fulfilled by the Board of Trade.

It would probably be found inconvenient if affidavits which have to be made in England and Scotland in cases of Indian bankruptcy should be sworn before the Permanent Commissionaries lately appointed by the Indian High Courts to take affidavits in these countries, and that affidavits sworn before such Commissioners should be admissible in bankruptcy proceedings in these countries.

My Committee consider that a trustee appointed under section 20 should under a good case can be shown to the contrary, invariably be a creditor of the insolvent; and a trustee once appointed should only be removable by order of the Court on a proper case shown. My Committee do not think it would further the ends of justice to allow a trustee, so far as his work is concerned, to be at the disposal of the creditors. Besides, by making him removable only by an order of Court, a greater degree of responsibility is obtained, and, so much a greater security for the interests of all concerned. Where a trustee is appointed my Committee

incline to think that he should liquidate the bankrupt's estate under the inspection of the Official Receiver, who in such a case would fulfil the functions of a Committee of Inspection.

Section 26 might be amended so as to give the Court power to order, according to the information elicited in the course of proceedings before it, to deliver over any money or property which that information might show to have been received from the insolvent as the result of a fraudulent preference, as also any property vested in him by a fraudulent settlement or which he appeared to hold *bona fide* for the bankrupt.

Sub-section (5) of section 27 appears to have taken no account of the possibility of creditors residing out of India. In such a case the notice of 14 days provided by the sub-section would be insufficient. The sub-section might be so amended as to show clearly the distinction between English and Indian creditors as respects the notice.

In section 32 there is an omission. The section provides for accounts to be taken when there have been mutual dealings between a bankrupt and any other person, but does not state to whom the account shall be rendered.

Section 38 gives Rs. 200 as the value of the excepted articles. The existing Act gives Rs. 300 as the value of such articles, and my Committee do not see why this limit should not be maintained in the proposed Act.

My Committee would suggest that the time allowed under section 48 for a trustee to disclaim onerous property should be enlarged from two months to six months. The circumstances of India are in every way so different from those in England, and such great difficulty attaches to a proper ascertainment of the character of properties, that to limit the period of disclaimer under this section to two months only would, my Committee believe, seriously interfere with its working.

My Committee would make the permission vested by section 50 in the Committee of Inspection depend rather upon an order of the Court. The same remark applies to section 57.

Clause (2) of section 52 appears to overlook the radical differences between separate and joint estates. These differences ought to be acknowledged so far that the direction to declare dividends together should be amended and powers given to declare dividends separately.

It would facilitate business if the latter portion of clause (3) of section 64, from the words "The officer shall, &c.," to the words "duly sanctioned," were omitted. If a trustee or manager acts with the permission of the Court under sections 50 and 57, there is no need for him to take further sanction for the details dealt with in this sub-section, more especially as all charges incurred under this sub-section must be taxed.

Referring to section 65, my Committee would not recommend any interference with the existing system, by which bankrupt estates accounts are kept in the name of the Official Assignee and audited by Government officials who submit half-yearly reports on such audit to the High Court. The like remark applies to section 67, clause (1).

In section 94, which gives the Court power to change the carriage of proceedings, my Committee would include besides any other creditors the trustee or the Official Receiver as persons who might be substituted to carry on the proceedings.

In section 103, clause (b), my Committee can see no reason for making the action of the Official Receiver depend upon the "permission of the Court," and would recommend that those words be omitted.

My Committee would add to the offences punishable under section 105 of the Bill the following:—failing to give proper assistance in realising his assets; procuring or assisting to raise a fraudulent claim against the assets of the estate; improperly interfering with the realisation of the assets, fraudulently making away with property; doing that which might result in preventing the disposal of the property at its proper value; showing a fraudulent preference to any creditor or entering into any composition with any creditor; inducing any creditor by an improper preference or otherwise to neglect or delay to proceed with a petition, or to agree to the discharge of the bankrupt.

My Committee cannot approve of the transfer of offences provided for in section 110, and would prefer that the Bankruptcy Court should itself deal with offences under the Bankruptcy Act.

The wording of section 113, providing for the exclusion of partnerships and companies, should be made more clear. As it stands it might be objected that it excludes ordinary business partnerships from the operation of the Act, which is against the present practice as well as against the spirit of the draft Act itself.

My Committee cannot see what utility will result from changing the designation of the "Official Assignee" to that of "Official Receiver". There is already an officer of the High Court known by this latter designation, and to retain the style "Official Receiver" would be to introduce something of confusion and to change a title thoroughly well known and comprehended.

In conclusion my Committee desire me to report their opinion that the draft Bill is an advance upon the existing Act. They would suggest that the legislature should consider the expediency of retaining Chapter XX of the Civil Procedure Code as regards the local limits of the Courts established under the bankruptcy law, and they would again urge that in the consideration of the draft Bill the utmost weight and the most careful attention should be given to the points of difference between the circumstances of England and India.

S. HARVEY JAMES,

*Officer, Secy to the Govt. of India.*



## GOVERNMENT OF INDIA.

## REVENUE AND AGRICULTURAL DEPARTMENT.

## REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING 2nd JUNE, 1886.

**GENERAL REMARKS.**—Rain is reported generally from nearly all parts of India, except Sind and portions of the North-Western Provinces and Oudh, Punjab, Rajputana, and Central India. The falls have been heaviest in the south of the Madras and Bombay Presidencies, in Northern Bengal, Assam, and British Burma.

In Madras, Mysore, and Coorg the crops are generally in good condition and prospects continue favourable. In Bombay and Berar preparations for the *kharif* continue. In Hyderabad the hot weather crops are still being reaped. Agricultural prospects are generally good in Central India, but in Rajputana the water-supply is failing.

In the North-Western Provinces and Oudh and the Central Provinces *kharif* preparations continue and prospects are good. The *rabi* harvest is still in progress in the Punjab.

In Bengal cultivation is forward, and agricultural prospects are generally very favourable. Prospects continue good in Assam.

The public health is on the whole satisfactory.

Prices are fluctuating in the Punjab and are rising in parts of Rajputana. Elsewhere they are generally steady.

Presidency or Province and District	Rainfall for week under report	State of agricultural prospects.
<b>Madras --(June 2nd)</b>		
Bellary	Average last week since revised, 85; this week, 31	Standing wet crops generally good in parts of two taluks, but water insufficient to support them; harvest paddy, sugarcane and cotton, yield about average. Cattle-disease in two taluks.
Kurnool	Average 47	Small-pox in three and cattle-disease in two taluks.
Ganjam	Average last week since revised, 62; this week, 32	Slight small-pox in three, fever in two, and cattle-disease in five taluks; slight cholera.
Kistna	Average 752	Slight fever; cholera in ten taluks and one division.
Chingiepur (Madras)	Average 370	Standing crops fair; harvest wet and dry grains, outturn below average. Fever abating in one taluk; cattle-disease in two taluks.
Combatore	Average 341	Standing crops good; harvest paddy and <i>chulam</i> , outturn paddy average, <i>chulam</i> above average. Fever in one taluk and slight small-pox in another.
Tanjore	Average 503	Standing crops damaged by heavy rain and wind; harvest chiefly and cotton, outturn below average. Slight cholera.
Madurai	Average last week since revised, 94; this week, 76	Health of people and cattle generally good.
Malabar	Average 108	Harvest third crop, rice, outturn below average; first crop getting on. Fever in one, small-pox in eight and cholera in three taluks; cattle-disease in one taluk.
Travancore	673	Harvest paddy, yield average. Small-pox and fever in parts.
<i>General Remarks.</i> —General prospects fair.		
<b>Bombay (June 2nd)</b>		
Kurrachee	Nil	River at Kott on 31st May, 11 feet against 13 feet 7 inches on same date last year. <i>Kharif</i> sowings continue. Fever in seven and cattle-disease in three taluks; small-pox in three villages in the district, eight taluks case still remaining. Prices—wheat, red rice, and <i>bagra</i> in Kurrachee 26, 30 and 34, in Fatta 24, 40 and 40, in Shahbander 26, 42 and 42, and in Kott 23, 40 and 40 pounds per rupee, respectively.
Hyderabad	Nil	River at Kott on 31st May, 11 feet against 13 feet 7 inches on same date last year. Fever in three, small-pox in three, and cattle-disease in two taluks. Price of grain steady. Severe dust-storm at Hyderabad on 27th May.
Ahmedabad	100	Total rainfall 1.15. Weather very hot. Mowing and sowing operations continue. Public health good. Wheat 35 and <i>bagra</i> 43 pounds per rupee.
Baroda	Nil	Public health good. Standing crops in good condition. Prices— <i>atta</i> 28, wheat 23, and rice 15 pounds per rupee.
Surat	Surat, 91; Baroda, 703; Mandvi, 88	Slight fever and cough in Baroda taluka. <i>Tharu</i> 38 and <i>nagri</i> 40 pounds per rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—contd.</b>		
Nasik . . . .	Rain in six talukas	Ground being prepared for early crops. Days very hot; weather cloudy. Public health generally good. Wheat 34, <i>bajri</i> 33, and rice 17 pound per rupee.
Colaba (Bombay)	So on 26th	Total of week '86. Average abnormal temperature 3° warm on 26th, afterwards 1° warm; vapour in air normal on 26th, afterwards excessive; wind normal on 26th, abnormal wind southerly from 27th to 1st, strong on 27th and 28th; thunderstorm, with heavy showers of rain on 26th; distant lightning on 28th.
Poona . . . .	Naval, 12; Haveli, 100; slight showers in four talukas, none at Sirur.	Cattle-disease in Junnar and Bhimthadi talukas. Ground being prepared for sowing. <i>Bajri</i> 33 and <i>juari</i> 45, in Poona <i>bajri</i> 30 and <i>juari</i> 35 pounds per rupee.
Ahmednagar . .	Slight rain	Public health good. <i>Bajri</i> average 44 and <i>juari</i> 59 pounds per rupee.
Sholapur . . .	Barsi, 42; Madha, 13; Karmala, 10; Pandharpur, 31; Sangola, 62.	Land being prepared for sowing in Barsi, Madha, Pandharpur, Sangola, and Malsiras talukas. <i>Juari</i> 59 and <i>bajri</i> 45 pounds per rupee.
Dharwar . . .	Rain at all stations except Ron, varying from 2.15 in Kod to .53 in Hubli.	Rice sowing in progress in western talukas; elsewhere land being prepared for sowing early crops. Public health good. Rice 24 and <i>juari</i> 40 pounds per rupee.
Kanara . . . .	Karwar, 2.09; Kumbh, 4.08; Sirsi, 2.35; Halival, 5.04.	Total rainfall 5.74. Anthrax continues in Supa; small-pox in Akola, Sirsi and Halival; measles in Karwar. Common rice in Karwar 13; district average 13 seers per rupee. Weather cloudy and warm.
Rajkot . . . .	Nil	Weather hot and cloudy. Public health generally good. Wheat 33, <i>bajri</i> 30 and <i>juari</i> 44 pounds per rupee.
<i>General Remarks.</i> —Rain in most districts of the Presidency excepting Sind. Fever and cattle-disease in parts of eight; small-pox in parts of six districts.		
<b>Bengal—(June 2nd)</b>		
Chittagong . . .	5.22	Weather seasonable. Prospects of crops fair. Caterpillars have appeared at Fatuckchari. Cattle-disease reported from Teknaf. Public health good. Prices steady.
Dacca . . . .	2.37	Low lands being cultivated for paddy. Crops, chillies, and <i>til</i> being gathered. Prospects of crops good. Public health generally good.
24-Pergunnabs (Calcutta).	Nil	Sugarcane doing well. Sowings of early rice and jute commenced. Sporadic cholera in thana Joynagore. Public health generally good.
Moorshedabad . .	1.64	Weather unsettled. Sowing of rice crops progressing rapidly; prospects good. Sporadic cholera still reported. Public health fair. Price of rice stationary.
Rangpore . . .	7.43	<i>Aus</i> and jute thriving well. Public health fair.
Bardwan . . .	3.61	Prospects of <i>aus</i> and <i>aman</i> rice good. Public health good.
Bhagalpur . . .	1.61	Cultivation of <i>bhadai</i> crops progressing; prospects good. General health good. Prices steady.
Purneah . . . .	6.30	Crops doing fairly. More rain wanted. Sowings being made wherever possible. Public health good.
Patna . . . .	6.48	<i>Cheena</i> and sugarcane doing well. Collection of cotton continues. Sowing of <i>bhadai</i> crops commenced in Barhi subdivision. A few cases of cholera reported from Barhi town, otherwise public health good.
Durbhunga . . .	6.38	Prospects of early paddy, <i>maung</i> , and <i>cheena</i> promising. Lands being ploughed for <i>bhadai</i> sowings. Prices stationary. Public health generally good.
Hazaribagh . . .	6.16	Weather unsettled and stormy. Sugarcane doing well, mango yielding well. General health good.
Cuttack . . . .	2.90	Weather hot and cloudy. Ploughing in progress. Rice sown in many places. Price of rice unchanged. Public health generally good.
Midnapore . . .	1.42	Weather seasonable. Land being prepared for cultivation. <i>Aus</i> rice above the ground in places. Public health good.
Khoolna . . . .	1.53	Weather hot. <i>Aus</i> paddy being sown. Public health good.
Limagepore . . .	Heavy rain throughout district; 9.10	Weather unseasonable. Cultivation going on well. Cattle-disease prevalent. Three deaths from cholera in Bishnabati.
Pubna (Serajgunge)	3.03	Crops very good. Public health improved.
Gya . . . .	1.53	Sugarcane benefited by rain. Ploughing going on. Prices moderate. Public health good.
Chumpanun . . .	1.37	Standing crops much benefited by rain. Land being prepared for <i>bhadai</i> . Prices stationary. Some cases of fever and small-pox.
<i>General Remarks.</i> —Good general rain during the week. Cultivation everywhere well forward and rice and jute sowings progressing rapidly in many places. <i>Aus</i> rice and jute are already thriving well. Sugarcane, indigo and <i>cheena</i> also much benefited by rain and their prospects are favourable. Price of rice stationary. General health good.		



Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>N.-W. Provinces and Oudh—(June 2nd)</b>		
Benares (May 31st)	<i>Nil</i>	Supplies ample. Prices steady. Health generally good.
Gorakhpore ( " " )	Slight rain at Sadr	Tiling of land for <i>kharif</i> sowings in progress. Prices stationary. Health fair.
Fyzabad (June 1st)	Slight rain	Weather cloudy, with east winds. Sugarcane and indigo promise well. Prices steady. Supplies ample. Health of men and cattle good.
Lucknow (May 31st)	<i>Nil</i>	Weather very hot. East winds. Melon crops have suffered seriously from rain. Markets well supplied. Prices stationary. Health of people good. Condition of cattle fair.
Rae Bareilly ( " " )	<i>Nil</i>	Weather cloudy and steady. Easterly wind. Supplies ample. Prices steady. Public health good.
Partabgarh (June 1st)	A sprinkling of rain	Wind easterly. Indigo being sown. Irrigation discontinued and <i>saraw</i> being cut. Prices stationary. Measles have almost disappeared, but cholera still lingers in some parts of tahsils Kunda and Patu.
Allahabad ( " " )	<i>Nil</i>	Weather close and cloudy. Supplies abundant. Prices show a tendency to rise. General health good.
Cawnpore ( " " )	Slight rain in Cawnpore.	Weather cloudy at times and close. <i>Rabi</i> harvested. Prices steady. Condition of people good; foot and mouth disease in Bilhaur.
Banda (May 31st)	<i>Nil</i>	Weather not seasonable; east winds. Prices stationary. Public health good; cattle-disease in four villages.
Farakhabad (June 1st)	On 29th May average 30 in district.	Prices steady. Health fair.
Sitapur ( " " )	<i>Nil</i>	Owing to the unsettled weather there has been some difficulty in moving the grains from the Khaliyans. The rain has done good to the sugarcane. The weather now seems mending.
Bareilly ( " " )	Rain in all tahsils	The rain has injured melons, but benefited sugarcane and indigo. Prices almost stationary with tendency to fall. Public health normal.
Ballia ( " " )	<i>Nil</i>	Weather cloudy at times with strong easterly winds. Supplies ample. Public health good.
Kumaon ( " " )	Smart showers	<i>Rabi</i> harvested; <i>kharif</i> germinating well. Prices falling. Few deaths from <i>mahamari</i> reported in Pargana Gangoli; cattle-disease decreasing.
Agra (May 31st)	In four parganas 20 to 40.	Weather cloudy. Prices steady. Health good.
Jhansi ( " " )	40	Weather continues cloudy. Prices show a fall in wheat and gram. Slight small-pox and cattle-disease.
Meerut (June 1st)	Rain all over the district, heaviest in Meerut itself on 28th	Strong easterly wind followed by storms. <i>Kharif</i> ploughing commenced everywhere. Supplies ample. Prices steady. Health good.
<b>General Remarks</b> —Weather unsettled. Indigo and sugarcane have benefited from the recent rain. Prospects good everywhere. Markets well supplied and prices steady. Public health fair.		
<b>Panjab—(June 2nd)</b>		
Hissar (June 2nd)	40	Health good. Prices nearly stationary. Prospects of current harvest good.
Delhi	24	Health good. Prices stationary.
Umballa	40	Health good. Prices rising. Prospects of current harvest good.
Jullundur	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest good.
Ferozepore	<i>Nil</i>	Health good. Prices rising.
Amritsar	30	Health good. Prices stationary.
Sialkot	<i>Nil</i>	Health good. Prices stationary.
Lahore	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest below average.
Mooltan	Slight rain	Health good. Prices stationary.
Rawalpindi	40	Health good. Prices stationary. Prospects of current harvest average.
Shahpur	<i>Nil</i>	Health good. Prices stationary.
Dera Ismail Khan	09	Health good. Prices stationary.
Peshawar	<i>Nil</i>	Health good. Prices falling.
<b>General Remarks</b> —Rain has fallen in the Hissar, Delhi, Umballa, Amritsar, Mooltan, Rawalpindi, and Dera Ismail Khan districts. General health good, but fever is prevalent in Peshawar and in the Rawalpindi and Kashab tahsils; small-pox in Dera Ismail Khan. Prices rising in the Umballa and Ferozepore districts and falling in the Peshawar district, elsewhere stationary. Harvest in progress.		
<b>Central Provinces—(June 2nd)</b>		
Nagpur	05	Weather cloudy, with slight rain. Land being prepared for sowing. Small-pox and cattle-disease in parts. Prices steady.
Jubbulpore	76	<i>Kharif</i> ploughing commenced. Health fair. Prices steady.
Saugor (June 1st)	43	Prices risen in two tahsils. Fever, small-pox, and cattle-disease continue.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central Provinces—contd.</b>		
Seoni . . . . .	63	Weather cloudy. <i>Kharif</i> ploughings progressing. Health good. Prices steady.
Hoshangabad . . . . .	Slight rain	Weather cloudy and stormy. <i>Kharif</i> ploughings continue. Small-pox and cattle-disease prevalent. Prices steady.
Khardwa . . . . .	19	Weather cloudy and close. <i>Kharif</i> ploughings in progress. Health fair. Prices steady.
Rampur . . . . .	Occasional showers	Weather cloudy. Ploughings continue. Cholera and cattle-disease prevalent.
Sambalpur (May 20th)	72	Weather cloudy and stormy. Land being prepared for sowing. Cholera in places. Prices steady.
<i>General Remarks.</i> —Weather cloudy, with slight showers. Land is being prepared for <i>kharif</i> sowings. Fever, small-pox, and cattle-disease in places; cholera continues in Raipur. Prices steady.		
<b>British Burma— (June 2nd)</b>		
Akyah . . . . .	479	Total rainfall 607. Public health good; cattle healthy.
Bassien . . . . .	20	Total rainfall 751. Public health good; cattle-disease in one township.
Rangoon . . . . .	103	Total rainfall 1015. Public health good; cattle healthy.
Amherst (Moulmein)	540	Total rainfall 1010. Public health good; cattle healthy.
Pegu . . . . .	253	Total rainfall 731. Public health good; cattle healthy.
Henzada . . . . .	280	Total rainfall 500. Slight cholera in three townships; cattle healthy.
Prome . . . . .	131	Total rainfall 177. Public health good; cattle healthy.
Toungbo . . . . .	315	Total rainfall 1115. Public health good; cattle healthy.
Thayetmavo . . . . .	145	Total rainfall 390. Public health good; cattle healthy.
<i>General Remarks.</i> —Cholera in parts of Thura-waddy and Henzada districts, elsewhere public health good. Cattle-disease in three districts, elsewhere cattle healthy.		
<b>Assam—(June 2nd)</b>		
Gauhati . . . . .	420 during week ending 1st instant	Weather hot. Cholera diminishing in districts, but still prevalent in Sadi station. Cattle-disease reported from some mouzahs. Ploughing of sugarcane finished.
Sylhet . . . . .	400	State and prospects same as last week. Cholera still reported.
Cachar . . . . .	333	Weather warm. Cultivation for <i>am</i> and <i>asra</i> crops continues. Common rice 15 seers 7½ chittaks per rupee. Six deaths from cholera from Sadi, two from Rangora reported; general health good.
Dibrugarh . . . . .	120	Weather seasonable. Prospects of crops good. Cholera still prevalent in North Lakhimpur, otherwise public health good.
<b>Mysore and Coorg— (June 2nd)</b>		
Bangalore . . . . .	General rain throughout the State; at Civil and Military station 10; Bangalore district, 11; Mysore, 604; Coorg, 70.	Crops generally in good condition; agricultural operations in progress; prospects of season favourable. Public health generally good. No material change in prices.
Mysore . . . . .		
Mertana . . . . .	70	Good rain for preliminary rice cultivation. No change in prices of food-grains. Prospects of season and public health good.
<b>Berar and Hyderabad</b>		
Amroha June 2nd . . . . .	303	Weather cooler. <i>Kharif</i> preparation continues. Wheat 22 and <i>juari</i> 20 seers per rupee.
Akola . . . . .	Nil	Weather hot and sometimes cloudy. Ploughing operations continue.
Hyderabad . . . . .	107	Total rainfall since 1st January 400. Reaping of hot weather crops continues in some places. General health fair. Prices—wheat 15½, coarse rice 11½, white <i>juar</i> 21, yellow <i>juar</i> 23½ and <i>tur</i> 15 seers per current sicca rupee.
<b>Central India States— (June 2nd)</b>		
Indore . . . . .	A mile distant from city 30 additional reported; 306	Weather like that in monsoon in city.
Gwalior . . . . .	Nil	Weather cloudy and hot.
Satna . . . . .	20	Health good. Weather very hot.
Neemuch . . . . .	57	Weather close and cloudy. Prices slightly rising. Health good.
Goona . . . . .	20	Health and prospects good.
Agar . . . . .	174	Health and prospects good.
Nowgong . . . . .	Nil	Weather hot and cloudy. Health good. Prices falling.
Bhopawar (Manpur) . . . . .	Nil	Weather indicates approach of the monsoon. Health good. Prices stationary.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Rajputana—(June 2nd)</b>		
Abu (June 2nd)	21	Weather much cooler, cloudy and monsoonish.
Sirohi (May 30th)	Nil	Tank, dry; wells low. Health good. Weather very hot; clouds and high wind towards evenings.
Kherwara ( " " )	24	Tanks and wells low. Health good. Prices steady. Weather cooler, with wind and light clouds.
Pertabgarh ( " 29th)	08	Some water in wells. Health good. Prices steady. Showers with storm on 26th; weather partially cloudy.
Meywar ( " " )	Nil	Tanks and wells decreasing. Health very good. Prices rising. Weather very hot and cloudy.
Harotdi ( " " )	Deoli, 31; Tonk, 72	Weather cloudy and warm. Small-pox and measles abating. Prices risen.
Jhallawar ( " 28th)	02	Health good. Heat great ending with storm.
Kotah ( " " )	Nil	Health good. Prices rising. Heat great.
Ajmere (June 1st)	80	Weather hot and cloudy. Tanks and wells diminishing. Slight fever and small-pox in district.
Jeypore ( " " )	18	Prices steady. Health fair.
Ulwur ( " " )	Average of eight tahsils, 40; heavy hailstorm in Patgana Mandawar.	Health good. Prices steady.
Bickanir (May 29th)	Some rain in districts.	Fever, measles, and small-pox in Bickanir and some districts. Prices rising. Weather very hot and windy.
<b>Nepal—(May 27th)</b>		
Katmandu (May 28th)	153	

C. J. LYALL,

Officiating Secretary to the Government of India.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. V of 1886-87.

## APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 11TH MAY 1885.		Total length open.	RECEIPTS FOR WEEK ENDING 8TH MAY 1886.		TOTAL RECEIPTS FROM 1ST APRIL TO 9TH MAY 1885.		TOTAL RECEIPTS FROM 1ST APRIL TO 8TH MAY 1886.		Total Increase in 1886-87.	Total Decrease in 1886-87.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		<i>Rs.</i>	<i>Rs.</i>		<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>
8th May 1886	Oudh and Rohilkhand	668	1,47,144	242	680	1,00,052	240	7,64,711	226	8,82,684	239	1,17,973	...
15th do. "	Madras	801	1,48,183	172	801	1,48,339	172	7,87,707	165	7,82,000	167	...	4,831
8th do. "	South Indian	654	80,789	133	654	95,414	149	5,00,281	137	5,34,503	151	3,4,222	...
15th do. "	Great Indian Peninsula	1,504	10,89,087	724	1,504	11,50,319	705	56,79,505	678	57,73,129	709	9,3,504	...
8th do. "	Bombay, Baroda and Central India	401	3,37,501	732	401	3,38,000	733	17,67,048	688	18,68,327	746	1,01,270	...
	TOTAL	4,088	18,08,674	442	4,088	18,09,024	436	94,09,402	417	98,41,609	440	3,42,207	...
	<i>State.</i>												
15th May 1886	East Indian	1,509	11,15,101	739	1,513	10,12,765	688	58,22,026	602	55,16,371	671	...	3,05,655
8th May "	Eastern Bengal	233	70,045	330	234	82,124	351	5,01,388	380	4,48,863	354	...	52,525
15th do. "	North Bengal	7	1,133	4	7	1,496	55	8,172	54	6,044	65	1,472	...
8th do. "	North Bengal	41	36,307	140	41	45,000	184	2,11,907	153	2,40,570	178	28,003	...
15th do. "	Kaunia-Danalia	37	1,103	84	37	2,117	57	17,225	83	12,527	62	...	4,698
15th do. "	Tirhoot	220	27,775	123	240	31,047	120	1,00,000	132	1,73,820	130	6,809	...
15th do. "	Patna-Gya	57	6,094	171	57	1,980	227	60,818	191	73,332	236	12,514	...
15th do. "	Cawnpore-Achnera	241	14,007	90	253	25,520	101	91,440	66	1,22,936	89	31,490	...
15th do. "	Dildara-Car-Ghazipur	12	1,301	130	12	1,556	130	7,320	100	7,142	110	...	178
15th do. "	Rajputana-Malwa	1,411	3,07,810	218	1,411	3,70,000	262	17,77,377	226	20,01,000	261	2,23,623	...
15th do. "	Wardha Coal	45	18,203	400	45	15,440	343	80,903	323	94,577	387	13,584	...
15th do. "	Nagpur and Chhattisgarh	140	48,080	322	140	48,623	326	2,09,055	300	2,89,151	357	...	9,904
8th do. "	British Burma	234	46,311	132	37	42,606	130	3,15,309	223	2,80,013	101	...	29,356
15th do. "	Sindia	75	6,134	84	75	7,501	101	42,298	102	43,249	100	951	...
8th do. "	North-Western	1,803	8,30,731	401	1,803	4,52,548	251	41,99,333	418	27,24,507	279	...	14,74,826
8th do. "	Amritsar-Pathankot	60	6,013	61	60	5,487	83	37,821	103	34,030	97	...	3,182
15th do. "	Bareilly-Pilibhit	36	1,700	35	30	1,842	51	8,737	43	10,800	50	2,120	...
15th do. "	Dacca	10	1,840	184	80	3,058	43	11,071	200	20,872	57	15,201	...
8th do. "	Joynat	23	531	23	30	431	14	2,252	18	3,077	19	825	...
15th do. "	Cawnpore-Kalpi				42	2,690	64	...	...	14,620	64	14,620	...
	TOTAL	4,062	11,40,305	200	4,185	11,53,638	222	78,40,142	284	66,17,420	235	...	12,22,722
GRAND TOTAL (GUARANTEED AND STATE)			10,550	43,64,140	413	10,800	40,95,427	377	2,31,61,570	303	2,19,75,400	372	11,86,170
GROSS ESTIMATED EXPENSES			...	...	...	...	...	1,00,54,322	181	1,12,07,454	180	...	...
NET RECEIPTS			...	...	...	...	...	1,25,07,248	212	1,07,07,946	183	...	17,30,302
	<i>Assisted Companies.</i>												
8th May 1886	Bengal-Central	126	9,792	78	126	11,547	92	59,421	85	55,755	82	...	3,666
15th do. "	Rohilkhand and Kumaon	67	4,500	67	67	6,799	101	20,688	80	41,707	115	12,019	...
1st do. "	Assam	(a)	...	...	(a)	...	...	(b) 20,377	57	(c) 30,044	90	10,567	...
8th do. "	Southern Mahratta	214	12,277	57	316	32,406	103	65,101	55	1,71,292	100	1,06,191	...
8th do. "	Bengal and North-Western	303	30,450	101	303	45,610	151	1,53,633	92	2,35,391	143	79,758	...
15th do. "	Tarakesur	20	5,001	227	22	5,085	231	30,075	205	30,568	302	433	...
	TOTAL	742	62,020	85	834	1,01,537	122	3,06,295	81	5,71,597	116	2,05,302	...
	<i>Native States.</i>												
15th May 1886	Bhavnagar-Gondal	193	28,719	149	193	30,758	159	1,46,108	136	1,47,657	141	1,549	...
15th do. "	Jodhpore	64	3,280	51	64	4,430	69	16,704	47	23,575	68	6,871	...
1st do. "	Nizam's	(a)	...	...	(a)	...	...	(b) 1,08,000	160	(c) 1,00,303	100	...	8,273
8th do. "	Mysore	140	7,426	53	140	8,369	60	41,035	54	42,807	56	872	...
8th do. "	Rajpura-Patiala	10	771	48	16	1,350	83	5,904	67	7,213	83	1,309	...
	TOTAL	413	40,196	97	413	44,887	100	3,19,317	107	3,21,645	93	2,328	...

N.B.—As regards the figures in column "Total Receipts from 1st April to date," audited figures have been availed of as far as possible.

(a) Return not received.

(b) Total receipts from 1st April to 2nd May 1885.

(c) Total receipts from 1st April to 1st May 1886.

SIMLA,

The 2nd June, 1886.

FRED. FIREBRACE, Major, R.E.,  
Under Secretary.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JUNE 5, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 15th March 1886.*

From the 10th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the *Gazette*. The annual subscription for the two Parts is **Rs 5** per annum, payable in advance. When sent by post, **Rs 2-8** per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's *Gazette*.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,  
*Publisher, Gazette of India.*

### CALCUTTA UNIVERSITY.

#### NOTICE.

The Tagore Professor of Law will lecture on the Law relating to the Transfer of Immoveable Property *inter vivos* at 9 A.M. on Saturday, the 19th June 1886, and on succeeding Saturdays, at the Presidency College at the same hour.

W. GRIFFITHS,  
*Registrar.*

SENATE HOUSE,  
*The 31st May 1886.*

## No. 508.—Account of Revenue and Expenditure of the Government of India for the first

N.B.—Amounts are converted into

	REVENUE.	Estimates, 1885-86.	April 1884 to January 1885.	April 1885 to January 1886.	COMPARISON OF TWO YEARS	
					Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue*	22,864,600	15,785,080	16,122,418	337,338	...
II	Opium	9,025,500	7,271,644	7,354,121	82,477	...
III	Salt	64,000,000	5,309,880	5,162,776	...	147,104
IV	Stamps	3,633,400	2,968,425	3,002,566	34,141	...
V	Excise	4,070,000	3,312,962	3,410,096	97,134	...
VI	Provincial Rates	2,856,800	2,212,035	2,316,617	104,582	...
VII	Customs	1,175,000	717,501	829,131	111,630	...
VIII	Assessed Taxes	514,900	481,519	483,568	2,049	...
IX	Forest	1,060,100	602,747	633,517	30,770	...
X	Registration	281,800	235,975	255,527	19,552	...
XI	Tributes from Native States	691,300	472,404	454,898	...	17,506
XII	Post Office	1,101,700	871,260	926,220	54,960	...
XIII	Telegraph	540,100	389,307	474,650	85,343	...
XIV	Mint	125,000	98,890	185,556	86,666	...
XV	Law and Justice	595,300	422,858	445,806	22,948	...
XVI	Police	311,600	252,072	253,295	1,223	...
XVII	Marine	176,400	113,404	158,098	44,694	...
XVIII	Education	201,800	153,936	154,461	525	...
XIX	Medical	52,600	42,160	38,594	...	3,566
XX	Scientific and other Minor Departments.	86,100	62,303	56,149	...	6,154
XXI	Interest	650,400	491,338	478,244	...	13,094
XXII	Receipts in aid of Superannuation, &c.	257,700	118,838	161,171	42,333	...
XXIII	Stationery and Printing	54,100	33,664	40,238	6,574	...
XXIV	Miscellaneous	267,700	204,230	230,637	26,407	...
	<i>Productive Public Works.</i>	57,002,900	42,624,432	43,628,354	1,003,922	...
XXV	State Railways (Gross Earnings)	3,841,700	2,684,317	3,380,689	696,372	...
	East Indian Railway (Gross Earnings)	4,550,000	3,480,850	3,851,859	371,009	...
	Eastern Bengal Railway (Gross Earnings)	550,000	338,445	372,264	33,819	...
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,360,000	3,454,943	3,643,994	189,051	...
XXVII	Irrigation and Navigation (Direct Receipts)	874,700	844,010	621,392	...	222,718
	<i>Unproductive Public Works.</i>					
XXIX	State Railways	148,400	199,770	172,076	...	27,694
XXX	Subsidized Railways	...	...	...	...	...
	Southern Mahratta Railway	100,000	24,561	77,576	53,015	...
XXXI	Irrigation and Navigation	135,400	108,900	111,859	2,959	...
XXXII	Military Works	40,800	31,267	30,063	...	1,204
XXXIII	Civil Buildings, Roads, and Services	474,600	383,413	375,959	...	7,454
XXXIV	Army	814,000	577,075	621,993	44,918	...
XXXV	Military Preparations in N.-W. Frontier.	...	...	27,010	27,010	...
"	Military Preparations in Burmah	...	...	165	165	...
	England, including Army, Public Works, &c.	71,892,500	54,751,983	56,915,153	2,163,170	...
		197,900	226,893	236,822	9,929	...
	<b>GRAND TOTAL.</b>	72,090,400	54,978,876	57,151,975	2,173,099	...

\* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

ten months of the year 1885-86, as compared with the corresponding period of 1884-85.

sterling at £10 to the pound sterling.

	EXPENDITURE.	Estimates, 1885-86.	April 1884 to January 1885.	April 1885 to January 1886.	COMPARISON OF TWO YEARS.	
					Increase.	Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt*	3,800,000	3,052,703	3,058,166	5,463	...
2	Do. on other Obligations	411,000	226,230	127,454	...	98,776
3	Refunds and Drawbacks	224,400	156,285	184,132	27,847	...
4	Assignments and Compensations	1,248,500	640,936	635,056	...	5,880
5	Land Revenue	3,443,800	2,519,995	2,582,878	62,883	...
6	Opium (including Cost of Production)	2,473,700	2,806,085	2,929,909	123,824	...
7	Salt (do. do.)	492,300	369,781	363,112	...	6,669
8	Stamps	84,800	71,851	69,534	...	2,317
9	Excise	123,500	82,309	98,209	15,900	...
10	Provincial Rates	113,500	95,713	39,561	...	56,152
11	Customs	133,200	114,482	107,920	...	6,562
12	Assessed Taxes	13,400	11,112	10,442	...	670
13	Forests	725,300	474,253	492,203	17,950	...
14	Registration	181,100	146,400	152,553	6,153	...
15	Post Office	1,161,300	920,933	952,296	31,363	...
16	Telegraph	607,900	422,377	408,885	...	13,492
17	Mint	77,500	62,421	75,772	13,351	...
18	General Administration	1,335,700	1,092,357	1,133,148	40,791	...
19	Law and Justice	3,437,500	2,713,937	2,740,178	26,241	...
20	Police	2,855,700	2,277,369	2,304,694	27,325	...
21	Marine (including River Navigation)	365,800	272,690	285,459	12,769	...
22	Education	1,291,900	964,420	966,473	2,053	...
23	Ecclesiastical	109,700	136,776	135,293	...	1,483
24	Medical	700,400	591,181	594,105	2,924	...
25	Political	629,800	504,207	971,406	467,199	...
26	Scientific and other Minor Departments	477,900	432,359	438,285	5,926	...
27	Territorial and Political Pensions	654,900	534,337	523,716	...	10,621
28	Civil Furlough and Absentee Allowances	5,200	10,717	4,935	...	6,682
29	Superannuation Allowances and Pensions	763,400	670,936	670,563	...	373
30	Stationery and Printing	374,000	302,371	321,507	19,136	...
31	Miscellaneous	263,700	212,414	223,432	11,018	...
32	Famine Relief	33,000	3,517	34,306	30,789	...
33	Protective Works—Railways	500,000	731,788	...	...	731,788
34	Do. do. Irrigation	287,300	195,469	137,121	...	58,348
35	Reduction of Debt	679,700	...	...	...	...
49	Exchange on transactions with London	3,573,600	2,301,570	2,134,836	...	166,734
		33,774,400	26,122,281	25,906,639	...	215,642
	<i>Productive Public Works.</i>					
36	State Railways (Working Expenses)	2,270,500	1,607,484	1,927,518	320,034	...
	East Indian Railway (Working Expenses)	1,826,500	1,540,634	1,549,039	8,405	...
	Eastern Bengal Railway (ditto)	232,500	128,533	239,794	111,261	...
37	Guaranteed Railways (Surplus Profits, Land and Supervision)	516,000	490,414	480,571	...	9,843
38	Irrigation and Navigation (Working Expenses)	593,100	444,680	443,489	...	1,101
39	Charges in respect of Capital—Guaranteed Railways Interest	4,400	12,390	27,086	14,696	...
	<i>Unproductive Public Works.</i>					
40	State Railways (Capital Account)	308,000	117,017	160,942	52,925	...
41	Do. (Working & Maintenance)	119,900	141,253	98,044	...	43,209
42	Subsidized Railways	30,800	32,995	32,342	...	653
	Southern Mahratta Railway	80,300	141,808	64,938	...	76,870
43	Frontier Railways	100,000	251,223	...	...	251,223
44	Irrigation and Navigation	706,100	460,994	488,994	28,000	...
45	Military Works	1,088,300	674,367	642,556	...	31,811
46	Civil Buildings, Roads, and Services	4,040,600	2,751,973	2,500,586	...	251,387
47	Army	12,101,500	9,851,450	10,319,933	467,583	...
48	Military Preparations in N.-W. Frontier	...	...	1,944,594	1,944,594	...
	Do. do. in Burmah	...	...	37,635	37,635	...
	England, including Army, Public Works, Guaranteed Interest, &c.	57,951,900	44,769,496	46,872,800	2,103,304	...
		14,354,600	13,018,148	12,516,016	...	502,132
		72,306,500	57,787,644	59,388,816	1,601,172	...
	<i>Productive Public Works—Capital Expenditure.</i>					
	In India—					
50	State Railways	1,900,600	942,360	1,724,489	782,129	...
	East Indian Railway	340,000	269,639	172,152	...	67,487
	Eastern Bengal Railway	132,100	40,462	86,599	46,137	...
51	Irrigation and Navigation	813,700	460,983	422,174	...	38,809
	In England—					
	State Railways	862,100	647,591	(b) 1,400,908	762,317	...
	East Indian Railway	...	312,677	387,021	74,344	...
	Eastern Bengal Railway	350,900	(a) 972,680	495,912	...	476,768
	Irrigation and Navigation	6,000	3,756	6,145	2,389	...
		4,405,400	3,650,148	4,704,400	1,054,252	...
	GRAND TOTAL	76,711,900	61,437,792	64,093,216	2,655,424	...

\* Includes Interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

C. R. C. KIERNANDER,

E. F. T. ATKINSON,



**AGENT TO THE GOVERNOR  
GENERAL, BALUCHISTAN.  
P. W. D.**

## NOTIFICATIONS.

*Quetta, the 26th May 1886.*

**No. 76.**—Mr. O. C. Ollanbach, Assistant Engineer, 2nd Grade, passed the Departmental Standard Examination in Hindustani, prescribed in Public Works Department Code, Volume I, Chapter II, Section i, paragraph 21, on the 15th May 1886.

*The 27th May 1886.*

**No. 77.**—Mr. G. J. R. Leeson, Executive Engineer, is granted three months' privilege leave, with effect from 1st June 1880, or such subsequent date as he may avail himself of it.

A. C. BIGG-WITHER.

*Joint Secy. to Agent to Govr Genl.  
Baluchistan P. W. Dept*

AGENT TO THE GOVERNOR  
GENERAL, RAJPUTANA.

NOTIFICATIONS.

*Abu, the 28th May 1886*

**No. 1259 G.**—First Class Hospital Assistant Pirbhu Lall, attached to the Tonk Raj Dispensary, held medical charge of the detachment of the Deoli Irregular Force forming the escort of the Political Agent, Harowtee and Tonk, from the 1st August 1885 to the 31st March 1886.

*The 29th May 1886.*

**No. 1280 G.**—Lieutenant-Colonel A. W. Roberts, Political Agent, Ulwur, availed himself, on the forenoon of the 24th of May 1886, of the privilege leave granted him in this Office Notification No. 1094 G., dated the 10th idem.

By Order,  
HUGH DALY.

for 1st Asst. to the Agent to the Govr Genl.,  
Rajputana.

**No. 7.**—Mr. R. L. D. Gompertz, Assistant Superintendent, 1st Grade, is allowed furlough for six months, under Section 50 of the Civil Service Code, with effect from the forenoon of the 3rd May 1886

A. J. LEPPOC CAPPEL,  
*Director General of Telegraphs in India.*

**Statement of the Affairs of the Bank of Bengal for the week ending 1st June 1886.**

[illegible]

**J. GORDON,**  
*Chief Acctt. & Dy. Secy.*  
**Rate for Demand Loans 6 per cent.**

By Order of the Directors,  
W. D. CRUICKSHANK,  
*Offg. Secretary & Treasurer.*

### Statement of Silver Balance in the Calcutta Mint for the week ending 2nd June 1886.

Value of silver held in the Mint on account of the Currency Department on the evening of the 26th May 1886	₹	₹
Value of Government silver in the Mint on the same date	2,54,708	
	8,82,290	11,36,998
<b>ADD—</b>		
Silver received by the Mint during the week on account of the Currency Department	1,413	
Ditto ditto Government	55,99,054	55,01,467
<b>DEDUCT—</b>		
New coin paid to Reserve Treasury during the week	2,04,000	67,28,465
Petty items issued for miscellaneous purposes	1,112	
		2,95,112
Balance on the evening of the 2nd June 1886	...	64,33,353
<b>The Balance comprises—</b>		
Silver held on account of the Currency Department	1,09,089	
Ditto ditto Government	62,34,264	64,33,353
There is in addition awaiting assay—		
Bullion belonging to Private Individuals	39,131	
Ditto ditto Government	...	39,131

A. W. BAIRD, Major, R.E.,  
Offg. Master of the Mint.

CALCUTTA MINT,  
The 3rd June 1886.

### CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

#### Lahore Circle.

Regt. No.	No of Note	Value	Name of Claimant.
9	F 26—31326	100	Lajput Rai, Pleader, Hissar

LAHORE,  
The 31st May 1886.

W. H. EGERTON,  
for Deputy Commissioner of Currency

### TREASURE TROVE.

#### NOTICE

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all whom it may concern, that on the 24th May 1885, certain treasure consisting of gold and silver ornaments, &c., valued at ₹186-8-10, was found in Akalkhop, Taluka Tasgaon, in the Satara District.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Mamledar of Tasgaon, on 10th September 1886, at Akalkhop, when the Mamledar will proceed to hold an enquiry in accordance with the provisions of the Act.

G. F. M. GRANT,  
Collector of Satara.

CAMP MAHABLESHWAR,  
The 26th May 1886.

### FOR SALE AT THE PATNA OPIUM FACTORY SAW MILLS, GOOLZARBAUGH.

Two Armstrong's patent dovetailing machines adapted for cabinet makers and builders and packing-case makers.

They are of one inch pitch capable of dovetailing planking 15 inches wide and 1½ inches thick and will cut the dovetails at the rate of 20 feet of planking per minute.

Each machine is arranged for cutting ordinary and blind dovetails and dovetails on the angle and is easy to work. The discs being set to the proper angle, the board is fastened on the travelling table by a cramp which on being set in motion travels along the front face of the saws.

The machines are similar in construction to the one exhibited by Messrs. Robinson and Sons of Rachdale, England, at the Calcutta Exhibition of 1883-84.

Each machine cost £106 12s. 8d.

Landing in Calcutta plus } ₹43-13-0  
for carriage to Patna. }

These machines are perfectly new and are sold merely because they are not of the required specifications.

Offers are invited.

Apply to DR. H. WHITWELL,  
Principal Assistant to Opium  
Agent, Behar, Patna.

### POST OFFICE.

#### NOTIFICATIONS.

Simla, the 27th May 1886.

No. 3063.—Mr. C. E. Charde, Post Master, Meerut, is appointed to officiate as Post Master, Agra.

Mr. C. S. Figgs, Post Master, Mirzapur, is appointed to officiate as Post Master, Meerut.

The 28th May 1886.

No. 3157.—Mr. E. Hutton, Presidency Post Master, Calcutta is granted two months' privilege leave, with effect from the 17th May, after noon.

G. J. HYNES,  
for Dir. Genl. of the Post Office of India.

Unclaimed letters held in the Calcutta General Post Office on 3rd June 1886.

Bennett, A.	Gregory, G.	Power, J. O.
Calvin, H.	King, F. J.	Schultz, W.
DeBoruck, C. W.	Leeman, J.	Scott, H. G.
Gasper, E. Cecil	Mackay, A. J.	Wilkinson, Messrs. & Co.

#### Letters marked "Care of Post Office."

Angel, Sig. D.	Grant, Mrs. H.	Perry, C. J.
Barnes, G. J.	Greenhill, T. G.	Peterson, Dr. Geo.
Barnett, Mrs. James.	Griffiths, Norris.	Poley, J.
Basham, M. E.	Guerner, H. J.	Power, J. O.
Bates, J. N.	Gulley, Mr.	Preston, R. C. Campbell
Bigex, Mon. E.	Hoare, I.	Randall,
Bowers, S.	Hutton, Lt. Col.	Rice, W. G. C.
B. R.	Inman, Capt. C.	Rishworth, B. J.
Bush, C.	Inman, James	R. M. E., Miss
Capel, Lt. Col.	J. M. Mc	Saltan, Miss M.
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Fraser, H. B.	Miraglia, Giuseppe	Touzel, Rev. C. J. C.
Gayer, A. H.	Morris, Paul.	Walker, P. C.
Gilbert, Mrs. M.	Norville, Mrs. L.	Ward, Lieut. B. R.
Godfrey, J. B.	Olsen, J.	Wessendorf, Henri.
Goodall, Miss.	Page, J. B.	Wilson, Mrs. Mark.
Gow, J. F.	Percy, A.	

## Registered Letters.

Altridge, G.  
Greenblatt, S.  
Grogan, H. C.Guernier, H. J.  
Jones, W.Power, J. O.  
Ross, A.

## Unclaimed Letters held in the Barrackpore Post Office on the 31st May 1886.

Arrakiel, M.  
Crossman, J.  
Deburgh, W. T.  
Fowell, Capt. W.  
Hart, E. H.Lidstone, C. A.  
Marsden, F. J.  
McKay, S. J.  
Mullik, N. C.  
Owen, M. S.Patch, J.  
Roberts, H.  
Stewart, Mrs.  
Thomas, Major C. F.G. BARTON GROVES.  
Offg. Presidency Postmaster, Calcutta.The 5th June 1886.  
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Mails for	Date of closing at Calcutta	Route by which despatched.
	1886.	
Egypt, Europe, America, Cape Colonies through United Kingdom	5th June	Per P. & O. Str. from Bombay.
Ditto ditto ditto	12th "	Ditto.
Ditto Book Post and Pattern Packets.	11th "	Ditto.
Zanzibar, Mozambique, and East Coast of Africa generally, Delagoa Bay, Natal and Cape Colonies by B. I. Steamers from Aden to Zanzibar and thence by the Castle Mail Packets.	12th "	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bangkok (Siam), Philippine Islands, China and Japan	8th "	Ditto.
Australia, New Zealand and Tasmania	8th "	Ditto.
Madras and Colombo	9th "	Per P & O Str.
Madras, Pondicherry, Ceylon, Batavia, Singapore and China	14th "	Per French Str.
Straits and Hong-Kong	7th "	Per Str. Whang.
Rangoon and Moupin	9th "	Per Str. para.
Akyah, Kyouk Phoo, and Rangoon	9th "	Per Str. para.
Port Blair and Camorta	9th "	Per Str. para.

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Offg. Presidency Postmaster.GOVERNMENT CINCHONA  
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## گورنمنٹ سنکونا فبري فيوج

یہ دوا کوئیٹائین کا خوب قائم مقام ہے اور کلکتہ کے ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری واسطے سرکاری کام اور خیرات کے اور سوائے ان کے جو کوئی ایک مشیت بیس پونڈ خرید لینے سے بقیہ نقد حسب نرخ ذیل خرید کر سکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا سولہ روپیہ آٹھ آنہ

اور عوام الناس ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ ذیل خرید کر سکتے ہیں یعنی نرخ چار اونس کے تین کا پانچ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا دس روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا بیس روپیہ

یہ دوا کلکتہ کے بڑے بڑے دلائی اور دسی دوا خانوں میں بنتی ہے مسوائے قیمت مذکورہ بالا کے محصول ذاک چار اور آٹھ اونس کے تین کا آٹھ آنہ ; اور ایک پونڈ کے تین کا بارہ آنہ

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## کرسٹلین سنکونا دوائی بخار

لال سندونا بارک کی ایک نئی اور عمدہ دوا گورنمنٹ فابری میں تیار ہوئی ہے معمولی بے صاف کی ہوئی دوائی بخار سے کوہن کے لئے بہت خوب قاب مقام ہے اور سب پر متصل کلکتہ کے ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری ہم اور خیرات کے لئے اور وہ لوگ جو ایک مشیت بیس پونڈ لین نقد اس دوا سے خرید سکتے ہیں یعنی چار اونس کے تین کا چھ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا بارہ روپیہ آٹھ آنہ ; اور ایک پونڈ کے تین کا چوبیس روپیہ

اور عام لوگوں کو ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے نقد اس دوا پر مل سکتا ہے یعنی چار اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا سولہ روپیہ آٹھ آنہ اور ایک پونڈ کے تین کا بیس روپیہ آٹھ آنہ در کلکتہ کے بڑے بڑے دلائی اور دسی دواخانوں میں بھی دستی ہے محصول ذاک چار اونس کے تین کے لئے چار آنہ ; آٹھ اونس کے تین کے لئے آٹھ آنہ اور ایک پونڈ کے تین کے لئے بارہ آنہ علاوہ اوار لکھے ہوئے نرخ کے ہے

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PUBLISHED BY AUTHORITY.

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CALCUTTA, SATURDAY, JUNE 5, 1880.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost

The Government Promissory Note No. 224397 of the 4 per cent. of 1865, for ₹100, standing in the name of Bama Churn Mitter, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor

BAMA CHURN MITTER,  
*Plader, Small Cause Court*

#### Lost or Stolen.

The lower half of Government Promissory Note No. 052357, of the  $4\frac{1}{2}$  per cent. of 1879 portion, for ₹2,000, originally standing in the name of Russick Lall Ghose, and last endorsed to Russick Lall Ghose, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor

TAKA PROSAD CHATTERJEE,  
*Treasury Officer, Burdwan*  
BURDWAN COLLECTORATE,  
*The 19th May 1880*





SUPPLEMENT TO  
**The Gazette of India.**

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No. 23.

CALCUTTA, SATURDAY, JUNE 5, 1886

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**OFFICIAL PAPERS.**

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CENTRAL INDIA.	Indore	15 8	23 0	9 3	10 0	33 4	19 3	*	23 8	30 1	10 11	100 0	12 0
	Gwalior	16 11	21 15	7 13	10 1	20 1	18 8	14 10	25 13	21 15	31 8	136 14	11 3
	Goona	18 0	20 0	10 0	10 8	23 8	*	*	25 12	24 0	16 0	200 0	12 0
	Baghelkhand (Sutna)	18 8	35 0	8 0	17 0	22 8	20 8	*	29 0	*	31 0	200 0	10 8
2nd half of April 1886.													
MADRAS.	Nellore	10 13		12 14	14 0	21 2	20 14	25 9				93 5	14 13
	Bangalore	11 5	11 13	9 0	0 8	24 0		30 5	11 13	...	13 0	96 0	12 0
MYSORE.	Kolar		12 0	10 0	11 8	...		33 0	12 0	...	14 0	102 0	11 0
	Tumkur	13 0	12 0	10 0	11 8	...		40 0	13 0	...	14 0	340 0	11 8
	Mysore	12 0		9 8	11 0	...		25 0	12 8	...	10 8	90 0	11 0
	Hassan		13 0	12 0	13 0	...		32 0	14 0	...	12 0	96 0	12 0
	Shimoga	13 10	14 11	11 9	13 10	...		37 14	14 11	...	14 11	480 0	11 9
	Kadur	10 0	12 0	12 0	14 0	...		32 0	13 7	...	10 0	64 0	12 0
	Chitaldroog	15 0	17 2	12 5	13 7	33 3	21 0	37 15	14 14	...	15 0		11 0
	Indore	16 8	23 0	9 3	10 0	30 0	19 3	*	23 0	22 8	10 7	100 0	12 0
CENTRAL INDIA.	Gwalior	16 11	22 0	7 13	10 1	20 1	21 0	14 10	23 7	21 15	31 15	136 14	10 15
	Goona	20 7	20 0	10 4	10 12	32 0	20 0	*	37 8	30 0	16 0	200 0	11 12
	Baghelkhand (Sutna)	20 8	35 0	8 0	17 0	21 0	20 0	*	31 0	*	33 12	200 0	10 4

\* Not sold. † In Chitaldroog firewood is stated to be sold in bundles and cart-loads, but not in weight.

DEPARTMENT OF FINANCE AND COMMERCE,  
(Statistical Branch)

D. BARBOUR,  
Secretary to the Government of India.



GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF THE KHARIF CROP IN THE PUNJAB, 1885-86.

STATEMENT No. I.  
*Comparative Abstract of Irrigation and Rainfall in Canal Districts of the Punjab.*

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
DISTRICTS.	Area in acres.	AREA IRRIGATED		COMPARISON WITH LAST CROP.		RAINFALL IN KHARIF MONTHS														
		Cultivated area in acres.			Increase.	Decrease	April.		May.		June.		July.		August.		September.		TOTAL.	
			1885-86	1884-85			1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884
Lahore	2,114,552	1,104,021	14,750	11,420	3,297		0.50		1.37	0.05	0.11	1.05	1.05	0.77	1.11	0.64	0.61	1.16	5.12	10.71
Longomery	1,567,750	357,622	41,141*	33,552†	8,750		1.10	...	0.70	..		3.60	0.20	4.80	1.00	1.00	0.10	2.70	1.10	..
Mooltan	1,701,200	700,310	180,914	195,138		15,104	0.20	..	1.50	..	0.00	1.10		2.30	1.00	1.20	..	1.70	6.50	0.1
Muzaffargarh	2,007,810	307,520	128,777	136,845		8,098	1.70		1.00	0.70	2.00	1.00	0.20	1.90	2.40	1.10		1.20	8.70	6.40
Dera Ghazi Khan	2,801,280	1,308,070	127,111	135,630		8,318	0	0.10	3.00	0.08		0.11	0.90	2.81	0.70	2.57	...	1.16	5.65	8
Shahpur	3,002,132	524,246	8,936	9,411			5.05	2.10	1.40	2.00		1.10	2.10	2.00	1.50	0.70	1.80	3.21	10.43	5.8
TOTAL IRRIGATION CANALS	17,477,031	4,254,421	502,035	522,474		11,616														

\* Includes 7,551 acres irrigation from the Lower Sohai and Para Canal.  
† This is the correct average and differs from that shown in the return for Kharif, 1884-85.  
‡ This is the correct rainfall and differs from that shown in the return for Kharif, 1884-85.

Area irrigated in 1884-85 522,474  
Do " " 1885-86 502,035  
Net decrease 20,439

STATEMENT No. II.  
*Statement in Acres of Crops irrigated in Canal Districts.*

DESCRIPTION OF CROPS	Lahore.	Montgomery.	Mooltan.	Dera Ghazi Khan.	Muzaffargarh.	Shahpur.	Total.
Wheat	11	74	1,050	20	5,855	130	6,120
"	3,148	4,451	12,890	10,995	9,191	56	77,734
"	1,705	9,250	42,214	8,253	20,133	5,951	117,407
"	...	...	52,952	17,276	34,626	...	104,854
"	9,061	5,553	12,530	54,797	28,772	3,099	103,094
TOTAL KHARIF, 1884-85	14,729	19,311*	72,941	127,311	128,777	8,936	502,035
TOTAL KHARIF, 1885-86	11,470	12,081	106,118	135,630	136,845	9,441	522,474

\* Includes 7,551 acres irrigation from the Lower Sohai and Para Canal.  
† This is the correct acreage and differs from that shown in the return for Kharif, 1884-85.

STATEMENT No. III.  
*Statement in Acres of Crops irrigated in Canal Divisions.*

DESCRIPTION OF CROPS	Upper Sutlej Division, Indus Canals.	Lower Sutlej and Chenab Division, Indus Canals.	Dera Ghazi Khan Division, Indus Canals.	Shahpur Canals.	Muzaffargarh Canals.	Total.
Wheat	85	1,050	20	130	5,855	6,120
"	3,140	12,892	10,995	56	32,301	77,734
"	10,956	42,214	8,253	5,951	20,133	117,407
"	...	52,952	17,276	...	34,626	104,854
"	36,796	60,810	54,797	3,099	28,772	103,094
TOTAL KHARIF, 1885-86	50,097*	180,914	127,311	8,936	128,777	502,035
TOTAL KHARIF, 1884-85	44,411†	196,118	135,630	9,441	136,845	522,474

\* Includes 7,551 acres irrigation from the Lower Sohai and Para Canal.  
† This is the correct acreage and differs from that shown in the return for Kharif, 1884-85.

R. HOME, Colonel, R.E.,  
Joint Secretary to Government, Punjab, P. W. D., I. B.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 24.

SIMLA, SATURDAY, JUNE 12, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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**PART II.**—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers, Postal, Telegraph, and Commissariat Notices.

**PART III.**—Advertisements and Notices by private individuals and Corporations.

**PART IV.**—Acts of the Governor-General's Council assented to by the Governor-General:—

The North-Western Provinces Rent Act, 1886.  
The North-Western Provinces Land-revenue Act, 1886.

**PART V.**—Bills introduced into the Council of the Governor-General for making Laws and Regulations, or published under Rule 27:—

The Oudh Rent Bill, 1886.  
The Indian Museum Bill, 1886.  
The Dehra Bill, 1886.  
The Oudh Wastkas Bill, 1886.

SUPPLEMENT No. 24.

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### LEGISLATIVE DEPARTMENT.

#### NOTIFICATION.

*Simla, the 11th June, 1886.*

**No. 10.**—His Excellency the Governor-General, under the authority vested in him by the Statute 24 & 25 Vict., Cap. 67, Section 10, has been pleased to nominate Syud Amer Hosein, officiating Presidency Magistrate, Calcutta, to be an Additional Member of the Council of the Governor-General for the purpose of making Laws and Regulations.

S. HARVEY JAMES.

*Offg. Secretary to the Government of India.*

### HOME DEPARTMENT.

#### NOTIFICATIONS—PUBLIC.

*Simla, the 8th June, 1886.*

**No. 822.**—The Governor-General in Council is pleased, under Section 27 of the Indian Arms Act, 1878, to exempt from the operation of any prohibition and direction contained in the said Act spears of all kinds in the Arakan Hill Tracts of British Burma.

*The 10th June, 1886.*

**No. 830.**—His Excellency the Governor-General is pleased to confer upon the undermentioned donor the privilege of private entrée to Government House:—

The Inspector-General of Forests to the Government of India.

### MEDICAL.

*The 10th June, 1886.*

**No. 212.**—The services of Surgeon-Major L. L. Corbett, M.D., are placed permanently at the disposal of the Government of the North-Western Provinces and Oudh, with effect from the 8th May, 1885.

**No. 216.**—The services of Surgeons G. A. Emerson, Medical Officer, 40th Bengal Cavalry, and F. D. C. Hawkins, officiating Medical Officer, 40th Bengal Infantry, are placed temporarily at the disposal of the Government of the North-Western Provinces and Oudh.

### JUDICIAL.

*The 8th June, 1886.*

**No. 759.**—The services of Captain W. S. Hewett, 8th Bengal Infantry, are placed temporarily at the disposal of the Government of the Punjab for employment as an officiating Cantonment Magistrate.

**No. 763.**—The Hon'ble J. O'Kinealy, a Judge of the High Court of Judicature at Fort William in Bengal, has obtained privilege leave for one month, with effect from the 13th August, 1886.

#### PATENTS.

*The 7th June, 1886.*

**No. 664.**—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1850, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

*No. 22 of 1885.*—Walter Macfarlane, of Smeaton Foundry, Popplepark, Glasgow, in the County of Linark, North Britain, Engineer, for improvements in clothes and urns.

*No. 177 of 1885.*—Hafiz Fakker Mahomed, of Roostock, for improvements in sugarcane-crushing mills.

*No. 38 of 1886.*—James Howard and Edward Tenney Benfield, both of Bedford, England, Agricultural Engineers, for improvements in railways sleepers and chairs.

*No. 63 of 1886.*—James Andrew Ramsay Main, of 74, Gordon Street, Glasgow, in the County of Linark, North Britain, Engineer, and John Dick, of 213, Saracen Street, Glasgow, a cooper, Engineer, for improvements in washing and drying leaves of plants, and in apparatus therefor and connected therewith.

A. P. MACDONNELL,

*Offg. Secretary to the Government of India.*

#### REVENUE AND AGRICULTURAL DEPARTMENT.

##### NOTIFICATION.—SURVEYS.

*Simla, the 11th June, 1886.*

**No. 520—83-10 S.**—Consequent on the departure on furlough of Mr. T. W. H. Hughes, officiating Superintendent, Geological Survey of India, the following officiating appointments are made, with effect from the 20th ultimo.—

Mr. R. D. Oldham, Deputy Superintendent, 2nd Grade, to officiate as Superintendent.

Mr. C. S. Middlemiss, Assistant Superintendent, 3rd Grade, to officiate as Deputy Superintendent, 2nd Grade.

C. J. LYALL,

*Offg. Secretary to the Government of India.*

#### FOREIGN DEPARTMENT.

##### NOTIFICATIONS.—GENERAL.

*Simla, the 8th June, 1886.*

**No. 1143 G.**—Mr. A. Wingate, C.I.E., C.S., Settlement Officer in Meywar, is appointed to hold charge of the current duties of the office of Resident in Meywar, in addition to his own duties, with effect from the 15th April, 1886.

This cancels Foreign Department Notification, No. 877 G., dated the 27th April, 1886.

*The 9th June, 1886.*

**No. 1153 G.**—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Mr. W. G. Reddie as temporarily in charge of the office of Consular Agent for the United States of America at Rangoon, *vice* Mr. C. W. Robertson, resigned.

*The 10th June, 1886.*

**No. 1162 G.**—Lieutenant the Honorable H. D. Napier, of the King's Own Borderers, is appointed to officiate as Squadron Officer, on probation, 1st Regiment, Central India Horse, *vice* Lieutenant F. C. Grant, on furlough, with effect from the 19th May, 1886.

#### INTERNAL.

*The 10th June, 1886.*

**No. 1964 I.**—*Proclamation.*—In exercise of the power vested in him by Statute 28 and 29 Victoria, Chapter 17, Section 4, the Governor-General in Council is pleased to declare that the Town and Fort of Jhansi which have been ceded to the British Government in full sovereignty by His Highness the Maharaja Sindia shall be subject to the Lieutenant-Governorship of the North-Western Provinces.

#### INTERNAL.

*The 10th June, 1886.*

**No. 1172 E.**—Sardar Allahdad Khan is appointed to be Tahsildar of Thal Chotiāli.

**No. 1173 E.**—Malik Diwan Chand is appointed to be Tahsildar of Sibi.

**No. 1174 E.**—Munshi Sherdil Khan is appointed to be Tahsildar of Hurnāi.

**No. 1175 E.**—Lala Tola Ram is appointed to be Tahsildar of Quetta.

**No. 1176 E.**—Kazi Jalal-ud-din Khan is appointed to be Tahsildar of Pishin.

**No. 1177 E.**—Lala Udho Dass is appointed to be Munsiff of Sibi.

H. M. DURAND,

*Secretary to the Government of India.*

## DEPARTMENT OF FINANCE AND COMMERCE.

### NOTIFICATIONS.

#### ACCOUNTS AND FINANCE.

##### PUBLIC DEBT.

*Simla, the 11th June, 1886.*

**No. 1347.**—As it does not appear to be generally known that Government Promissory Notes can be readily converted into Stock Certificates, and reconverted into Promissory Notes, at the option of the holders, and that Stock Certificate-holders enjoy certain special advantages, the attention of holders of Government Securities is drawn to the following particulars:—

1. Government Promissory Notes can be converted into Stock Certificates and reconverted into Promissory Notes at any time, at the option of the holder.

2. The holders of Stock Certificates are not required to present them in person or by agent when the interest becomes due. On application made, interest will be paid to Stock Certificate-holders by warrants on any Government Treasury, which warrants will be sent by post, on the day the interest falls due, to the Stock Certificate-holders direct, or through the Treasury Officer, as they may desire.

3. Stock Certificates are not negotiable by endorsement, and are consequently of no value in the hands of a wrongful holder, and the risks arising from the possession of, or repeated transmission of, negotiable Securities are thereby avoided.

4. In the event of the loss of a Stock Certificate by theft, fire, &c., a fresh Certificate will issue on satisfactory evidence of loss.

**NOTE.**—Further particulars can be obtained on reference to the Public Debt Offices, Calcutta, Madras, and Bombay.

### CODES.

*The 10th June, 1886.*

**No. 1299.**

#### CIVIL LEAVE CODE.

PAGE 200.

*Section 143 (a).*

*Insert the following as an "Exception" under this Section:—*

*"Exception.—Leave may be granted to Faisildars in the North-Western Provinces and Oudh by Commissioners of the Divisions in which they are serving."*

D. M. BARBOUR,

*Secretary to the Government of India*

## MILITARY DEPARTMENT.

*Simla, the 11th June, 1886.*

### APPOINTMENTS.

**No. 378.**—NATIVE ARMY—

*18th Bengal Cavalry.*

The following direct appointment is made, with effect from date of joining:—

Kehar Singh to be Jemadar, *vice* Jemadar Hakim Singh transferred to the Burmah Police Levy.

### No. 379.—ORDNANCE DEPARTMENT—

Lieutenant L. G. Watkins, R.A., to officiate as Commissary of Ordnance, 4th Class, *vice* Captain C. E. Jervois, R.A., officiating as Commissary of Ordnance, 3rd Class. Dated 27th May, 1886.

### No. 380.—STAFF CORPS—

Lieutenant John Douglas McAndrew, Suffolk Regiment, Squadron Officer, 8th Bengal Cavalry, is admitted to the Bengal Staff Corps from the 2nd July, 1884, subject to the confirmation of the Secretary of State for India.

### VOLUNTEER CORPS.

*Administrative Battalion, Presidency Volunteers and Calcutta Volunteer Rifle Corps.*

**No. 381.**—Colonel P. H. F. Harris, Bengal S. C., to be Commandant, *vice* Colonel G. F. Graham, who has resigned that appointment, with effect from the 24th May, 1886.

*Cannalore Volunteer Rifle Corps.*

**No. 382.**—Captain Horace Frederick D'Oyly Moyle to be Major-Commandant, *vice* Major H. B. Sternale, who has resigned that appointment.

Mr. William Blunthrasset to be Lieutenant, to complete the establishment.

*Fatehgarh Volunteer Corps.*

**No. 383.**—Captain Robert Lewis Forbes McMullin to be Major-Commandant, *vice* Major H. M. Mackenzie, R.A., who has resigned that appointment.

*Moulmein Volunteer Rifle Corps.*

**No. 384.**—Lieutenant C. R. M. O'Brien, East Lancashire Regiment, to be Adjutant, with effect from the 6th April, 1886.

### FURLOUGH AND LEAVE.

**No. 385.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Colonel J. M. McNeill, R.E., Chief Engineer, 3rd Class, Chief Engineer and Joint Secretary to the Government of Bengal, Public Works Department, (p. a.) for one year and 181 days, under rule IX of the regulations of 1868, embarking on or after 1st July, 1886.

Captain G. C. P. Onslow, R.E., Military Works Department, (p. a.) for one year and 182 days, under rule IX of the regulations of 1868.

**No. 386.**—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Colonel E. T. Thackeray, V.C., R.E., (m. c.) for four months.

Major A. deC. Rennick, Bengal S. C., (m. c.) for four months.

Major T. Howard, R.E., (p. a.) for forty-seven days.

Captain C. Hoskyns, R.E., (p. a.) for twenty-three days.

Surgeon-Major W. R. Hooper, (m. c.) for six months.

**PROMOTIONS.**

**No. 387.**—The following promotions are made, subject to Her Majesty's approval :—

**BENGAL STAFF CORPS.**

*To be Lieutenant-Colonels. Dated 8th June, 1886.*

Major Charles Edward Siskeld.  
Major John Ronald Campbell.  
Major Edward Harris Steel.  
Major Frederick Alexander Wilson.  
Major Vincent Rivaz.  
Major and Brevet-Colonel Arthur Conolly.

**INDIAN ARMY.**

*To be Lieutenant-Colonels. Dated 8th June, 1886.*

Major Joseph George Thomson Carruthers, General List, Infantry.  
Major Aislabie Landon, General List, Infantry.  
Major Beville Grenville Vyvyan, General List, Infantry.

**No. 388.**—COLONEL'S ALLOWANCE—

Colonel Boyce William Dunlop Morton, Bengal S. C., is admitted to the Colonel's allowance,—9th June, 1886.

**No. 389.**—COMMISSARIAT DEPARTMENT—

Sergeant Thomas Davies to be Sub-Conductor, with effect from the 19th December, 1885, *vice* Sub-Conductor J. Quinn, deceased.

Sergeant Thomas Green to be Sub-Conductor, with effect from the 17th March, 1886, *vice* Sub-Conductor G. Dowsett, deceased.

Sergeant William Wilson to be Sub-Conductor, with effect from the 29th March, 1886, *vice* Sub-Conductor W. Evans, pensioned.

**No. 390.**—NATIVE ARMY—

*10th Bengal Lancery.*

In G. G. O. No. 145 of 1886, promoting Jemadar Kanhî and Kot-Dufladar Buddha, for "1st February, 1886," read "18th September, 1885."

*16th Bengal Infantry.*

Jemadar Gobind Pashâd Mîr to be Subadar;  
Havildar Bishan Singh to be Jemadar, *vice* Subadar Lachman Singh, deceased,—  
with effect from the 26th April, 1886.

*26th Bengal Infantry.*

Jemadar Mansur Khan to be Subadar, *vice* Subadar Khanmoolah, invalided;  
Jemadar Narayan Singh to be Subadar, *vice* Subadar Sahib Singh, invalided;  
Havildar Pîlâ Singh to be Jemadar, *vice* Jemadar Narayan Singh, promoted,  
Havildar Nâzir to be Jemadar, *vice* Jemadar Mansur Khan, promoted,—  
with effect from the 1st May, 1886.

**No. 391.**—ORDNANCE DEPARTMENT—

Sub-Conductor Thomas J. McNamara, on probation, is confirmed in his present grade, with effect from the 17th November, 1885.

**No. 392.**—PUNJAB FRONTIER FORCE—

*(Queen's Own) Corps of Guides.*

Havildar Lénú to be Jemadar, *vice* Jemadar Thégá, deceased, with effect from the 15th May, 1886.

**RETIREMENTS.**

**No. 303.**—The undermentioned officers are permitted to retire from the service, with effect from the dates specified, subject to Her Majesty's approval :—

Colonel Frederick Peere Williams Freeman, Bengal S. C.,—15th June, 1886.  
Colonel Harry deBrett, Bengal S. C.,—31st May, 1886.

**MILITARY WORKS DEPARTMENT.****APPOINTMENTS.**

**No. 394.**—Captain J. C. M. Beresford, R.E., Supernumerary Executive Engineer, 4th Grade, is appointed permanently to that grade, with effect from the 13th April, 1886.

**MARINE DEPARTMENT.****APPOINTMENTS.**

**No. 29.**—Mr. D. Mitchell, Builder's Foreman, Bombay Dockyard, to be officiating Chief Builder, Kidderpore Dockyard.

**FURLOUGH AND LEAVE.**

**No. 30.**—Mr. W. McIver, Chief Builder, Kidderpore Dockyard, is granted two years' leave on medical certificate, under Section 128, Civil Leave Code.

E. H. H. COLLEN, *Lieut.-Colonel,*  
*Offg. Secretary to the Government of India.*

**PUBLIC WORKS DEPARTMENT.****NOTIFICATIONS.**

*Simla, the 5th June, 1886.*

**No. 147.**—Major E. Harvey, R.E., Executive Engineer, 1st Grade, Punjab, officiated as a Superintending Engineer from the 5th March to 7th May, 1886.

Mr. H. A. S. Fenner, Executive Engineer, 1st Grade, Punjab, is promoted to Superintending Engineer, 3rd Class, temporary rank, with effect from the 8th May, 1886.

*The 8th June, 1886.*

**No. 148.**—Mr. A. E. Adie, Class II, Superior Revenue Establishment of State Railways, Traffic Department, is transferred from the Establishment under the control of the Chief Commissioner, Burma, to that under the Director-General of Railways.

*The 9th June, 1886.*

**No. 150.**—The Governor-General in Council is pleased to sanction, under Section 4 of the Indian Railway Act of 1879, the use of locomotive engines, or other locomotive power and carriages and wagons to be drawn or propelled thereby, on the Cherrapunji Mountain Railway.

*The 10th June, 1886.*

**No. 151.**—Babu Nursing Chunder Mookerjee is appointed to Class IV of the Superior Revenue Establishment of State Railways, Stores Department.

## TELEGRAPH.

*The 8th June, 1886.*

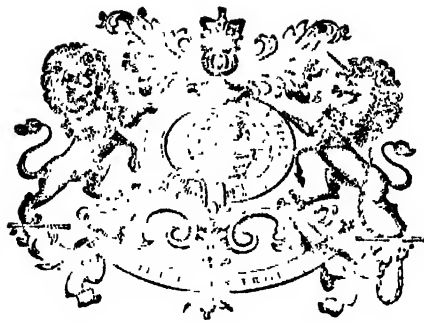
**No. 149.**—The following permanent promotions are made in the Indian Telegraph Department, *vice* Mr. H. P. Owen, deceased, with effect from 27th March, 1886:

Names.	From	To
Mr. C. H. Reynolds ..	Superintendent, 3rd Grade ..	Superintendent, 2nd Grade.
Mr. J. A. Briggs ...	Superintendent, 4th Grade, and officiating Superintendent, 3rd Grade.	Superintendent, 3rd Grade.
Mr. H. W. A. Fanshawe ...	Superintendent, 5th Grade ..	Superintendent, 4th Grade.
Mr. H. A. Kirk .	Assistant Superintendent, 1st Grade, and officiating Superintendent, 3rd Grade.	Superintendent, 5th Grade.

W. S. TREVOR, *Colonel,*  
*Secretary to the Government of India.*







# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JUNE 12, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th June, 1886, and is hereby promulgated for General information:—

#### ACT NO. XIV OF 1886

*An Act to amend the North-Western Provinces Rent Act, 1881.*

WHEREAS it is expedient to amend the North-Western Provinces Rent Act, 1881, it is hereby enacted as follows:—

1. This Act may be called the North-Western Provinces Rent Act, 1886; and it shall come into force at once.

2. For the last paragraph of section 95 of the North-Western Provinces Rent Act, 1881, the following shall be substituted, namely:—

“For the purposes of the Court-fees Act, 1870, the amount of fee payable in the cases next hereinafter mentioned shall be computed as follows:—

“(i) in applications under clause (c), and in appeals from orders passed on applications under that clause, as in a suit for possession of the land to which the application or appeal relates;

“(ii) in applications under clauses (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), and (t), according to the rent of the land to

which the application or appeal relates payable for the year next before the date of presenting the application, or, if in any case the fee cannot be so computed, then according to the annual letting value of the land as estimated by the applicant or appellant, as the case may be;

“(iii) in applications under clause (a), and in appeals from orders passed on applications under clauses (d), (e), and (f), according to the amount claimed in the application or in the petition of appeal, as the case may be.”

New section inserted after section 100 of the Act

3. After section 100 of the same Act the following sections shall be inserted, namely:—

“100A. The Board may, on cause shown to its satisfaction, transfer any suit, application or appeal, or class of suits, applications or appeals, from any Court of Revenue to any other Court of Revenue competent as regards the nature of the case or class of cases to deal therewith under the provisions of this Act.

“100B. (1) The Commissioner of a Division may, with the sanction of the Local Government, transfer any appeal or class of appeals pending before himself to any Collector of a district within his Division.

“(2) The order passed by a Collector on an appeal transferred to him by the Commissioner under sub-section (1) shall be subject to appeal and revision in the same manner as if it had been passed by the Commissioner, and not otherwise.

“(3) The Local Government may by order recall any appeal transferred to a Collector under



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

First publication.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th June, 1886, and is hereby promulgated for general information:—

## ACT NO. XV OF 1886

*An Act to amend the North-Western Provinces Land Revenue Act, 1873.*

Whereas it is expedient to amend the North-Western Provinces Land Revenue Act, 1873, in manner hereinafter appearing, It is hereby enacted as follows:—

New section inserted. 1. After section 11 of the said Act, the following section shall be inserted, namely:—

"11A. (1) The Local Government may, from time to time, with the previous sanction of the Governor General in Council, appoint an Additional Commissioner in a Division.

"(2) An Additional Commissioner shall hold his office during the pleasure of the Local Government.

"(3) An Additional Commissioner shall exercise such powers, and discharge such duties, of the Commissioner of the Division under this Act, or under any other law for the time being in force, as the Local Government may, from time to time, prescribe, but only in such cases as the Commissioner of the Division may direct.

"(4) This Act and every other law for the time being applicable to the Commissioner of the Division shall apply to the Additional Commissioner, when exercising any powers or discharging any duties under subsection (3), as if he were the Commissioner of the Division."

S. HARVEY JAMES,

Secretary to Government of India.

The following Report of the Select Committee on the Bill to amend the North-Western Provinces Land Revenue Act, 1873, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 26th May, 1886:—

## LEGISLATIVE DEPARTMENT.

Whereas the Hon. Member of the Select Committee on the Bill to amend the North-Western Provinces Land Revenue Act, 1873, was directed to report the Bill as accepted by the Government of the North-Western Provinces and Oudh, and is approved by me

2. The Bill has been published as follows:—

## IN ENGLISH.

Gazette.		Date.	
Gazette of India	...	26th May	1886
North-Western Provinces and Oudh Gazette	...	27th May	1886

3. We recommended that the Bill be passed without amendment.

C. F. FORT,  
S. C. GALLEY,  
A. COLVIN,  
W. W. HUNTER.

The 20th May, 1886.

S. HARVEY JAMES,

Secretary to Government of India.





# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JUNE 12, 1880.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA

### LEGISLATIVE DEPARTMENT.

#### First publication

The following Bill was referred to a Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th June, 1880:—

NO. 7 OF 1880.

*A Bill to consolidate and amend the law relating to rent in Oudh.*

NOTE.—The 'marginal quotations' refer to portions of sections of the Oudh Rent Act omitted from the Bill.

WHEREAS it is expedient to consolidate and amend the law relating to rent in Oudh and to other matters connected therewith; It is hereby enacted as follows:—

#### CHAPTER I.

##### PRELIMINARY

1. This Act may be cited as the Oudh Rent Act, and shall extend only to Oudh.

2. Act XIX of 1868 is hereby repealed, but Repeal of Act XIX of all notifications published and rules made under the repealed Act shall, so far as they are consistent with the present Act, be deemed to have been published and made hereunder.

3. In this Act, unless there be something repugnant in the subject or context,—

"Oudh" means the territory under the administration of the Chief Commissioner of Oudh at the time of the passing of this Act.

"Court" means any judicial officer presiding in a Court of Revenue for the disposal of matters under this Act:

*The Oudh Rent Bill.**(Chapter 1.—Preliminary.—Section 3.)*

“Suit.” “suit” means a suit under this Act.

“Assistant Commissioner” includes an Extra

Assistant Commissioner:

“land” applies only to land assessed to the

land-revenue, and includes land whereof the revenue

has been assigned by Government; it also includes the ungathered produce of land, whether spontaneous or otherwise, and whether growing in earth or water:

“revenue” means the money payable to the

Government on account of land:

“rent” means the money, or the portion of

the produce of land, payable on account of the use or occupation of land, or of any right in land, or on account of the use of water for irrigation:

“proprietor” does not include an under-proprietor. Where there are

two private rights of property, one superior and the other subordinate, in the same land, “proprietor” means the holder of the superior right only:

“Proprietary right.” “proprietary right” means a proprietor’s right

in land:

“under-proprietor” means any person pos-

sessing a heritable and transferable right of property in land for which he is liable to pay rent:

“Under-proprietary right.” “under-proprietary right” means an under-proprietor’s right in land:

“tenant” means any person, not being an

under-proprietor, who is liable to pay rent. In the fol-

lowing sections of this Act, 7, 10, 13, 14, 15, 18, 19, 23, 28, 39, 40, 41, 42, 43, 44 (A), 83, 101, 111 and 116, but in no others, the expression “tenant” shall be held to include a *thikadār* or person to whom the collection of rents in a village or portion of a village has been leased by the landlord:

“landlord” means any person to whom an

under-proprietor or tenant is liable to pay rent:

“representative” means an heir or any other

person taking by operation of law or by will a beneficial interest in the property of a deceased person. It includes the guardian of a minor and the legal curator of a lunatic or idiot: and

“*lambaridār*” means any person who has

executed an engagement for the payment of the revenue to Government, or for the payment to a landlord of the rent due from under-proprietors holding a sub-settlement:

“prescribed” means prescribed from time to

time by the Local Government by rules made under this Act.

*The Oudh Rent Bill.**(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprieters and Tenants.—Sections 4-7.)*

[Act VIII, 1885, section 178.]

4. *Nothing in any contract made between a landlord and a tenant before or after the passing of this Act shall entitle a landlord to eject a tenant or enhance his rent otherwise than in accordance with the provisions of this Act.*

*Nothing in any contract made between a landlord and a tenant after the passing of this Act shall take away or limit the right of a tenant, as provided by this Act, to make improvements and claim compensation for them:*

*Provided that nothing in this section shall affect the terms or conditions of a lease granted bonâ fide for the reclamation of waste land.*

## CHAPTER II.

## OF CERTAIN RIGHTS AND LIABILITIES OF LANDLORDS, UNDER-PROPRIETORS AND TENANTS.

*Right of Occupancy.*

5. Tenants who have lost all proprietary right, whether superior or subordinate, in the lands which they hold or cultivate, shall, so long as they pay the rent payable for the same according to the provisions of this Act, have a right of occupancy under the following rule:—

Every such tenant who, within thirty years next before the thirteenth day of February, 1856, has been, either by himself, or by himself and some other person from whom he has inherited, in possession as proprietor in a village or estate, shall be deemed to possess a heritable but not a transferable right of occupancy in the land which he cultivated or held in such village or estate on the twenty-fourth day of August, 1866: provided that such land has not come into his occupation, or the occupation of the person from whom he has inherited, for the first time since the said thirteenth day of February, 1856: provided also that no such tenant shall have a right of occupancy in any village or estate in which he or any co-sharer with him possesses any under-proprietary right.

Nothing contained in the former part of this section shall affect the terms of any agreement in writing hereafter entered into between a landlord and tenant.

5. (4). *Nothing contained in section 5 shall be deemed to restrict the power of the landlord to confer on any persons other than those therein mentioned a right of occupancy in the lands which they hold or cultivate.*

6. If a tenant having a right of occupancy be ejected, in accordance with the provisions of section 37, from the land in which he possesses such right, he shall thereupon lose his right of occupancy in such land.

*Tenants' Right to Patta.*

7. Every tenant is entitled to receive from his landlord a patta or memorandum of the terms of the holding, signed by him



*The Oudh Rent Bill.*

*(Chapter II.—Of certain Rights and Liabilities of Landholders, Under-  
proprietors and Tenants.—Sections 8-13.)*

or his authorized agent, and containing the following particulars:—

the quantity of land and, where the fields comprised in the *patta* have been numbered in a Government survey, the number of each field

the term for which the *tenancy* is to run

the amount of rent payable

the instalments in which and the times at which the same is to be paid

[any special conditions of the lease:]

and, if the rent is payable in kind, the proportion of produce to be delivered, and the time, manner and place of delivery.

8. Tenants having a right of occupancy are entitled to receive *pattas* having right of occupancy is entitled at rates of rent determined in accordance with the provisions contained in sections 32, 33 and 34.

9. Tenants not having a right of occupancy are entitled to *pattas* for the terms and at the rates prescribed in Chapter IV (B) of this Act

*Landlords' Right to Counterparts.*

10. Every landlord who grants a *patta* to a tenant is entitled to receive from the tenant a counterpart executed by him.

11. Vide section 43 (A).

*Arrears of Revenue or Rent.*

12. Any instalment of revenue or rent which is not paid on or before the day when the same becomes due, whether under a written agreement or according to law or local usage, shall be deemed to be, for the purposes of this Act, an arrear of revenue or rent, as the case may be:

Provided that, unless the proprietor and under-proprietor shall have otherwise agreed in writing, the rent payable to the former by the latter shall be held to become due one month before the date fixed for the payment of the revenue on account of the village in which the land in respect of which such rent is payable is situate, and to be payable in the same number of instalments as the said revenue; and the amount of each instalment of such rent shall bear the same proportion to the whole of such rent payable for the year as the amount of each instalment of such revenue bears to the whole of such revenue payable for the year.

*Receipts.*

13. Receipts for rent and acknowledgments of the tender of rent shall specify the year or years on account of which it has been paid or tendered; and any refusal to make such specification shall be held to be a withholding of a receipt or acknowledgment

If such receipt or acknowledgment is withheld from any under-proprietor or tenant without sufficient cause, he may recover compensation from the landlord, not exceeding the amount so paid or tendered.

*The Oudh Rent Bill.*

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 14-15.)

*Deposit of Revenue or Rent in Court without Suit.*

[having a right of occupancy, or holding under an unexpired lease or under an agreement or decree]

14. If any co-sharer, under-proprietor, or tenant [ ] shall, at the place where the revenue or rent of the land held or cultivated by him is usually payable, tender to the person authorized to receive the same payment of the full amount of such revenue or rent due in respect of such land, and if such amount is not accepted and a receipt not forthwith granted, it shall be lawful for the co-sharer, under-proprietor or tenant, without any suit having been instituted against him, to deposit such amount in Court to the credit of the person authorized to receive it.

Such deposit shall, so far as regards the co-sharer, under-proprietor or tenant, and all persons claiming through or under him, operate as a payment then made to the *lambadār* or landlord of the amount so deposited.

15. The Court shall receive such deposits on the written application of the co-sharer, under-proprietor or tenant, or his recognized agent; the application shall bear a stamp of eight annas; and on such co-sharer, under-proprietor, tenant or agent making a declaration in the form set forth in Schedule A hereto annexed, or as near the same as circumstances will admit, the Court shall give him a receipt for the deposit.

Such declaration shall be verified in the manner prescribed for the verification of plaints in the Code of Civil Procedure, and the provisions of sections 52 of the said Code shall apply to the person making the verification. XIV of 1882

Upon receiving the money so deposited, the Court shall issue to the person to whose credit it has been deposited a notice in the form set forth in Schedule B hereto annexed.

Such notice shall be served by the proper officer, without the payment of any fee, upon the person to whom it is addressed, or upon his recognized agent.

In the absence of any such agent, it may be served by putting up a copy of the same at the court-house, and another copy at the ordinary place of residence, within the jurisdiction of the Court, of such person, or, if there be no such place, at the place where the revenue or rent is usually paid to the *lambadār* or landlord, as the case may be, for the land in respect of which the money has been deposited.

If the person on whom such notice is served, or his recognized agent, appears and applies that the money in deposit be paid to him, it shall immediately be paid accordingly.

*The Oudh Rent Bill.*

*(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 16-19)*

**16.** Whenever a deposit has been made under Limitation of suits for, the provisions of this Act, balance of revenue or, nor suit shall be brought rent. against the depositor or his representative on account of any revenue or rent which accrued due in respect of the land last hereinbefore mentioned prior to the date of the deposit, unless such suit is instituted within six months from the date of the service of the notice mentioned in section 15.

**17.** If, at the time of passing the decision in Compensation for any such suit, the Court is non-acceptance of revenue satisfied that the full amount due or rent. of revenue or rent due at the time of the deposit was tendered to, and was not accepted by, the lambardār or landlord or his recognized agent, as the case may be, or that a receipt or acknowledgment was withheld for such amount without sufficient cause, the Court may award to such depositor compensation from the lambardār or landlord, not exceeding the amount so paid or tendered.

If the Court be satisfied that the amount of the deposit was less than the amount of revenue or rent due, the Court shall pay the amount of the deposit to the lambardār or landlord, and shall make a decree for the balance due by the depositor.

*Illegal Enforcement of Payment of Rent.*

**18.** If payment of rent or of any sum in excess Compensation to under-proprietor or tenant of the rent legally claimable is illegally enforced, and for illegal enforcement any under-proprietor or of payment. tenant institutes a suit to recover compensation for such enforcement, the Court may award to him compensation, not exceeding the sum of rupees two hundred, in addition to any amount for which it makes a decree in respect of such payment.

An award of compensation under the former part of this section shall not bar any prosecution to which the person enforcing such payment may be liable under any law for the time being in force.

*Abatement of Rent.*

**19.** No suit for an abatement of rent shall be Suit for abatement of brought by any under-proprietor or tenant, except on the ground that the area of the land has been diminished by diluvion, or on some ground specified in any lease, agreement or decree, under which he holds:

Provided that, if the under-proprietor hold a sub-settlement in a revenue-paying estate, no such abatement shall be allowed to the under-proprietor, unless a remission of revenue has been allowed on the same ground and by competent authority in the same estate.

*The Oudh Rent Bill.*

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 20-21 (A).)

[35 and 36]

[provided that if the under-proprietor hold a sub-settlement, or if the tenant hold a lease for a term of not less than five years, or have a right of occupancy in a revenue-paying estate, no such remission shall be allowed to him, unless a remission of revenue shall have been allowed on the same ground and by competent authority in the same estate]

[or unless it has been let to any other person by such landlord or agent]

*Remission of Rent.*

20. Notwithstanding anything contained in section 19 [ ] the Court, in making a decree for an arrear of rent, may allow such remission from the rent payable by any under-proprietor or tenant as appears equitable, if the area of the land in his occupation has been *materially* diminished by diluvion or otherwise, or if the produce of such land has been diminished by draught or hail, or other calamity beyond his control, to such an extent that the full amount of rent payable by him cannot, in the opinion of the Court, be equitably decreed.

*Relinquishment of Land.*

21. Every tenant shall continue liable for the rent of the land in his holding, unless on or before the fifteenth of March in any year he gives notice *in writing* to the landlord or his recognised agent of his desire to relinquish such land, and relinquishes it accordingly [ ].

If the landlord or his recognised agent refuse to receive such notice *or to sign and deliver a receipt for the same*, the tenant may, *before the latest date prescribed for giving such notice*, apply to the tahsildar or proper officer, and written notice of such desire shall thereafter be served on such landlord or agent, and the tenant shall pay the costs of service.

The notice shall, if practicable, be served personally on the landlord or agent; but if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the *champrai* or other conspicuous place in the village wherein the land is situate.

21. (A). *If a tenant voluntarily abandons his holding without informing his landlord and without arranging for the cultivation of the holding, it shall be lawful for the landlord at any time after the fifteenth of May to enter on the holding. Before a landlord enters under this section, he shall file a notice in the prescribed form with the supervisor-kanungo, stating that he has treated the holding as abandoned and is about to enter on it accordingly.*

*When a landlord enters under this section, the tenant shall be entitled to institute a suit under section 83, clause 10, of this Act, to recover occupancy of the holding; and the Court shall, on being satisfied that the tenant did not voluntarily abandon his holding, order recovery of possession on such terms, if any, with respect*

### *The Oudh Rent Bill.*

#### *(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 22-25.)*

*to compensation to persons injured and payment of arrears of rent as to the Court may seem just.*

#### *Compensations for Tenant's Improvements.*

**22.** If any tenant, or the person from whom he has inherited, make any improvement on the land in his occupation as are hereinafter mentioned, either he or his representative shall be ejected from the same land, unless and until he or his representative, as the case may be, has received compensation for the [ ] improvements made on the land by him, or the person from whom he has inherited, or whom he represents [ ].

[outlay, in money or labour, or both, expended in making such]  
[within thirty years next before the date of such enhancement or ejection]

**23.** Except as provided in the next following section, no tenant shall be entitled to claim compensation for an improvement made subsequently to the passing of this Act without the written consent of the landlord.

**24.** If in any case the tenant apply to the Deputy Commissioner for his written consent to his making an improvement on his holding, and the landlord withhold or refuse to grant it, it shall be lawful for the tenant to apply to the Deputy Commissioner for sanction to make the improvement. The Deputy Commissioner, after taking into consideration any objections which the landlord may here to urge, either on the ground that—

(a) the improvement is too costly or is unsuitable to the nature of the tenant's holding, or that

(b) he is prepared to make such improvement himself,

shall grant sanction on such conditions as he may consider fair and equitable or refuse the application. No appeal shall be against an order passed by the Deputy Commissioner under this section.

**25.** The word "improvements," as used in this Act means works by which the annual letting value of the land has been, and at the time of demanding compensation continues to be, increased, and comprises—

*1st.* The construction of works for the storage of water, for the supply of water for agricultural purposes, for drainage, and for protection against floods; the construction of wells; the reclaiming and clearing of waste lands and jungles, and other works of a like nature.

*2nd.*—The renewal or reconstruction of any of the foregoing works, or such alterations therein or additions thereto as are not required for maintaining the same, and which increase durably their value.

*The Oudh Rent Bill.**(Chapter III.—Commutation and Payment of Rent in kind.—Sections 25A-28.)*

*Principle on which compensation is to be estimated* **25 (A).** *In estimating the compensation to which a tenant is entitled regard shall be had—*

*a) to the amount by which the value, or the produce, of the holding, or the value of that produce, is increased by the improvement;*

Act VIII, 1885, section 87

*b) to the condition of the improvement and the probable duration of its effects;*

*c) to the labour and capital required for the making of such an improvement;*

*d) to any reduction or remission of rent or any other advantage given by the landlord to the tenant in consideration of the improvement; and*

*e) in the case of a reclamation, or of the conversion of uncultivated into irrigated land, to the length of time during which the tenant has had the benefit of the improvement.*

**25 (B)** *When a Court has assessed the amount of the compensation to which a tenant is entitled under the provisions of the preceding sections, it may, if both landlord and tenant desire that the compensation assessed instead of being paid wholly in money, shall be made wholly or partly in some other way, proceed to give judgment according to the terms agreed upon by them.*

**26** *A landlord shall be entitled on the day immediately after the expiry of the notice specified in section 25 on the holding of a tenant not occupying or occupying, with or without the consent of the tenant*

*A landlord who proposes to make an improvement shall, if the work is to be constructed in the holding of any tenant, give notice to the tenant in the following manner.*

*Specified Improvement*

**27.** Every landlord, his agents and surveyors, or his agents, may at all reasonable times enter upon any land comprised in his estate for the purpose of surveying and measuring the same.

## CHAPTER III

## COMMUTATION AND PAYMENT OF RENT IN KIND.

**28.** In any district in which a settlement of revenue is in progress, it shall be in the discretion of any officer employed in making or revising such settlement, in any case

*The Oudh Rent Bill.**(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 30-32.)*

in which the rent of a tenant having a right of occupancy is paid in kind, or by the estimated value of a portion of the crop, to commute, on the application either of the landlord or the tenant, such rent into a rent in money.

**30.** Wherever rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other procedure of a similar nature, requiring the presence both of the tenant and landlord either personally or by a recognized agent, if either party neglect to be present at the proper period, or if a dispute arise between the parties regarding such division, estimate or appraisement, either party may present an application to the Court on a paper bearing a stamp of eight annas, requesting that a proper officer be deputed to make the division, estimate or appraisement.

**31.** On receiving such application, the Court shall issue a written notice to the other party to attend on the date and at the place specified in the notice, and shall depute an officer before whom the division, estimate or appraisement shall be made.

The award of such officer in respect of such division, estimate or appraisement shall be final, unless, within one month from the date thereof, either party institutes a suit to set it aside.

[The amount of rent thus fixed shall be binding upon the parties concerned.]

[All decisions already passed by any such officer, commuting rents in kind or by valuation to rents in money, shall, subject to the same appeal as is given by this Act in respect of decisions passed in suits, be binding on the parties concerned.]

**32.** The Chief Commissioner of Oudh may extend the provisions of section 28 to any district or portion of a district in which a settlement of revenue is not in progress; and may declare that officers are empowered to hear and decide cases under this section.

and may make rules for the guidance of officers acting under this section and section 28, and, from time to time, with the like sanction alter and add to the rules so made.

Provided that such rules, alterations and additions are consistent with this Act.]

## CHAPTER IV

## ENHANCEMENT AND FIXING RATES OF RENT.

*A.—Tenants with Right of Occupancy*

**32.** No tenant having a right of occupancy in any land shall, in case of dispute as to the rent to be paid in respect of such land, be liable to an enhancement of the rent, except in pursuance of a decree made under this Act on some one of the following grounds (that is to say):—

*1st ground*.—That the rate of rent paid by him is below the rate of rent usually paid, by the same class of tenants having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

*Rule*.—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding such rate.

*2nd ground*.—That the rate of rent paid by him is more than 12½ per cent. below the rate of rent usually paid, by tenants of the same class not having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.



*The Oudh Rent Bill.**(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 33-35.1)*

*Rule.*—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding such rate, *viz.*  $4\frac{1}{2}$  per cent.

*3d ground.*—That the quantity of land held by him exceeds the quantity for which he has previously paid rent.

*Rule.*—In this case the Court shall decree rent for the land in excess, at rates to be fixed by the first or the second of the rules contained in this section, as the case may be.

Nothing contained in the previous part of this section shall affect the terms of any agreement in writing hereafter entered into between a landlord and tenant.

33. After a decision has been passed in accordance with section 32 no suit shall lie for re-enhancement of such rent until the expiration of five years from the date of such decision, except on the said 3rd ground, or, in the case referred to in section 34, until by re-assessment within the said term of five years the revenue of such land has been increased.

34. On such re-assessment, if the rent of such tenant cannot be enhanced under section 32 by reason of the absence of the ground therein mentioned, the landlord may institute a suit to enhance the rent to a sum not exceeding double the average amount of the revenue imposed at such re-assessment upon land of a similar description and with similar advantages held by tenants of the same class in the same village.

*B.—Other Provisions.*

35. Every tenant, not being a tenant with a right of occupancy, shall, at the passing of this Act, be entitled to retain possession of the holding occupied by him at the time of the passing of this Act at the rent then payable by him for a period of seven years from the date of the last change in his rent or of the last alteration in the area of the holding.

35 (A). Every such tenant hereafter admitted hereafter admitted to the occupation of a holding shall be entitled to retain possession of the holding occupied by him at the time of his admission to the occupation of the holding at the rent then payable by him for a period of seven years from the date of his admission to the occupation of the holding, at a rent agreed upon by the tenant and the landlord, or, in the case with the provisions of this Act, as if he were a tenant, not being a tenant with a right of occupancy, in the area of the holding at the time of whose admission to the occupation of the holding the landlord was entitled to the rent of this Act, shall be deemed to be entitled to the occupation of a holding at the rent then payable by him.

*Explanation.*—Holding means any piece of land held by a tenant, including the subject of a

### *The Oudh Rent Bill.*

#### *(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 36-36 C.)*

separate engagement. Such engagement may be express or implied.

**36.** *If the landlord desires to enhance the rent of the tenant on the expiration of statutory term of the term of seven tenancy limited, or at any time thereafter, he shall cause a notice to that effect to be served in the manner prescribed in section 36B. Until such notice is issued, the tenant shall be entitled to hold at the former rent.*

*Provided—(a) that the enhancement shall in no case exceed one anna in the rupee or six and a quarter per cent. on the annual rent payable when the notice is issued,*

*(b) that the terms of this section shall not apply to a tenant paying rent in kind.*

**36 (A).** *The notice shall be written in Hindi or Urdu; it shall state the land, the amount of the present rent and the amount of the enhancement, and shall require the tenant, if he refuses to pay the enhanced rent, to leave the land by the fifteenth day of May next following, or to institute a suit in the proper Court to contest the notice of enhancement within a month from the date on which it was served.*

**36 (B).** *On the application of the landlord to the Tahsildar or other authorized officer, such notices, the notice shall be served by such officer on or before the fifteenth day of February, and the landlord shall pay the cost of service.*

*The notice shall, if practicable, be served personally on the tenant. But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situated, at the village chaupal or other conspicuous place in the village wherein the land is situated.*

**36 (C).** *A tenant may institute a suit to contest his liability to enhancement on any of the following grounds:—*

*1st—That he holds a lease or agreement or decree of Court under the terms of which he is not liable to enhancement.*

*2nd—That he has a right of occupancy in the land.*

*3rd—That the enhancement claimed is in excess of the rate authorized by law.*

*4th—That seven years have not elapsed since the date of the last change in the rent or alteration of the area of the holding by the landlord.*

*The Oudh Rent Bill.**(Chapter IV. — Enhancement and fixing Rates of Rent.—Sections 36D-36J.)*

*5th* — That the notice has not been served in the manner prescribed in section 36 B.

**36 (D).** If the objection of the tenant is found by the Court to be invalid, or, if no suit has been instituted to contest the notice within a period of thirty days from the day on which it was served, on the expiration of such period, the tenant shall, if he retain possession of the land after the fifteenth day of May next following the date of service of the notice, be held liable for the enhanced rent.

**36 (E).** If the tenant accepts the enhanced rent claimed by the notice, or remains in possession of the land under the terms of the preceding section, he shall be entitled to hold the land at such rent for a further period of seven years.

**36 (F).** If the tenant refuses to accept the enhancement claimed and vacates the holding, he shall be entitled to recover by separate suit from the landlord compensation for any improvements made by him on the holding.

**36 (G).** Except in the cases mentioned in the next following section, the rent of a tenant admitted to the occupation of any land the tenancy of which has determined according to the provisions of this Act shall not exceed by more than one anna in the rupee, or six and a quarter per cent., the rent payable by the tenant immediately preceding.

**36 (H).**—The rent of a tenant admitted to the occupation of any land the tenancy of which has ceased in consequence of the death of a previous tenant, or of the ejectment of a thikadár or mortgagee from lands of which he has taken cultivating possession during the period of his thika or mortgage, shall be such amount as may be agreed upon between him and the landlord.

**36 (I).** The heir of a tenant who dies during the currency of the tenancy shall have the right to retain occupation of the land at the rent payable by the deceased for the unexpired portion of the period for which the deceased tenant might have held without liability to enhancement or ejectment, and to receive compensation under the provisions of this Act for improvements, if any, effected on the holding by himself or his predecessor in interest, but shall have no right to a renewal of the tenancy or to compensation for disturbance.

**36 (J).** Notwithstanding anything contained in the preceding sections, the Local Government shall have power to vary, from time to time, the limit of enhancement of rent.

*The Oudh Rent Bill.**(Chapter V.—Ejectment.—Sections 36K-38A.)*

*to time, within periods of not less than seven years, the limits of the enhancement to which tenants, not having rights of occupancy, are liable.*

**36 (K).** *Nothing in the preceding sections shall bar the right of a landlord to an enhancement of rent on the ground that the productive powers of the land held by the tenant have been increased by an improvement effected by, or at the expense of, the landlord during the currency of the tenancy.*

*Where an enhancement is claimed on the ground of such an improvement, the Court in determining the amount of such enhancement shall have regard to—*

- firstly—the increase in the productive powers in the land caused, or likely to be caused, by the improvement;*
- secondly—to the cost of the improvement;*
- thirdly—to the cost of the cultivation required for the utilising of the improvement.*

## CHAPTER V.

## EJECTMENT.

*Tenants with Right of Occupancy.*

**37.** *No tenant having a right of occupancy, or holding under an unexpired lease, or special agreement, or decree of Court, shall be ejected otherwise than in execution of a decree for ejectment:*

[Act XIX, 1868, section 41.]

*Provided that, if the tenant have a right of occupancy in the land from which the landlord desires to eject him, the decree shall not be made, unless, at the date of the decree, a decree against such tenant for an arrear of rent in respect of such land has remained unsatisfied for fifteen days or upwards.*

*Other Tenants.*

**38.** *A tenant not having a right of occupancy, and not holding under an unexpired lease, or an agreement, or a decree of Court, may be ejected in accordance with the provisions of this Act: first, in execution of a decree for [ ] ejectment under section 43A or by application under section 43; or, second, by notice given by his landlord in the manner described in the next following sections.*

[Act XIX, 1868, section 42.]

[arrears of rent or for]

**38(A).** *A landlord who desires to eject a tenant on the expiration of his tenancy may issue a notice of ejectment on such tenant, but shall*

*The Oudh Rent Bill.**(Chapter V.—Ejectment.—Sections 39-40.)*

*deposit with the notice in the hand of the officer authorized to serve the notice a sum equal to the rent payable by the tenant for the year immediately preceding as compensation for disturbance.*

*In the case of a tenant paying rent in kind the amount of compensation to be deposited under this section shall be a sum equal to the average annual value of the produce paid as rent during the preceding three years.*

*Provided that no such compensation shall be payable to a tenant in respect of so much of his holding as he has sub-let without the consent of his landlord, or in the cases provided for by sections 36 (1), 42 and 43 (4).*

[Act XIX, 1868, section 43.]

33. The notice mentioned in section 38 A shall be written in Hindi and in Udu; it shall specify the land from which the tenant is to be ejected; and it shall inform him that he must either (a), if he means to dispute the ejectment, institute a suit for that purpose within thirty days from the date of the service of the notice, or (b) vacate the land on or before the fifteenth of May next following.

On the application of the landlord to the tah-dar or officer authorised to serve such notices, the notice shall be served by such officer on or before the fifteenth of November, and the landlord shall pay the costs of service.

The notice shall, if practicable, be served personally on the tenant. But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the village *chauri* or other conspicuous place in the village wherein the land is situate.

[Act XIX, 1868, section 37.]

40. A tenant on whom a notice has been served under section 39 may contest his liability to be ejected from the land specified therein on any of the following grounds:—

- 1st—That he holds a lease or an agreement, or a decree of Court, under the terms of which he is not liable to such ejectment.
- 2nd—That he has a right of occupancy in the land.
- 3rd—If he be a tenant not having a right of occupancy, that notice of ejectment has not been served upon him in manner provided by section 39.
- 4th—That seven years have not elapsed since the date of the last change of rent or alteration of the area of the holding.
- 5th—That he is entitled to compensation for disturbance, and that the landlord has not deposited the sum required by this Act.

*The Oudh Rent Bill.*  
(Chapter V.—Ejectment.—Sections 40A-43.)

*Explanation.*—A *thikádar* is not entitled to contest a notice of ejectment on any ground other than that he holds a lease under the terms of which he is not liable to ejectment.

40 (A). If the tenant has any claim for compensation for improvements effected by him on the holding, he shall file with his plaint a statement of the claim and of the grounds on which it is based.

40 (B). If the Court finds the objections of the tenant to be invalid, it shall determine the amount of the compensation, if any, due for improvements, and shall declare the ejectment to be conditional on payment of that amount to the Court.

41. If the tenant on whom such notice of ejectment has been served fails, within thirty days from the date of the service, to institute a suit to contest his liability to be ejected, his tenancy of the land in respect of which the notice has been served shall be held to cease on the fifteenth of May next following, unless, after the service, the landlord has expressly authorised him to continue to occupy the land.

[Act XIX, 1868, section 41.]

42. If no such suit be brought, or if a suit has been brought and discontinued, and the landlord requires the assistance of the Court to eject any person whose tenancy is alleged to have ceased [ ], he may apply for such assistance, and, if the Court is satisfied that notice of ejectment was duly served on such person, and that any compensation for improvements and disturbance, which may be due to the tenant, has been paid into Court or to the proper officer, it shall give such assistance accordingly :

[Ditto, section 45.]

[under the provisions of section 41]

Provided that nothing done by the Court under the previous part of this section shall affect the right of any tenant to institute a suit against his landlord on account of illegal ejectment and to recover compensation for the same.

43. If a landlord desires to eject a tenant, not being a tenant with a right of occupancy, against whom a decree for arrears has been passed and remains unsatisfied, he may, after the first of April of the year in which the arrears accrued, apply to the Deputy Commissioner to eject the tenant. The Deputy Commissioner shall, on receiving the application, cause a notice to be served on the tenant, stating the amount due under the decree and informing him that, if he does not pay that amount into Court within fifteen days from the receipt of the notice, he will be ejected from his holding.

[Act XIX, 1881, section 35.]

If the amount be not so paid, the Deputy

*The Oudh Rent Bill.**(Chapter V.—Ejectment.—Sections 43A-46 A.)*

*Commissioner shall, unless good cause be shown to the contrary, eject the tenant.*

[Act VIII, 1885, section 25.]

**43 (A).** *A decree for ejectment may be passed against a tenant on the ground—*

Decree for ejectment.

(a) *that he has used the land comprised in his holding in a manner which renders it unfit for the purposes of his tenancy; or,*

(b) *where the rent is payable in kind, that his cultivation has diminished to a point which by the custom of the locality involves the forfeiture of the holding.*

*The tenant shall continue liable for the rent of the land until the decree is executed.*

*General.*

[except a sub-lessor]

[Act XIX, 1868, section 38.]

[unless, while his rent is in arrear, he has failed to cultivate the land in his possession in accordance with the terms on which he holds it]

[Act XIX, 1868, section 39.]

**44.** No tenant [ ] shall in any case, whether in execution of a decree or otherwise, be ejected from the land in his occupancy, except between the first day of April and the fifteenth day of June in any year after the passing of this Act [ ].

Time of ejectment of tenant.

**45.** A *thikadár* liable to be ejected under the provisions of this Act may be ejected at any time during his tenancy.

Time of ejectment of thikadár.

**46.** Any tenant ejected in accordance with the provisions of this Act shall be entitled to receive from the landlord the value of any growing crops or other ungathered products of the earth belonging to such tenant, and being on the land at the time of his ejectment:

Compensation to ejected tenant for growing crops.

Provided that, if the land shall have been sown or planted by the tenant after the service on him of the notice mentioned in section 39, he shall not be so entitled, unless, after such service, the landlord has expressly authorised him to continue to occupy the land.

*Sir Lands.*

**46 (A).** *The rights conferred upon tenants by sections 21, 35, 35(A), 36, 36(D), 36(F), 36(G), 36(I) and 38(A) shall not accrue to cultivators of any of the following lands:—*

Sir lands.

(a) *Land which for the seven years immediately preceding the passing of this Act has been continuously dealt with as sir in the distribution of proprietary profits and charges. This condition shall be presumed, until the contrary is proved, where land was recorded as sir at settlement and has been continuously so recorded since:*

(b) *Land which for the seven years immediately preceding the passing of this Act has been continuously cultivated*



*The Oudh Rent Bill.**(Chapter VI.—Distress for Arrears of Rent.—Sections 46B-50.)*

*by the proprietor himself or by his servants or by hired labour.*

**46 (B).** *A person holding land as a thikadár or mortgagee shall not, while so holding, acquire any of the rights enumerated in the preceding section in any of the land comprised in his thika or mortgage.*

*Explanation.—A person having such rights in land does not lose them by subsequently taking a thika or mortgage in which his holding is comprised.*

## CHAPTER VI.

## DISTRESS FOR ARREARS OF RENT.

**47.** When an arrear of rent is due from any tenant, the landlord may recover of arrears of rent by distress. *distrain the produce of the land in respect of which the arrear is due, subject to the rules contained in the following sections:*

Provided that, when a tenant has given security for the payment of his rent, the produce of the land in respect of which such rent is payable shall not be liable to distress so long as the security is in force.

**48.** Distress shall not be made for any arrear which has been due for a longer period than one year; nor for the recovery of any sum in excess of the rent payable in the last preceding year for the land in respect of which the arrear is due, unless the tenant has agreed in writing to pay such excess, or unless he has been declared to be liable for the same by a decree of Court.

**49.** The power of distress vested by section 47 in landlords may be exercised by managers under the Court of Wards, managing agents and tahsildars of estates held under kham management, and other persons lawfully entrusted with the charge of land, and also by the agents employed by landlords or any such persons as aforesaid in the collection of rent, or expressly authorised by power-of-attorney to distress:

Provided that, if any such agent, purporting to act in the exercise of the said power, commits an act which, under the provisions of this chapter, is illegal, the person employing such agent shall be liable, as well as the agent, to be sued for compensation for any injury caused by such act.

**50.** Any person empowered to distress property under section 47 or section 49 may employ a servant or other person to make the distress; but in every such case he shall give to such servant or person a written authority for the same, and the distress shall be made in the name and on the responsibility of the person giving such authority.

*The Oudh Rent Bill.**(Chapter VI.—Distress for Arrears of Rent.—Sections 51-51.)*

**51. Standing crops and other ungathered pro-**  
 Crops liable to dis- ducts of the earth, and crops  
 tress. or other products when  
 reaped or gathered and deposited in any threshing-  
 floor or place for treading out grain or the like,  
 whether in the field or within a homestead, may  
 be distrained by persons invested with powers of  
 distress under this Act.

But no such crops or products, other than the  
 produce of the land in respect of which an arrear  
 of rent is due, or of land held under the same  
 agreement as the land in respect of which the  
 arrear is due, and no grain or other produce  
 after it has been stored by the cultivator, and no  
 other property whatsoever, shall be liable to dis-  
 tress under this Act.

**52. Before or at the time when any distress is**  
 Demand of arrear be. made under this Act, the  
 fore or at time of dis- distrainer shall cause the  
 tress. defaulter to be served with  
 a written demand for the amount of the arrear,  
 together with an account exhibiting the grounds  
 on which the demand is made.

The demand and account shall, if practicable,  
 be served personally on the defaulter, but if he  
 cannot be found, they shall be affixed at his  
 usual place of residence, and shall thereupon be  
 deemed to be duly served upon him.

**53. Unless the amount of the demand is**  
 Value of distress. immediately paid or tender-  
 ed, the distrainer may dis-  
 train property as aforesaid of value as nearly  
 as may be equal to the amount of the arrear  
 Service of list of pro- with the costs of the dis-  
 perty to be distrained tress; and shall prepare a  
 list or description of the said property, and  
 deliver a copy of the same to the owner, or if he  
 be absent, affix it at his usual place of residence.

**54. Standing crops and other ungathered pro-**  
 Reaping and sowing duties of the earth may,  
 standing crops when notwithstanding the dis-  
 tressed, be reaped or gathered  
 by the tenant, and may be stored in such granar-  
 ies or other places as are commonly used by him  
 for the purpose.

If the tenant neglect to do so, the distrainer  
 may cause the seed or ps or products to be reaped  
 or gathered, and in such case shall store the same  
 either in such granaries or other places as afore-  
 said, or in some other convenient place in the  
 neighbourhood.

In either case the distrained property shall be  
 placed in the charge of some proper person ap-  
 pointed by the distrainer for the purpose.

If the crops or products do not, from their  
 nature, admit of being stored, the distress shall be  
 made (if at all) at least twenty days before the  
 time when the crops or products or any part  
 thereof would ordinarily be fit for cutting or  
 gathering.

*The Oudh Rent Bill.*

*(Chapter VI.—Distress from Arrears of Rent.—Sections 55-59.)*

**55.** If a distrainer is opposed or apprehends resistance, and desires to obtain the assistance of a public officer, he may apply to the Court, and the Court may, if it think necessary, depute an officer to assist the distrainer in making the distress.

**56.** If at any time after property has been distrained as aforesaid, and before the sale thereof as hereinafter provided, the owner tender payment of the arrear demanded and of the costs of the distress, the distrainer shall receive the same and give a receipt therefor, and shall forthwith withdraw the distress.

**57.** Within five days from the time of storing any distrained crops or products, or, if such crops or products do not from their nature admit of being stored, within five days from the time of making the distress, the distrainer shall apply for sale of the same to the proper officer authorized to sell property in satisfaction of decrees of the Court within whose jurisdiction the distrained property is situate.

**58.** The application shall be in writing: it shall contain a list or description of the property distrained, and it shall state the name of the defaulter, his place of residence, the amount due and the place in which the distrained property is deposited.

Together with the application, the distrainer shall deliver to the proper officer the sum payable for the service of a notice upon the defaulter as hereinafter provided.

**59.** Immediately on receipt of the application, the proper officer shall send a copy of it to the Court, and shall serve a notice in the form contained in Schedule C hereto annexed, or to the like effect, on the person whose property has been distrained, requiring him either to pay the amount demanded, or within fifteen days from the receipt of the notice to institute a suit to contest the demand.

The officer shall at the same time send to the Court, for the purpose of being put up at the court-house, a proclamation fixing a day for the sale of the distrained property, not less than twenty days from the date of the proclamation; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited.

The proclamation shall contain a description of the property, and shall specify the demand for which it is sold, and the place where the sale is to be held.

*The Oudh Rent Bill.**(Chapter VI.—Distress for Arrears of Rent.—Sections 60-64.)*

60. If a suit is instituted in pursuance of the aforesaid notice, the Court shall send to the proper officer, or, if so requested by the owner of the distrained property, shall deliver to him, a certificate of the institution of the suit.

On such certificate being received by, or presented to, the proper officer, he shall suspend proceedings in regard to the sale:

Provided that, if in his opinion the property distrained is such that delay will cause damage thereto, he may direct its immediate sale.

61. Any person whose property has been distrained as aforesaid may institute a suit to contest the distrainer's demand at any time before the expiration of the fifteen days mentioned in section 59.

When such suit is instituted, the Court shall proceed in the manner prescribed in section 60.

If application for the sale of the property is afterwards made to the proper officer, he shall send a copy of the application to the Court, and suspend further proceedings pending the decision of the Court.

62. The person whose property has been distrained, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with one or more sureties or sureties, for an amount not less than double the value of the property so distrained, binding himself to pay whatever sum may be adjudged to be due from him, with costs of suit.

When such bond is executed, the Court shall give to the owner of the property a certificate to that effect, or, if he so requests, shall serve the distrainer with notice of the same.

Upon such certificate being presented to the distrainer by the owner of the property, or served on him by order of the Court, the property shall be released from distress.

63. On the expiration of the period fixed in the prohibition of sale, if the institution of a suit to contest the demand of the distrainer has not been certified to the proper officer in the manner hereinbefore provided, he shall, unless the said demand, with such costs of the distress as are allowed by him, be discharged in full, proceed, with the sanction of the Court, to sell the property, or such part thereof as may be necessary.

64. The sale shall be held at the place where the distrained property is deposited, or at the nearest ganj, bázár or other place of public resort, if the

*The Oudh Rent Bill.**(Chapter VI.—Distress for Arrears of Rent.—Sections 65-69.)*

proper officer thinks that it is likely to sell there to better advantage.

The property shall be sold by public auction in one or more lots as the officer holding the sale thinks advisable; and if the demand, with the costs of distress and sale, be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

**65.** If, on the property being put up for sale, a price which the officer holding the sale shall think fair be not offered, and if the owner of the property or his recognized agent apply to have the sale postponed until the next day, or (if a market be held at the place of sale) until the next market-day, the sale shall be postponed until such day, and shall be then completed at whatever price may be offered.

**66.** The price of every lot shall be paid in ready money at the time of sale, or as soon thereafter as the officer holding the sale thinks fit; and in default of such payment the property shall be put up again and resold.

When the purchase-money has been paid in full, the officer holding the sale shall give the purchaser a certificate stating the property purchased by him and the price paid therefor.

**67.** The officer holding the sale shall deduct from the proceeds one anna for every rupee and fraction of a rupee on account of the expenses attending the sale.

He shall then pay to the distrainer the expenses incurred by him on account of the distress and of the issue of the notice and proclamation of sale prescribed in section 59, to such amount as, after examination of the statement of expenses furnished by the distrainer, the officer thinks proper to allow.

The remainder shall be applied to the discharge of the arrear for which the distress was made, and the surplus (if any) shall be delivered to the person whose property has been sold.

**68.** Officers holding sales under this Act, and all persons employed by, or subordinate to, such officers, are forbidden to purchase, either directly or indirectly, property sold by such officers.

**69.** The officer mentioned in section 57 shall bring to the notice of the Court any illegal act which shall come to his knowledge as having been committed by any person in making a distress under this Act.

If in any case, on proceeding to hold a sale under this Act, such officer finds that the owner has not received due notice of the distress and

*The Oudh Rent Bill.**(Chapter VI.—Distress for Arrears of Rent.—Sections 70-72.)*

intended sale, he shall postpone the sale and report the case to the Court, and the Court shall direct the issue of another notice and proclamation of sale under section 59, or make such other order as it thinks proper.

**70.** When such officer has gone to any place for the purpose of holding a sale, and no sale takes place, either for the reason stated in section 69, or because the distrainer's demand has been previously satisfied, the said charge on account of expenses attending the sale shall be leviable by the officer, and shall be calculated on the value of the distrained property, as estimated by him, unless the distrainer's demand has been satisfied before the day fixed for the sale and notice of such satisfaction has been given by him to the officer.

If the distrainer's demand be not satisfied until the day fixed for the sale, the charge shall be paid by the owner of the property, and may be recovered by sale of such portion thereof as may be necessary.

In every other case the charge shall be paid by the distrainer, and may be recovered under the warrant of the Court by attachment and sale of his property :

Provided that in no case shall an amount exceeding ten rupees be recoverable under this section.

**71.** When a suit has been instituted to contest a distrainer's demand, and the property has not been released on security, if the demand or any portion of it shall be adjudged to be due, the Court shall issue an order to the proper officer authorizing the sale of the property.

On the application of the distrainer (which shall be made within five days from the receipt of such order by such officer), such officer shall publish a second proclamation in the manner prescribed in section 59, fixing another day for the sale of the distrained property, not less than five nor more than ten days from the date of the proclamation ; and, unless the amount adjudged to be due with cost of distress be paid immediately, shall proceed to sell the property in the manner hereinbefore provided.

**72.** In all suits instituted to contest a distrainer's demand the defendant must prove the arrear in the same manner as if he had himself brought a suit for the amount under the foregoing provisions of this Act.

If the demand or any part thereof is found to be due, the Court shall make a decree for the amount in favour of the distrainer.

Such amount may be recovered by sale of the distrained property as provided in section 71,

*The Oudh Rent Bill.**(Chapter VI.—Distress for Arrears of Rent.—Sections 73-77.)*

and if the distress has not been withdrawn, and if any balance remain due after such sale, by execution of the decree against the person and any other property of the defaulter, or, if the distrained property have been released on security, by execution of the decree against the person and property of the defaulter, and, if his surety has been made a party to the suit, against the person and property of such surety.

**73.** If the distress is adjudged to be vexatious or groundless, the Court, besides directing the release of the distrained property, may award such compensation to the plaintiff as it thinks fit, not exceeding twice the value of the property distrained.

**74.** If any person claims, as his own, property which has been distrained by third party claiming property distrained for arrears of rent alleged to be due from any other person, the claimant may institute a suit against the distrainer and such other person to try the right to the property, in the same manner, and under the same rules as to the time of instituting the suit and as to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand.

**75.** When any such suit is instituted, the property may be released upon security for its value being given to the satisfaction of the Court.

If the claim is dismissed, the Court shall make an order in favour of the distrainer for the sale of the property, or the recovery of its value, as the case may be.

If the claim is upheld, the Court shall order the release of the distrained property, and may award such compensation as it thinks fit, not exceeding twice the value of the property distrained.

**76.** No claim to any produce of land liable to distress under this Act, and found at the time of the distress in the possession of a defaulting tenant, whether such claim be in respect of a previous sale, mortgage or otherwise, shall bar the landlord's prior claim, nor shall any attachment in execution of a decree of any Civil Court prevail against such claim.

**77.** Whenever property has been distrained for an arrear of rent, and a stranger claiming to be landlord and to have right of distress to be made a party, suit has been instituted to contest the demand, and the right to distrain for such



*The Oudh Rent Bill.**(Chapter VI.—Distress for Arrears of Rent.—Sections 78-80.)*

arrear is claimed by or on behalf of any person other than the distrainer, on the ground of such other person being actually and in good faith in the receipt and enjoyment of the rent of the land, such other person shall be made by a party to the suit, and the question of the actual receipt and enjoyment of the rent by him before and up to the commencement of the suit shall be inquired into, and the suit shall be decided according to the result of such inquiry :

Provided that the decision of the Court shall not affect the right of any person having a title to the rent of land to establish such title in a Court of competent jurisdiction, by suit instituted within one year from the date of the decision.

**78.** Any person whose property has been distrained for the recovery of a demand not justly due or of a demand due or alleged to be due from some other person, and who is prevented by any sufficient cause from bringing a suit to contest the demand or try the right to the property, as the case may be, within the period allowed by sections 59 and 71, and whose property is in consequence brought to sale, may institute a suit to recover compensation for any injury which he has sustained from the distress or sale.

**79.** If any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, distrains or sells any property for the recovery of an arrear of rent alleged to be due, otherwise than according to the provisions of this Act,

or if any distrained property is lost, damaged or destroyed, by reason of the distrainer not having taken proper precaution for the due keeping and preservation thereof,

or if the distress is not immediately withdrawn when any provision of this Act requires such withdrawal,

the owner of the property may institute a suit to recover compensation for any injury which he has thereby sustained.

**80.** If any person not empowered by this Act to distrain or sell, nor duly authorized for that purpose to be under this Act, by a person so empowered, purports to distrain or sell any property under this Act, the owner of such property may institute a suit to recover compensation from the person so distraining or selling for any injury which the plaintiff has sustained from the distress or sale.

Such suit shall not affect the defendant's liability to be prosecuted under any law for the time being in force.

*The Oudh Rent Bill.**(Chapter VII.—Jurisdiction of the Courts.—Sections 81-83.)*

**81.** If any person resists a distress of property duly made under this Act, or forcibly or clandestinely removes any distrained property, the Court, upon complaint being made within ten days from the date of such resistance or removal shall cause the person accused to be arrested and brought before the Court with all convenient speed, and the Court shall proceed forthwith to try the case.

If the case cannot be at once heard and determined, the Court may, if it think fit, require the party arrested to give security for his person, whenever the same may be required, and, in default of such security, may commit him to the civil jail until the case is tried.

**82.** If such resistance or removal of property be proved, the Court may order the offender to pay a fine not exceeding one hundred rupees, together with all costs and expenses incurred in the case or in making the distress, and, in default of payment, may order him to be imprisoned in the civil jail until payment is made: Provided that no such imprisonment shall continue for more than six months.

## CHAPTER VII.

## JURISDICTION OF THE COURTS.

*Suits cognizable.*

**83.** No Courts other than Courts of Revenue shall take cognizance of the following descriptions of suits, and such suits shall be heard and determined in the said Courts of Revenue in the manner provided in this Act, and not otherwise:—

*A.—Suits by a Landlord.*

(1).—For the delivery by a tenant of the contents of a *patti* under section 10;

(2).—For arrears of rent;

(3).—For the enforcement of the rent of a tenant [                      ],

(4).—For the ejectment of a tenant [                      ];

(5).—Suits by landlords against *patwaris* or agents employed by landlords in the management of land or the collection of revenue or rent, or against the *serdars* of such *patwaris* or agents for money received or accounts kept by such *patwaris* or agents in the course of such employment, or for property in their possession, or for the rendering and settlement of accounts.

[having a right of occupancy]

[or for cancelling any lease on account of the non-payment of arrears of rent or on account of a breach of the conditions of such lease]

*B.—Suits by an Under-Proprietor or a Tenant.*

(6).—For establishing a right of occupancy;

*The Oudh Rent Bill.**(Chapter VII.—Jurisdiction of the Courts.—Section 83.)*

(7)—For the delivery by a landlord of a *patta*;

(8)—For contesting a notice of ejectment;

(9)—For compensation—

on account of illegal enforcement of payment of rent, or of any sum in excess of rent, due,  
or on account of the refusal of receipts or acknowledgments for rent paid or tendered,

or on account of illegal ejectment,

or on account of the value of standing crops under section 46,

or on account of loss arising for the making of improvements under section 26;

(10.)—For the recovery of the occupancy of any land of which an under-proprietor or tenant *has been dispossessed or from which he has been illegally ejected* by the landlord;

(11.)—For contesting the exercise of the power of distraint conferred on landlords and others by this Act, or any acts purporting to be done in exercise of the said power, or for compensation for illegal distraint;

(12.)—For abatement for rent in accordance with the provisions of section 19;

(13.)—For the recovery of compensation for improvements in accordance with the provisions of section 22.

*C.—Suits regarding the Division or Appraisal of Produce.*

(14.)—Suits under section 31, regarding the division, estimate or appraisal of the produce of land.

*D.—Suits by and against Lambardárs, Co-sharers and Muafidárs.*

(15.)—Suits by a sharer against a lambardár or co-sharer for share of the profits of an estate or any part thereof, or for the rendering and settlement of accounts in respect of such profits;

(16.)—Suits by a lambardár or pattidár who is entitled to collect the rents of the *patti*, for arrears of revenue or rent payable through him by the co-sharers whom he represents, and by a lambardár for village-expenses and other dues for which the co-sharers may be responsible to him, or against a joint lambardár for compensation for revenue or rent paid by such lambardár on account of such joint lambardar;

(17.)—Suits by co-sharers against lambardárs, or by proprietors or lessees against muafidárs or assignees of revenue, for compensation on account of exaction in excess of revenue or rent, or on account of the refusal of receipts or acknowledgments for revenue or rent paid or tendered;

(18.)—Suits by muafidárs or assignees of revenue for arrears of revenue.

*The Oudh Rent Bill.**(Chapter VII.—Jurisdiction of the Courts.—Sections 84-91.)**Grades of Courts.*

Grades of Courts for the purposes of this Act. **84.** For the purposes of this Act, the Courts of Revenue shall consist of six grades of Courts, namely—

- (1.)—The Court of the Assistant Collector of the second class;
- (2.)—The Court of the Assistant Collector of the first class;
- (3.)—The Court of the Deputy Collector;
- (4.)—The Court of the Collector;
- (5.)—The Court of the Commissioner;
- (6.)—The Court of the Judicial Commissioner.

**85.** The Chief Commissioner of Oudh shall have power to declare to which of the first three grades any Assistant Commissioner shall belong, and to invest any Tahsildar with the powers of any of the same grades.

Deputy Commissioner to have Collector's powers. **86.** The Deputy Commissioner shall exercise the powers of a Collector under this Act.

**87.** The Chief Commissioner of Oudh may invest any officer employed in making or revising settlements of revenue with all or any of the powers of a Collector, or Deputy Collector, or Assistant Collector, under this Act.

**88.** The Court of the Assistant Collector of the second class shall have power to try and determine suits of the descriptions mentioned in clauses (1), (2), (7), (12), (15), (16), (17) and (18) of section 83, of which the subject-matter does not exceed one hundred rupees in value or amount.

**89.** The Court of the Assistant Collector of the first class shall have power to try and determine suits of the descriptions referred to in the last preceding section, of which the subject-matter does not exceed five hundred rupees in value or amount.

**90.** The Court of the Deputy Collector shall have power to try and determine suits of every description of which the subject-matter does not exceed five thousand rupees in value or amount.

**91.** The Court of the Collector shall have power to try and determine suits of every description and of any amount, and to hear appeals from the decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure as applied by this Act) from the

*The Oudh Rent Bill.**(Chapter VII.—Jurisdiction of the Courts.—Sections 92-95.)*

orders of the Assistant Collectors, and, in suits under clauses (2), (5), (9), (11), (14), (15), (16), (17) and (18) of section 83, from such decisions and orders of the Deputy Collectors.

Whenever the state of the public business requires it, the Chief Commissioner may invest any Deputy Collector with the powers of a Collector for the trial and determination of suits and appeals under this Act, other than appeals from the decisions of such Deputy Collector, *and with the powers of a Deputy Commissioner to hear applications under sections 24 and 33*, and may invest any Collector with all or any of the powers of a Commissioner under this Act.

92. The Court of the Commissioner shall have  
Jurisdiction of Commissioner. power to hear and determine appeals from decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Collectors and Deputy Collectors, except as otherwise provided in sections 91 and 95 [and 102]. XIV of 1882.

93. The Court of the Judicial Commissioner shall have power to hear and determine appeals from the decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Commissioners, and also *second* appeals, as provided in the said Code, from the decisions passed in *first* appeal by the Collectors and by the Commissioners. XIV of 1882.

*Appeals.*

94. The memorandum of appeal, prepared in the form and containing the particulars mentioned in the Code of Civil Procedure, shall be presented to the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause, to the satisfaction of such Court, for not having presented the memorandum within such period, that is to say, thirty days if the appeal lie to the Collector, six weeks if the appeal lie to the Commissioner, and ninety days if the appeal lie to the Judicial Commissioner. XIV of 1882.

The period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made.

*Second* appeals shall be presented in the Court of the Judicial Commissioner within the period hereinbefore fixed for the presentation of *first* appeals.

95. In suits under clauses (2), (5), (9), (11), (11), (15), (16), (17) and (18) of section 83, and in appeals from decisions in such suits tried and decided by a Commissioner or Col-  
No appeals, except in certain cases, from Collector's decree for money below one hundred rupees.

*The Oudh Rent Bill.**(Chapter VII.—Jurisdiction of the Courts.—Sections 96-99.)*

lect or, if the amount sued for does not exceed one hundred rupees, the judgment shall be final, except as hereinafter provided, unless in any such suit a question of right to enhance or otherwise vary the rent of a tenant, or any question relating to a title to land or to some interest in land, as between parties having conflicting claims thereto, has been determined by the judgment.

In such case the judgment shall be open to appeal in the manner provided in this Act.

*Distribution of Business.*

96. The Deputy Commissioner may direct the Deputy Commissioner business in the Courts subordinate to him, whether or not they hold their sittings in the same place, to be distributed among such Courts in such way as he shall think fit.

*Transfer of Suits and Appeals.*

97. The Commissioner or the Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him, and try such suit himself, or refer it for trial to any other such Court competent to try the same.

The Commissioner may also withdraw any appeal instituted in the Court of any Collector subordinate to him, and try the appeal himself, or refer it for trial to the Court of any other Collector in his Division.

98. The Judicial Commissioner may order that any suit or appeal which shall be instituted in or presented to any Court subordinate to him shall be transferred to any other such Court competent to try or hear the subject-matter of the same.

*Miscellaneous.*

99. In the performance of their duties under this Act, the Collectors shall be subject to the direction and control of the Commissioners and of the Chief Commissioner; and the Deputy Collectors and Assistant Collectors shall be subject to the direction and control of the Deputy Commissioners to whom they are respectively subordinate:

Provided that nothing in this section shall empower the Chief Commissioner or any Commissioner or Deputy Commissioner to interfere in any way not authorized by this Act with any decision or order in a suit.

*The Oudh Rent Bill.**(Chapter VIII.—Limitation of Suits.—Sections 100-106.)*

**100.** All suits which, under the provisions of this Act, may be brought by or against managing agents or talildars of kham estates, may be brought by or against managing agents or talildars of estates held under kham management, whether such estates are the property of Government or not.

**101.** No sharer in a joint estate, under-pr priority or other tenure, in which a division of land has not been made among the sharers, shall exercise any of the powers conferred by this Act in regard to the recovery of arrears of rent, enhancement of rent, ejectment of tenants, or distress, otherwise than through a manager authorized to collect the rents on behalf of all the sharers.

In pattidar estates or tenures such powers shall be exercised only through a lambardar, or through the pattidar who is entitled to collect the rents of the patta.

**102.** Any person in possession of land occupied by or against him, without consent of the landowner, shall be liable for the rent of such land at the rate payable in the previous year, or, if no rent was payable in the previous year, at such rate as the Court may determine to be fair and equitable, and he shall not in respect of such land have any of the statutory privileges conferred by this Act.

**103.** The Courts may sit for the hearing and determining suits and appeals, and for disposing of other business under this Act, in any place within the local limits of their respective jurisdictions:

Provided that every hearing and decision shall be in open Court, and that the parties to the suit, or their authorized agents, shall have had due notice to attend at such place.

## CHAPTER VIII.

## LIMITATION OF SUITS.

**104.** Except as herein otherwise provided, and subject to the provisions as to legal disability contained in any law for the limitation of suits for the time being in force in Oudh, all suits under this Act shall be instituted within one year from the date of the accruing of the cause of action.

**105.** Suits for the delivery of pattas or the counterparts of pattas may be instituted at any time during the tenancy.

**106.** Suits for the recovery of arrears of rent of revenue or share of profits shall, except in the case mentioned in



*The Oudh Rent Bill.**(Chapter IX.—Procedure.—Sections 107-110.)*

section 10, be instituted within three years from the date on which the arrear or share of profit claimed shall have become due.

**107.** Suits for the recovery of money in the hands of an agent, or for the settlement of accounts or delivery of papers by an agent, may be brought at any time during the continuance of the agency or within one year after its determination, or, in the case of claims legally exigible at the date of the passing of this Act, within one year after such date.

Suits against agents for money, or delivery of accounts or papers.

**108.** Suits regarding distress under section 74, 78, 79 or 80, and suits regarding the division, estimate or appraisement of the produce of land, shall be commenced within three months from the date of the accruing of the cause of action.

Suits regarding distress, division of produce, &c.

## CHAPTER IX.

## PROCEDURE.

of 1882 **109.** The provisions of the Code of Civil Procedure as in force in Oudh shall, so far as they are not inconsistent with the provisions herein contained, apply to all suits, appeals and proceedings under this Act.

Civil Procedure Code to be the procedure under this Act.

**110.** In addition to the particulars required by section 50 of the said Code to be specified in the plaint, the plaint shall contain the following particulars:—

Particulars to be added to plaint.

*1st.*—The name of the village or estate, and of the parganá in which the land to which the suit relates is situate;

*2nd.*—If the suit be for recovery of an arrear of rent, or for the enhancement or abatement of rent, or for the ejectment of a tenant, or for contesting a notice of enhancement of rent, or for contesting a notice for the ejectment of a tenant or for the recovery of the occupancy or possession of any land, the plaint shall specify the extent, situation and designation of the land to which the suit relates and, where fields have been marked in a Government survey, the number (if it be possible to give it) of each field;

*3rd.*—If the suit be for recovery of an arrear of rent or revenue, the plaint shall specify the yearly rent or revenue of the land, the amount (if any) received on account of the year or years for which the claim is made, the amount in arrear and the time in respect of which it is alleged to be due;

*4th.*—If the suit be for the delivery of a *patta* or the counterpart of a *patta*, the plaint shall specify all the particulars mentioned in section 7.

*The Oudh Rent Bill.**(Chapter IX.—Procedure.—Sections 111-117)*

**111.** When in any suit between a landlord and an under-proprietor or tenant the right to receive the rent of the land is claimed by a third person, on the ground that he, or a person through whom he claims, has actually and in good faith received and enjoyed such rent up to the time of the commencement of the suit, such third person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by him or the person through whom he claims shall be inquired into, and the suit shall be decided according to the result of such inquiry :

Provided always that the decision of the Court shall not affect the right of any party having a legal right to the rent of such land to establish his title thereto in a Court of competent jurisdiction.

**112.** In all suits under *clauses (1), (2), (7), (10) and (11) of section 83 of this Act*, the summons to the defendant shall be for the final disposal of the suit.

**113.** In a suit to recover an arrear of rent, no set off shall be allowed against the claim, except such amount as may be due to the defendant on an unexecuted decree under this Act against the plaintiff.

**114.** In any suit under this Act involving a claim to money, the defendant may, at any stage of the suit, deposit in Court such sum of money as he considers a satisfaction in full of the plaintiff's claim, together with the costs incurred by the plaintiff up to the time of such deposit.

Notice of the deposit shall be given to the plaintiff, and the amount deposited shall be paid to him on his application.

No interest shall be allowed to a plaintiff on any sum paid by the defendant into Court from the date of such payment, whether such sum be in full of the plaintiff's claim or fall short thereof.

**115.** In any case in which the defendant deposits less than the amount claimed by the plaintiff, nothing in section 114 shall bar the plaintiff from proceeding in the suit for the recovery of the balance.

**[116.** If a tenant not having a right of occupancy institute a suit against a landlord for the delivery of a lease, or a landlord institute a suit against a tenant not having a right of occupancy for the delivery of the counterpart of a lease, and the parties do not agree in respect of the particulars which such lease or counterpart is to contain, the Court shall dismiss the suit, unless evidence in writing is produced which shall satisfy the Court that an agreement has been entered into between the parties in accordance with which such lease or counterpart ought to be delivered.]

**117.** The local inquiry described in section 312 of the Code of Civil Procedure may also, if he think fit, be made by the Collector in person or other officer presiding in the Court, and the provisions of the said Code regarding local inquiries shall apply to such inquiries made by such Collector or other officer.

In such cases the Collector or other officer as aforesaid, after completing the inquiry, shall

*The Oudh Rent Bill.**(Chapter IX.—Procedure.—Sections 118-123.)*

record on the proceedings such observations as he thinks fit, and the observations so recorded shall be received as evidence in the suit.

*As to Decree.*

**118.** No process of execution shall be issued Time within which on a decree under this Act execution may be had. *When the application for the issue of such process is made after the lapse of three years from the date of such decree, unless the decree be for a sum exceeding five hundred rupees, in which case the period within which execution may be had shall be regulated by the law in force as to the period allowed for the execution of decrees of the Civil Courts.*

**119.** When a decree for money is made in any Immediate execution suit under this Act, the of decree Court may, on the oral application of the party in whose favour the decree is passed, direct immediate execution thereof in the manner described in section 256 of the *Code of Civil Procedure*.

XIV of 1882.

**120.** When a decree in favour of the plaintiff Decree for enhance- is made in a suit for an en- ment to take date from placement of rent, the which it is to take ef- Court shall declare the date fect. from which such enhance- ment shall take effect.

**121.** If the decree be for the delivery of Enforcement of decrees—papers or documents, it may ere be decrees of be enforced by the impri- prison or attachment of the party in whose favour it is made, or by the attachment of his property, or by both imprisonment and attachment.

The imprisonment and attachment may be continued until he complies with the terms of the decree :

Provided that no person shall be imprisoned under this section for a longer period than six months.

**122.** A decree for the delivery of a *patta* or of Decree for delivery of the counterpart of a *patta* count part to specify all the parties all the parties concerned in section 7, and such decree shall be enforceable with the provisions of this Act as to the Court seem fit.

**123.** If the decree be for the delivery of a Court after decree *patta* or the counterpart of may grant leave or a *patta*, and the party or- counterpart, in case of dented to deliver such *patta* defendant's refusal. or counterpart neglects or refuses so to do, the Court may grant a *patta* or counterpart in conformity with the terms of the decree, and such *patta* or counterpart shall have the same effect as if delivered by the party against whom the decree was passed.

*The Oudh Rent Bill.**(Chapter X.—General.—Sections 121-129.)*

124. If the decree be for money, no process of execution to be first in execution shall issue made against moveable against the immoveable property of the judgment-debtor, other than attachment of such property, unless satisfaction of the decree cannot be obtained against his moveable property.

125. If the decree be for an arrear of rent due in respect of an under-proprietary right in such right, the interest of the judgment-debtor in such right may, subject to the provisions of this Act, be sold in execution of the decree.

[Provided that no such sale shall be allowed unless it appear to the Deputy Commissioner that satisfaction of the decree cannot be made in the manner referred to in sections 243 and 244 of the Code of Civil Procedure.

If it appear to the Court that such satisfaction can be made, the Court may exercise the powers given to it by the said section 243, although no application has been made by the judgment-debtor.

The Deputy Commissioner may be appointed manager under the same section. When he has been so appointed, he may exercise, for the satisfaction of the decree against the judgment-debtor, all the powers which, under any law in force in Oudh, he might have exercised for the recovery of an arrear of revenue due by such judgment-debtor to the Government.]

126. No beneficial lease or other incumbrance created in hereafter created on his estate by any under-proprietor shall be valid, in the event of the sale of his rights and interests in execution of a decree for arrears of rent, unless such incumbrance has been registered, under any rules or law for the time being in force in Oudh, within four months after the creation thereof, and not less than thirty days before the date of attachment of such rights and interests.

127. When an under-proprietor creates any such incumbrance and fails to pay to the proprietor all or any part of the rent subsequently accruing in respect of the land subject to the incumbrance, the incumbrancer shall be liable to pay to the proprietor the whole or such part as aforesaid of the said rent, unless the proprietor has agreed in writing to waive any claim which he might otherwise have made on the incumbrancer under this section.

128. When land is sold in execution of a decree under this Act, and the land or any lot thereof has been knocked down to a stranger, any co-sharer, other than the judgment-debtor, may, before sunset on the day of sale, claim to take the land or lot, as the case may be, at the sum at which it was knocked down.

If the land be an under-proprietary tenure, a like claim may also be made by the proprietor.

Any claim made under this section shall be allowed: Provided that, if a claim to the same land or lot be made by a proprietor as well as by a co-sharer, the claim of the co-sharer shall be preferred: Provided also that no claim shall be allowed unless the claimant fulfil all the conditions of the sale binding on a purchaser.

## CHAPTER X.

## GENERAL.

129. *The Local Government, on being satisfied that any estate is suffering from gross mismanagement to an extent which has,*



*The Oudh Rent Bill.**(Schedule B.—Schedule C.—Schedule D.)*

## SCHEDULE B.\*

*(See section 15.)*

Court of the                      of                      . Dated the  
day of                      18                      .  
To *E.F.*, of                      , &c.

With reference to the within declaration, you are hereby informed that the sum of rupees                      therein mentioned is now in deposit in this Court, and that the above sum will be paid to you or your duly authorized agent on application. And take notice that if you have any further claim or demand whatsoever to make against the said *A. B.* in respect of the rent of the said lands, you must institute a suit in Court for the establishment of such claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

## SCHEDULE C.

*(See section 59.)*

*Office of                      , officer appointed to sell distrained property.*

*A. B. — Distrainer.*

Whereas the said *A. B.* has applied to have the distrained property specified below sold for the recovery of                      alleged to be due to him as arrears of rent, you hereby are required either to pay the said sum to the said *A. B.* or to institute a suit before the Court to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

*Dated this                      day of                      188                      .*

## SCHEDULE D.

*(See section 131.)*

\* This is to be by endorsement on a copy of the declaration under Schedule A made by the person paying the money into Court.

## STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill, which has been prepared by the Government of the North-Western Provinces and Oudh, is to secure to tenants in Oudh some protection against arbitrary eviction from their holdings and enhancement of their rents, and to place on a clear footing their right to make improvements on their holdings and to receive compensation for improvements so made. Under the law as it stands they are absolutely unprotected against enhancement and eviction, provided that the landlord observes certain easy formalities in raising rents or in issuing his notices of ejectment. Every field in a tenant's holding can be shifted on the close of each agricultural year at the will of his landlord, and there is no limit to the rise of rents.

The Census Statistics show that the pressure of the population on the land in Oudh is very great, being 170 to the square mile, and the large number of notices of ejectment annually issued and their steady increase from 23,600 in 1876 to 90,200 in 1882 afford reason for believing that they are used as instruments for the undue enhancement of rent. Enquiry has shown that this belief is not unfounded, and that the effect of the existing law on a population dependent mainly on agriculture for its subsistence must lead at no distant date to the deterioration of agricultural industry and the impoverishment and degradation of the bulk of the people.

It is not proposed to introduce a system of heritable occupancy-right acquired by prescription, such as prevails in the North-Western Provinces, but to accept contract as the basis on which transactions between landlord and tenant are to be regulated. The tenant, however, who has no other means of subsistence open to him, is no match for the landlord in a thickly populated agricultural province, and with a view to place the parties on more equal terms the Bill imposes the following restrictions on free contract between them.

Sitting tenants may hold the land they at present occupy at the rent now paid from the date of the last change in their rent or in the area of the holdings.

The enhancement of rent permissible at the expiry of each statutory period is to be limited to  $6\frac{1}{4}$  per cent, or one anna in the rupee, on the current rental; the sitting tenant to have the equity of renewal at rent within that limit.

At the end of that period it is proposed to allow the landlord to enhance the rent of the sitting tenant to such sum as he and the tenant may agree upon within a limit of one anna in the rupee, or  $6\frac{1}{4}$  per cent., on the rent previously paid.

At any time after the expiration of the statutory period a landlord who has not made terms with the sitting tenant may proceed either by notice of enhancement or by notice of ejectment at his discretion. If he proceeds by notice of enhancement the enhancement must be within the limit above given. If the tenant accepts, a new period begins. If the tenant refuses the proposed enhancement, the holding will become vacant, but no higher rent can be recovered from the next tenant than  $6\frac{1}{4}$  per cent. above the old rent on the same holding. If the landlord proceeds by ejectment, leaving the tenant no option of re-entry, compensation for disturbance will be given up to one year's rent at the rate last paid, and the limitation of  $6\frac{1}{4}$  per cent. will apply to the rent recoverable from the next tenant. In both cases tenants will be entitled to receive before dispossession any compensation due to them for improvements. The right of renewal is to be personal to the tenant in occupancy. On the death of a tenant in occupancy his heir will be entitled to hold on, on the same terms, to the expiration of the statutory period enjoyable by his predecessor, but must then, should the landlord so wish, vacate the holding on payment of the compensation for improvements found to be due to him.

These provisions are experimental, and power is therefore given to the Local Government from time to time, within periods of not less than seven years in any district or part of a district, to vary the limit of enhancement. Although there has been a considerable rise of prices in the past fifteen years, the rise may not continue at the same rate, and in that case the limit of  $6\frac{1}{4}$  per cent. might be unfair to the tenant. In other cases the limitation might conceivably operate to the prejudice of the landlord.

The condition in the taluqdār's sanad—that he will promote the agricultural prosperity of his estate—is so vaguely worded as to leave the Government and the taluqdār alike uncertain as to the grounds on which Government should interfere between him and his tenantry. To put the matter beyond doubt power is given to Government to step in when it is satisfied that an estate is suffering from grave mismanagement, which has since the present year materially deteriorated the condition of the tenantry or diminished the area of the cultivation. The exercise of this power is subject to the previous sanction of the Governor General in Council, and the consequences of it are not the forfeiture of the estate, but an authoritative settlement of rents for ten years.

A similar power of settling rents was conferred in the Bengal Tenancy Act of 1885, the Local Government being authorized to interfere in the interests of public order or of the local welfare.



The detailed reasons for the alterations in the present Act necessary to carry out these proposals will be found in the annexed letter from the Local Government.

• *The 29th January, 1886.*

J. W. QUINTON.

No. <sup>177</sup><sub>208-11</sub> R. OF 1886.

From

J. WOODBURN, Esq., SECRETARY TO GOVT, N.-W. P. AND OUDH,

IN THE OUDH REVENUE DEPARTMENT,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

REVENUE AND AGRICULTURAL DEPARTMENT.

*Dated Allahabad, the 15th January, 1886.*

IN compliance with the request conveyed in your letter No. <sup>822</sup><sub>13-5</sub> (Revenue), dated the 9th ultimo, I am directed to submit a draft Bill to amend the Oudh Rent Law.

2. The general principles on which the Lieutenant-Governor and Chief Commissioner proposes to amend the Rent Law in Oudh are fully detailed and explained in the letters of this Government, No. 3939 of the 21st December, 1883, and No. 723 of the 12th May, 1884. In this letter submitting the draft Bill it seems sufficient to explain the reasons which have led to the various minor alterations of the present Rent Act.

3. The Bill takes the form of a revised edition of the existing Act. It is very probable that in phraseology and arrangement Act XIX of 1868 might be greatly improved; but it is only in Chapters IV and V that any material change is needed to give effect to the several proposals which have been made by the Lieutenant-Governor. And since the Act is well understood by and familiar to the Rent Courts and the people, it appears advisable to make no more alterations of it than are necessary to a clear and correct statement of the principles which are hereafter to govern the relations of landlord and tenant. But the opportunity has been taken to remove any difficulties that have been found by the Courts in interpreting certain other parts of the existing law. Additions to existing sections of the Act and all new sections are printed in italics; and any portions of existing sections which it is proposed to omit have been printed marginally in brackets.

4. I am now to proceed to a specific statement of the alterations made in the Act.

5. Section 2 repeals Act XIX of 1868, but maintains such notifications and rules made under it as are consistent with the new Act.

6. In section 3 a clause has been added to the definition of "rent," to make it quite clear that the word covers the rent of an under-proprietor who may not be personally in the use or occupation of the land in his tenure. A clause has been added to the definition of "tenant," to show what portions of the Act are applicable to a thikadár. A collector of rents should acquire none of the statutory privileges of a cultivating tenant, but is a tenant of the lessor for many purposes. A definition of "prescribed" has been inserted, which is taken from the Bengal Tenancy Act, 1855.

7. Section 4 is substituted for the corresponding section of the present Act. It is necessary to provide that no contract before or after the passing of the Act shall deprive a tenant of that protection against enhancement and ejectment which it is the special object of the new law to give. The Lieutenant-Governor has decided, after careful consideration of the point, not to recommend that the new law shall be so framed as to prohibit the execution of any special agreement which shall give a tenant a longer occupancy than the statutory period of seven years; but it is essential that agreements for any shorter term shall be barred, and I am to ask that this point may receive particular attention when the draft is examined. The proposal is that the occupation of a holding may be settled between landlord and tenant for a longer period than seven years by agreement, but that no contract shall defeat the statutory limit of enhancement. He is unwilling to interfere more than is absolutely necessary with any existing contracts; and where the terms of any pottas at present in force exclude the tenant from making improvements or claiming compensation for such as he may have already made, he would not set the contract aside. So far as the Lieutenant-Governor's information goes, the number of such contracts is not great, while in many such cases it may be presumed that the improvements will have been made upon special terms and conditions.

8. As regards clearing leases the Lieutenant-Governor is of opinion that they must be left to be arranged by landlord and tenant without interference by the State. The conditions under which they are taken vary considerably in different parts of the country, and are in fact effectively controlled by local circumstances and local custom. A proviso has accordingly been added to this section, the terms of which have been taken from the first proviso to section 178 of the Bengal Tenancy Act.

9. Section 5 (A), empowering a landlord to confer occupancy-rights, has been inserted in accordance with the wish of His Excellency the Governor General in Council, as conveyed in paragraph 15 of your letter No. 252R., dated 12th April, 1884.

10. In section 7 of the present Act the word "lease" is used for the written memorandum of the terms of a tenant's holding. It is scarcely applicable to the record of the terms of a holding conferred by Statute, and the Lieutenant-Governor would prefer to use the word "patta." It is again inconsistent with a statutory tenure that the record of it should contain any conditions except those imposed by the Statute, and the clause of the present section 7, authorising the entry in the patta of any special conditions of the lease, should be omitted.

11. Section 11 of the present Act authorises the cancellation of a lease by decree. It seems desirable that the whole of the provisions in regard to the determination of tenancies should be placed together, and this section, with the material alterations which will be subsequently explained, has been transferred to the chapter on ejectments as 43(A).

12. Section 20 of the Rent Act contains the provincial rule regarding the remission of rent, where it is proved to the Rent Court that from unforeseen calamity the tenant is unable to pay the entire demand. A proviso is attached to the section, which prevents a tenant with a five years' lease from claiming the benefit of this section. If this proviso were retained under the amended Act, which is to give all tenants a statutory occupancy for seven years, the effect would be to nullify the section altogether. The question is, therefore, whether the entire section should be struck out, whereby the Courts would lose their power of making allowances in rent-decrees for inevitable calamities, or whether the section shall stand without its proviso, whereby remissions of rent would cease to be in any case dependent on remissions of revenue. The latter course appears to the Lieutenant-Governor to be on the whole likely to be better for the interests of both landlord and tenant. If, as the Lieutenant-Governor believes, it is not expedient to withdraw from the Courts all power to take account of serious calamities in decreeing arrears of rent, in that case to provide that this power shall only be used when revenue has been remitted is to shackles it with an awkward and badly logical condition. The corresponding provisions of the rent law in the North-Western Provinces are contained in section 23 of Act XII of 1881 and the rules which have been prepared under it. When the crops have been injured by hail or drought in a village of the North-Western Provinces, the Collector has to apply for a remission of revenue before he can move in the matter of rents; and when that is obtained he enforces a remission of rents, equivalent to double the remission of revenue, by a process which is not always very well adjusted or duly proportioned. There is by law no similar rule in Oudh. Neither in the Revenue nor in the Rent Acts is any authority given to the Deputy Commissioner to carry on, distribute and enforce among the rents of the tenantry the remission which has been made in the landlord's revenue. It is true that under circular orders, issued administratively (of which an extract is given in the footnote), Deputy Commissioners have insisted on remissions of rent as a consequence of remissions of revenue; and the Lieutenant-Governor is not prepared at once to cancel those instructions. Nevertheless, when it comes to framing legal provisions, he would prefer to leave, at any rate experimentally, the adjustment of rent abatements between landlord and tenant as much as possible to the parties concerned, subject only to a Judge's discretion in extraordinary cases. The fact of the revenue remission is perfectly well known, and any tenant who is pressed to pay upon crops that have been seriously damaged has only to demand to the demand and let his claim to relaxation of the rent be considered by the Rent Court. So long as a tenant was liable to summary and arbitrary ejectment, undue pressure for the payment of rent could no doubt be made; but now that all tenants will be protected in the occupation of their holdings, the Lieutenant-Governor considers that with an appeal to the Rent Court, such as is given by section 20, they may be left to make their own arrangements with their landlords on such occasions as those contemplated by the section.

13. The proviso in section 20 is to some extent based on a distrust of the Courts, since they might exercise the power without sufficient cause, and hamper the landlord by remissions of rent for which he has received no compensating remission of revenue. The landlord, however, has always the remedy of appeal from a decree which he considers unfair, and if the case can be supposed possible of calamity so considerable as to justify large remissions of rent by the Court, although no previous remission of revenue had been given, no Deputy Commissioner would refuse to recommend a corresponding remission of revenue. There is again the risk that the Courts might force remissions of revenue by giving remissions of rent; but it must be assumed that the Courts will proceed with due care and upon sufficient evidence in remitting rents, while in Oudh they are likely always to keep in view the effect of their decrees upon the revenue. Moreover, a landlord is certain to contest any unfair reduction of his rent-demand; for a remission of revenue is never sufficient to compensate him, and his appeal is to the Commissioner or Deputy Commissioner, who is directly concerned with the collection of revenue. The Lieutenant-Governor recommends,

Any landlord who receives a remission of government revenue will be bound, in proportion to the extent of the remission, not to take, either through himself or through a lessee, and to restore if he has so taken, rent for the crop on account of which the remission is granted.—(From Circular Orders of 7th January, 1873.)

therefore, that the section be maintained with the omission of the proviso. The draft proposes to insert "materially" before "diminished", to indicate to the Courts that remission is not to be given for any but considerable loss.

14. Sections 35 and 36 of the present Act will be entirely superseded, and the reference to them in section 20 may be excised.

15. In section 21 (relinquishment of the holding) the last clause of the first sentence may be omitted. The Lieutenant-Governor wishes to make a distinction between relinquishment and abandonment. If tenants are to have considerable fixity of tenure, it is right that the landlord should have fair notice of relinquishment of holding, that he may make suitable arrangements for a new tenant. The date for notice of relinquishment has accordingly been antedated to the 15th of March, and at this time lease to another tenant can hardly have been given. It has been prescribed that the notice shall be in writing.

16. A section has been drafted in regard to abandonment [21 (B)], adopted from section 87 of the Bengal Tenancy Act.

17. In the sections on compensation for tenants' improvements considerable changes have been made. Section 22 of the present Act directs that the tenant shall be entitled to compensation for improvements whenever his rent is enhanced. This provision has, so far as the Lieutenant-Governor can ascertain, remained a dead letter. Under a system by which the adjustment of rent between landlord and tenant was left entirely to private contract, any enhancement of rent, so long as the tenant chose to stay, probably took into consideration the tenant's expenditure on the improvement of his holding. For the future at least no such provision is needed. The enhancement at the close of a statutory period of tenancy is a statutory enhancement, and will have effect whether or not the tenant has in the course of his expiring period of tenancy effected an improvement which has added to its value. The clauses in section 21, providing for compensation on enhancement, may therefore be left out.

18. The principle on which compensation is calculated under the present Act is solely that of the outlay of the tenant. The last sentence of the section bars right to compensation for improvements which were made more than thirty years before the date of claim, and in practice the procedure of the Courts is to make an estimate of the probable outlay, assume that the improvement will last for thirty years, and award to the tenant the sum which in that proportion represents its unexpired value. Thus, if a well is believed to have cost Rs. 300 ten years ago, the Court will award to the tenant Rs. 200. The principle is by no means a just one, for the landlord is exposed to great exaggerations by the tenant of his original outlay, and where the improvements are of old standing these statements are difficult to check. The Lieutenant-Governor considers that the principles laid down in section 83 of the Bengal Tenancy Act are not only in themselves more fair, but more simply and readily applied by the Courts, for it is seldom difficult in any village to ascertain the difference in letting value due to irrigation, and a well is the most common of all improvements in Oudh. A section has been accordingly introduced from the Bengal Act, section 25(A), and the references to outlay and the period of construction omitted from section 22.

19. It is the recognised custom of the province that a tenant cannot make an improvement of a permanent character without the consent of the landlord. So long as the tenant held on a yearly tenancy at the will of the landlord, this consent was obtained on terms which were sometimes very harsh. I am to refer, for example, to paragraph 17 of Colonel Friskine's report of the 1st June, 1885, page 277 of the second volume of papers on the condition of the Tenantry in Oudh. Now that the ordinary tenancy is for seven years, it is necessary for the agricultural progress of the country that the landlord's consent to improvements shall not be unreasonably withheld. It has accordingly been proposed in the Bill that the tenant shall have the right of applying to the Deputy Commissioner should the landlord refuse his consent, and that the Deputy Commissioner, after hearing the landlord's objections, shall pass such orders as may be fair and equitable.

20. On the other hand, it is right, when enhancement is otherwise carefully restricted, that arrangement should be made for the assessment of a fair enhancement on holdings the produce of which has been increased by a landlord's improvement, and sections 26 and 36 (K) of the Bill have been drafted for the assistance of landlords in this matter.

21. Section 25 of the present Act is believed to have been of very little, if any, value. It has, however, been retained in section 25 (A) of the Bill in a shorter form, taken from the second clause of section 83 of the Bengal Tenancy Act.

22. Chapter III of the Oudh Act refers to commutation and payment of rents in kind. The Lieutenant-Governor proposes to omit the last two clauses of section 28 and the whole of section 29. The commutation of grain-rents is an exceedingly delicate and difficult business, while the prevailing opinion as to the advantages and disadvantages of commutation is apt to vary greatly, the authorities leaning sometimes on one side, sometimes on the other. It can hardly ever be expedient that the Government shall interpose, during the currency of a settlement, to determine officially a question of this nature, which is essentially connected with local circumstances and conditions of agriculture that are best adjusted by mutual consent; and, since, in fact, the authoritative commutation of rents

is hardly known in Oudh, the Lieutenant-Governor would prefer to leave it, by law, to private arrangement between landlord and tenant, except when a settlement of revenue is in progress. The transition from rents in kind to cash-rents is gradually spreading with the improvement of agriculture, and the process should be left to its natural and spontaneous course.

23. Chapter IV of the Act deals with the enhancement and settlement of rent. So far as it concerns the rent of tenants with a right of occupancy, they are left untouched. In the two sections, 35 and 36, of the Act are contained the whole of the provisions of the present law in regard to the rent of other tenants. To introduce the scheme sketched in paragraph 69 of my letter of 21st December, 1883, the sections numbered 35 to 36 (A) have been substituted for them in the Bill. They give every tenant a statutory right to occupy his holding for seven years, with a new period beginning from every change in rent or area by the landlord, and at the end of every period of tenancy they give him the preferential claim to continue in his holding at a rent that cannot be more than 6½ per cent. in excess of the previous rent, or, if he be ejected, to be paid compensation for disturbance. In short, the landlord cannot disturb the tenant for seven years, and if after that period he desires to eject he must pay compensation. In no case can enhancement of rent, whether upon the sitting tenant or his successor, exceed ½ per cent. of the old rent, but if the sitting tenant will not agree to an enhancement thus limited he must quit without compensation. The new sections also provide that enhancement shall be by notice, they prescribe a procedure for contesting the notice, and detail the liabilities of the tenant, when he retains or vacates the holding, with or without objection to the notice (clauses 1, 2, and 4, paragraph 69, above quoted). The rights of a tenant are, however, to be assessed, and provision has been made in sections 36 (1) and 37 (1) that the heir of a tenant who dies shall retain the holding only till the expiry of the statutory term current at the time of his death, and, subject to any claim by the heir to compensation for improvements, the landlord is left free to let the holding to any person at any rent which may be arranged (clause 5, paragraph 69). The new tenant under section 36 (A) then acquires statutory rights similar to those enjoyed by his predecessors.

24. In section 36 (A) power has been taken by the Local Government to vary the limit of enhancement at stated intervals (clause 2, paragraph 69).

25. In Chapter V of the Act are the provisions for ejectment and the determination of tenancies. In this there has again been much addition and, for the sake of clearness, some rearrangement of the sections.

26. Section 37 of the Bill reproduces section 41 of the Act unchanged, and states that a tenant with a right of occupancy, and in certain cases may be evicted only by a decree for ejectment. Among these tenants is included, by the present Act, a tenant under a special agreement. A tenant evicted by decree is not entitled to the compensation for disturbance given to the statutory tenant of the Bill. The Lieutenant Governor is of opinion that the section should continue to cover the case of a tenant under special agreement.

27. Section 38 of the Bill is with some alteration section 12 of the Act. It covers the case of all other tenants, and permits their eviction either by a decree for ejectment under section 43 (A) of the Bill, or by an application where decreed arrears of rent remain unpaid, or by the notice of ejectment prescribed by the present Act. The application for ejectment for arrears has been taken from section 35 of the North Western Provinces Rent Act (XII) of 1881, and is a simpler procedure, which the improved position of the tenant justifies, than the application in execution of decree allowed by the present Act.

28. If the landlord proceeds by notice he is required by section 38 (A) of the Bill to deposit the compensation for disturbance, which was part of the scheme of the letter of December, 1883 (paragraph 69, clause 1).

29. In section 39 of the Bill (43 of the Act), which describes the details to be given in the notice, the only important change is that the time of service is put much earlier in the year (15th of November instead of 15th April). Tenancies will now be of seven years' duration, and it is very desirable that notice should be given in sufficient time to admit of all claims on the ground of improvement or other objections being fully sifted and decided before the expiry of the year.

30. Section 40 of the Bill (section 37 of the Act) then details the grounds on which the notice of ejectment may be contested. To the grounds given in the Act have to be added those which the new provision in the Bill requires. The notice may have been issued before the seven years of the statutory tenancy have expired, or the compensation for disturbance may have been deposited only in part or not at all. In sections 39 (A) and 39 (B) of the Bill the tenant is required, if he has any claim to compensation for improvements, to give a specific statement of his claim, and the Court is to determine it before it allows eviction. From the ambiguous language of the Act there have been contradictory rulings in the Rent Courts of Oudh as to the liability of the tenant to eviction before receipt of compensation due to him for improvements. It was clearly the intention of section 22 that he should be compensated before he was removed, and this is definitely expressed in the Bill.

31. Sections 41 and 42 of the Bill represent sections 44 and 45 of the Act with such alterations as the provisions of the preceding sections or experience in the working of the

present Act require. In section 42 of the Bill a clause has been inserted, which was much wanted, enabling the Court to give assistance to the landlord, when needed, to evict a tenant who has contested a notice unsuccessfully. These sections contain the only provisions by which a landlord can remove a tenant of bad character, and no tenant is so likely to resist any action by the landlord himself. If assistance may be properly asked when the tenant has not contested the notice at all, it is more needed when the notice has been contested without valid ground of objection. The section in its present form follows the provision of section 40 of the North-Western Provinces Rent Act.

32. Section 43 of the Bill has been taken, as already explained, from the Rent Act of the North-Western Provinces.

33. Section 43(A) is the provision which the Lieutenant-Governor would substitute for section 11 of the Act, in regard to the terms on which a tenancy may be determined by a decree for ejectment. Section 11 bases it on a failure to perform or observe any of the stipulations of the lease or patta; but the patta of a statutory tenant will not contain any special stipulations, and when such a tenant defaults in his rent the landlord's process will be under section 13 of the Bill.

Even a statutory tenant, however, should be liable to ejectment if he uses his holding in a manner which renders it unfit for the purposes of his tenancy, and provision to that effect, taken from section 14 of the Bengal Tenancy Act, has been introduced in section 43(A) of the Bill. Moreover, many statutory tenants will hold on gram-rents; and as the amount of the landlord's receipts depends on the area the tenant cultivates, the landlord should be ensured against serious damage by the tenant's deliberate neglect to cultivate. In paragraph 77 of my letter of December, 1883, it was recommended that local custom should be left to decide what extent of failure in cultivation should be followed by forfeiture of the holding. This is the object of the second clause in section 43(A) of the Bill.

Tenants, however, "having a right of occupancy, or holding under an unexpired lease, or special agreement or decree of Court," are protected by section 41 of the Act (37 of the Bill) from eviction, except in execution of a decree for ejectment. The section specifies that a decree for ejectment against a tenant with a right of occupancy shall not be made unless at the date of the decree a decree against him for an arrear of rent has remained for fifteen days unsatisfied; but no definite explanation is given of the conditions under which ejectment may be made of the other classes of tenants specified in the section, whether for failure in stipulations in the unexpired lease or special agreement, cessation of the effect of the decree of Court, or other ground for eviction. The Lieutenant-Governor presumes that it has been hitherto left to be decided under the general law whether the grounds for eviction in any such case are or are not sufficient, and that it is unnecessary to give any precise specification. This is, however, a matter on which the Legislative Department will advise.

34. In sections 44 and 45 of the Bill, corresponding to sections 38 and 39 of the Act, the period of the year at which ejectment may take place. A sub-lessee is subjected to a special penalty in section 38(A) of the Bill, and there seems no reason for excepting him from the general rule that ejectment shall take place at the close of the agricultural year. As a statutory tenant he could only then be ejected, and for the same reason the last clause of section 38 of the Act should be omitted.

35. In section 39 of the Act the word *thikadār* has been substituted for sub-lessee.

36. Section 40 of the Act has been practically absorbed in section 43 of the Bill.

37. To this chapter of the Act two sections have been added in regard to *sir* lands. The Lieutenant-Governor accepts the opinion that in the home-farms of the landlords no statutory rights should be recognised in the tenants who may from time to time be admitted to cultivate in them. The principle is recognised in the Tenancy Acts of the North-Western Provinces and Bengal. Whenever, however, statutory rights are recognised outside the private lands of the *zamindār*, it becomes necessary to define what these private lands are. Hitherto there has been in Oudh no special reason for treating as *sir* in the rent-rolls land which is not *sir*, for the change of law now proposed, which is to restrict the arbitrary powers of landlords over all holdings that are outside *sir*, has not been anticipated, and the revision of assessment is still sufficiently distant to make it more convenient for the collection of rent that land let to tenants should be so recorded. From all that has been reported the village rent-rolls are in this respect, as indeed in most others, very fairly correct; and the Lieutenant-Governor is disposed, therefore, to make a less exacting definition of *sir* than that in force in the North-Western Provinces. The definition of *sir* which is given in section 46(A) of the Bill is for these reasons less stringent in several particulars than that which is laid down in section 1 of the North-Western Provinces Rent Act. It has been proposed on some authority to adjust this definition on the principle of allowing land to fall into *sir* and *as* in to fall back into ordinary tenancy land by fixing certain periods after which continuing cultivation by the landlord or by a tenant should determine the character of the cultivating occupancy. The rule of the North-Western Provinces is to fix a long period of continuous cultivation by the landlord, and then to make the lands so cultivated a permanent addition to his original *sir*, whether he continues to cultivate or lets to a tenant. The Bengal Act prevents any accession to the present *sir* unless it is recognised by village custom,

The Lieutenant-Governor would have been glad, nevertheless, to admit a proposal which is quite in keeping with the fluctuations of all agricultural enterprise, and the developments and depressions which circumstances frequently induce in agricultural families. No adjustment, however, has been discovered to regulate the recognition of lands as *sir* and their restoration to the normal conditions of tenancy which the landlord will not be able so to manipulate as to exclude from the statutory provisions an area of cultivated land considerably larger than that which he for the time being occupies. For the purposes of the landlord's cultivation, moreover, there is no restriction on its development. When a tenant's holding falls in by his death, it is open to the landlord to occupy it himself instead of letting it to another tenant. Whether, therefore, it is called *sir* or not will merely operate in determining whether the landlord can subsequently let it without initiating the usual statutory privileges in his tenant. After mature consideration the Lieutenant-Governor is of opinion that *sir* to the extent of all present requirements is provided by the definition as it stands in the Bill, that this may, as in the North-Western Provinces and Bengal, be permanently excluded from the operation of the sections which regulate the ordinary holdings of tenants, but that for the future no provision should be made by the law to enable a landlord, by private cultivation for any definite period, to remove permanently any lands from the general operation of those sections.

38. The section 45 (B) of the Bill has been added to meet the case of lessees and mortgagees who during their management have brought lands under their personal cultivation. These are lands which, on the expiry of the lease or redemption of the mortgage, are paying no rent; and unless some express provision is made, the lessee or mortgagee would apparently have not only the statutory rights of a tenant, but be entitled to sit rent-free.

39. In Chapter VI (Distress for Arrears of Rent) the Lieutenant-Governor proposes no change.

40. In Chapter VII (Jurisdiction of the Courts) the change are few.

41. In the preamble of section 53 a small change has been made in the terms of section 93 of the North-Western Provinces Rent Act, excluding definitely the jurisdiction of all Courts other than Courts of Revenue in the classes of cases specified.

In clause 3 it seems unnecessary to limit a suit for enhancement to the case of an occupancy-tenant. A lessee in whose lands there may be large alluvion may be liable to a suit for enhancement.

The last part of clause 4 is unnecessary for reasons stated in an earlier part of this letter.

In clause 9 an addition is necessary from the terms of section 26 of the Bill.

In clause 10 an addition is required by section 24 (A) of the Bill.

42. In section 91 an addition is proposed authorising the Local Government to invest any officer of the grade of a Deputy Collector with the powers of a Deputy Commissioner to hear applications by a tenant under section 24 to make improvements, or of a landlord under section 43 to eject a tenant for arrears of rent.

43. Section 102 of the Act gives summary powers to Deputy Collectors to restore possession which has been illegally disturbed. From orders under this section there is no appeal. Against this section there has been much complaint, and now that the position of the tenant will be comparatively secure it is preferable that the restoration should be by ordinary suit, subject to the usual appeal. For this section of the Act has been substituted a provision enabling the landlord to recover a fair rent for land which has been occupied without his permission. The absence of any such provision has been for many years a frequent cause of notice of ejectment. The only course open to the landlord hitherto, when a tenant has added surreptitiously to his holding, has been to eject him, or to attack him by the cumbersome process of a suit in the Civil Court for damages. If the land happened to be unlet in the previous year, the provisions of sections 35 and 36 of the Act prevent the landlord from recovering any rent in the Rent Court.

44. Section 112 of the Act requires that in all suits under the Act the summons to the defendant shall be for the final disposal of the suit. The suit is in many cases intricate, and will hereafter involve and concern tenancies of a longer and more valuable character. It is proposed to limit this provision to specified classes of suits.

45. Section 116 of the Act is no longer consistent with the general provisions of the Bill, and should be omitted.

46. Section 125 of the Act provides that sale of an under-proprietary tenure shall not be made if satisfaction of the decree can be made by management of the tenure under sections 243 and 244 of the Civil Procedure Code of 1859 (or the corresponding sections of the Code of 1882). Management of under-proprietary tenures by the Deputy Commissioner has for some time, however, been recognized as practically impossible. They are generally small; as they come under the Deputy Commissioner's charge, they are usually scattered; and official management can be neither efficient nor economical. If the under-proprietor can give the Deputy Commissioner any anticipation that a private adjustment of

the judgment-debt can be effected by mortgage or otherwise, time can always be given under section 305 of the Code of 1882, and the Lieutenant-Governor's opinion on the whole is that all of the section, except the first sentence, may be without disadvantage omitted.

47. In a concluding chapter (X) of the Bill are entered four new sections.

48. Section 129 reserves to the Local Government authority under the sanction of the Governor General in Council to appoint an officer for the revision of rents in an estate in which from grave mismanagement the condition of the tenantry has been materially deteriorated or the area of the cultivation diminished. This formed the seventh clause of the scheme in paragraph 69 of the letter of 21st December, 1883, and the reasons for the provision have been there sufficiently explained.

49. Under the present registration law all pattas for seven years, for however small a sum, must be registered. The inconvenience of an enforced registration throughout the country would be very serious; and as the pattas of all tenants will be checked by the supervisor-kanúngos, registration seems to be unnecessary. The object of registration is practically effected by his verification, and personation will be difficult when the verification is made in the course of his village rounds. It is proposed, therefore, in section 130, to exempt pattas for the statutory period of seven years from the Registration Act.

50. In section 131 reference is made to a schedule, in which will be entered certain tracts which the Lieutenant-Governor proposes to exclude from the general rule of a statutory right to a seven years' holding. It has been explained in paragraph 73 of the letter of December, 1883, that in part of the northern and submontane districts the rent customs are exceptional, the area in cultivation varies with the season, and the rent is separately settled at each harvest. With these circumstances the general proposals of the Bill will not fit in; but in these tracts the population is sparse, and the tenants can command their own terms. A detail of the areas to be scheduled will be forwarded subsequently.

51. In the last section (132) of the Bill power is taken to the Local Government to make any rules necessary under the Act and consistent with it. The terms of the section have been taken from the last clause of section 211 of the North-Western Provinces Rent Act.

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S. HARVEY JAMES,  
*Offg. Secretary to the Government of India.*





## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

First publication.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th June, 1886, and was referred to a Select Committee —

## NO. 8 OF 1886.

*A Bill to alter the constitution of the body corporate known as the Trustees of the Indian Museum, and to confer certain additional powers on that body.*

WHEREAS it is expedient to alter the constitution of the body corporate known as the Trustees of the Indian Museum, and to amend the law relating to the powers of the said Trustee; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Museum Act, 1886; and

(2) It shall come into force at once.

2. Sections 3, 4 and 5 of the Indian Museum Act, 1876, are repealed.

3 For those sections the following shall be substituted, namely:—

## Incorporation of the Trustees.

Constitution and incorporation of the Trustees of the Indian Museum.

3. The Trustees of the said Indian Museum shall be—

- (a) the person for the time being holding the office of Accountant General of Bengal;
- (b) five other persons to be appointed by the Governor General in Council;
- (c) five other persons to be appointed by the Lieutenant-Governor of Bengal;
- (d) five other persons to be appointed by the Council of the Asiatic Society of Bengal; and
- (e) five other persons to be appointed by the Trustees;

and the said Trustees shall be a body corporate, by the name of the Trustees of the Indian Museum, and shall have perpetual succession and a common seal.

4. All the powers of the said body corporate may be exercised so long as there are nine members thereof.

5. If a trustee appointed under section 3 dies, or is absent from India for more than twelve consecutive months, or desires to be discharged, or refuses or becomes incapable to act,

or becomes Accountant General of Bengal, then the authority which appointed the trustee may appoint a new trustee in his place."

4. (1) For the purposes of the Indian Museum Act, 1876, as amended by XXII of 1886, the persons holding office as Trustees under this Act—

(a) the persons nominated by the Governor General in Council under the Indian Museum Act, 1876, and now holding office as Trustees, shall be deemed to be persons appointed by the Governor General in Council under section 3 of that Act as amended by this Act;

(b) the President of the Asiatic Society of Bengal, and the other members of the Council of that Society nominated by that Council under the Indian Museum Act, 1876, and now holding office as Trustees, shall be deemed to be persons appointed by the Council of the Asiatic Society of Bengal under the said section; and

(c) the persons elected and appointed by the Trustees under the said Act, and now holding office as Trustees, shall be deemed to have been appointed by the Trustees under the said section.

(2) The Secretary to the Government of India and the Superintendent of the Geological Survey of India shall cease to be ex officio members of the said body corporate.

5. Notwithstanding anything in the Indian Museum Act, 1876, the Trustees of the Indian Museum shall have power to keep collections not belonging to them.

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(a) the Trustees of the Indian Museum, if they think fit, may, with the previous sanction of the Governor General in Council, and subject in each case to such conditions as he may approve and to such rules as he may from time to time prescribe, assume the custody and administration of collections which are not the property of the Trustees for the purposes of their trusts in that Act mentioned, and keep and preserve the collections either in the Indian Museum or elsewhere; and

(b) in the event of the trust constituted by that Act being determined, collections of which the Trustees have assumed the custody and administration under the foregoing part of this section shall not, by reason of their then being in the Indian Museum, become the property of the Government of India.

And whereas it is provided in the Indian Museum Act, 1876, that the Trustees of the Indian Museum shall have the exclusive possession, occupation and control, for the purposes of their trusts in that

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Act mentioned, of the whole of the building called the Indian Museum, except certain portions thereof set apart for other purposes; and whereas the Trustees are by virtue of that provision in possession of the property described in the schedule to this Act; It is hereby enacted as follows:—

6. The Trustees may, with the previous sanction of the Governor General in Council, and subject to such conditions as he may approve, deliver possession of that property to such person as the Lieutenant-Governor of Bengal may appoint in that behalf.

#### THE SCHEDULE.

Land bounded on the north by a straight line drawn between the east and the west boundaries parallel to the main south wall of the Museum at a distance of twenty-five feet from the said wall, on the west and south-west by the Chowringhee Road and the walls of the premises known as No. 29 Chowringhee Road, on the south by Kyd Street, and on the east by the walls of the premises known as No. 15 Kyd Street and No. 4 Chowringhee Lane, measuring in all four acres, three roads and sixteen perches, together with all buildings, roads and tanks existing or erected thereon, and all easements appertaining thereto.

#### STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to give effect to an arrangement, made with the approval of the Government of India, whereby—

- (a) the Bengal Government is to be represented among the Trustees of the Indian Museum;
- (b) the Bengal Government is to entrust the Trustees with the custody and administration of the economic, ethnological, Indian Art-ware and Fine Art collections belonging to that Government; and
- (c) the Trustees, in consideration of the provision by the Bengal Government of additional accommodation required by them, are to surrender certain land adjacent to the Museum on which that Government may build a School of Art and Art Gallery.

Sections 3 and 4 provide for the representation of the Bengal Government among the Trustees, and sections 5 and 6 empower the Trustees to assume the custody of the collections belonging to the Bengal Government, and to make over to that Government the land on which the School of Art and Art Gallery are to be built.

*The 25th May, 1886.*

S. C. BAYLEY.

S. HARVEY JAMES.

*Offg. Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th June, 1886.—

NO. 9 OF 1886.

## THE DEBTORS BILL, 1886.

## CONTENTS.

## SECTIONS.

1. Short title and commencement.
2. Extent.
3. Definition.
4. Enforcement of decree or order for money by imprisonment permissible in excepted cases only.
5. Discretionary powers of Courts in some excepted cases.
6. Power to make rules for guidance of Courts in other excepted cases.
7. Provisions as to imprisonment under Act.
8. Commitment of fraudulent debtors to Magistrate.
9. Special provisions with respect to arrest before judgment.
10. Saving of proceedings antecedent to commencement of Act.
11. Act to bind the Crown.
12. Powers exercisable from time to time.

*A Bill to amend the law relating to Imprisonment for Debt.*

WHEREAS it is expedient to amend the law relating to imprisonment for debt; It is hereby enacted as follows:—

1. This Act may be called the Debtors Act, 1886; and it shall come into force on the first day of January, 1888.  
Short title and commencement.
2. (1) This Act shall extend, in the first instance, only to the territories administered by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh.  
Extent.

(2) But any other Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, extend this Act, with effect on and from a day not less remote than one year from the date of the notification, to the whole or any specified part of the territories under its administration or to any class of debtors within the whole or any specified part of those territories.

3. In this Act the expression "Revenue Court" means a Court having jurisdiction in suits for the rent, revenue or profits of land.  
Definition.

4. Notwithstanding anything in the Code of Civil Procedure or any other enactment, a person shall not be liable to arrest or imprisonment for default in compliance with a decree or order of a Civil or Revenue Court for payment of money except in the following cases:—

(a) where the order is for payment of a fine;

(b) where the defaulter is a trustee or person acting in a fiduciary capacity, and the decree or order requires him, as such, to pay any money which is in his possession or under his control, or any money for which he is accountable and of which he has not discharged himself;

(c) where the Court is satisfied that, since incurring the liability in respect of which the decree or order was made, the defaulter has fraudulently transferred, concealed or removed any part of his property, or committed any other act of bad faith in relation thereto, with the object or effect of impeding the enforcement of the decree or order by the attachment and sale of his property;

(d) where the Court is satisfied that the defaulter either has, or has had since the date of the decree or order, the means to pay the money, and has refused or without reasonable cause neglected, or refuses or neglects, to pay the same.

5. In any case coming within the exception specified in clause (b) of section 4 the Court may, after inquiry into the case, exercise its discretionary powers of Courts in some excepted cases.

grant or refuse, either absolutely or on terms, any application for the arrest or imprisonment of the defaulter, or for his release from arrest or discharge from imprisonment.

6. (1) The High Court, with respect to Courts subordinate to it, and the Chief Controlling Revenue-authority, with respect to Courts subordinate to it, may, with the approval of the Local Government and the sanction of the Governor General in Council, make rules for regulating the procedure to be observed in inquiries for determining whether the case of a defaulter for whose arrest or imprisonment application has been made is a case coming within the exceptions specified in clauses (c) and (d) of section 4, or within either of those exceptions.

(2) Rules may be made under this section—

(a) for the territories administered by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh, at any time after the passing of this Act, and

(b) for territories under the administration of any other Local Government, at any time after the publication of the notification extending this Act to those territories or to any class of districts therein;

but rules so made shall not take effect until the Act comes into force in the territories for which they have been made.

(3) An authority making rules under this section shall, before making the rules, publish a list of the proposed rules in such manner as the Governor General in Council, by notification in the Gazette of India, prescribes.

(4) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(5) The authority making the rules shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(6) A rule made under this section shall not take effect until it has been published in the local official Gazette.

(7) The publication in that Gazette of a rule purporting to be made under this section shall be conclusive proof that it has been duly made.

7. The operation of the enactment under which the defaulter is liable to arrest or imprisonment in any case coming within the exceptions specified in clauses (c), (e) and (f) of section 4, or within any of those exceptions, or is entitled to release from the arrest or discharge from the imprisonment, shall be subject to the following provisions, namely:—

(a) the defaulter may be imprisoned for such term, not exceeding six months, as the Court directs;

(b) no allowance for the subsistence of the defaulter, or for supplying him with clothing or bedding, shall be payable by the person on whose application the order for the imprisonment of the defaulter is made;

(c) during the term of his imprisonment the defaulter shall be maintained at the

expense of the Government, and be subject, as nearly as circumstances admit, to the discipline prescribed in the case of a criminal prisoner undergoing simple imprisonment;

(d) notwithstanding the payment of the money in respect of which the decree or order was made, or any arrangement for the payment thereof or proof of present inability to pay it, or any expression of intention to apply for a declaration of insolvency, or any declaration of insolvency, or any request by the person on whose application the order for the arrest or imprisonment was made, the defaulter shall not be released from arrest, or, if he is in prison and the term of his imprisonment is not fulfilled, be discharged from prison, without the order of the Court;

(e) an appeal from the order for the imprisonment of the defaulter, and from an order refusing his release or discharge under clause (d) of this section, shall lie—

(i) if the Court making the order is a Civil Court subordinate for the purposes of the Code of Civil Procedure to the District Court, then to the District Court,

(ii) if the Court making the order is any other Civil Court, then to the High Court, and

(iii) if the Court making the order is a Revenue Court, then to the authority to which appeals lie from orders of the Court relating to the execution of decrees, or, where those orders of the Court are final, to such authority as the Local Government may, by notification in the official Gazette, appoint in this behalf;

and the order passed on the appeal shall be final.

8. Where the Court is of opinion that the Commitment of fraudulent defaulter has been guilty of any offence under the Code of Criminal Procedure or under any enactment for the time being in force for the punishment of fraudulent debtors, it may, if it thinks fit, instead of ordering his imprisonment under this Act, send him to a Magistrate to be dealt with according to law.

9. Notwithstanding anything in Chapter XXXIV of the Code of Civil Procedure, or any other enactment, a defendant in a suit for money only who has been arrested before judgment shall not, as such, either be required to give security for his appearance at any time after the day on which judgment is given, or, if he has been committed to prison, be detained in prison after that day:

Provided that, if judgment is given against the defendant, and the decree-holder applies, on the day on which judgment is given, for the enforcement of the decree by the imprisonment of the judgment-debtor, the Court may require the judgment-debtor to give such security as it thinks

sufficient for his appearance at any time when called upon while the application is pending, and, if he fails to give the security, may commit him to prison, or place him in the custody of an officer of the Court, until the disposal of the application.

10. Nothing in this Act shall affect the liability of any person for whose arrest in execution of a decree or order a warrant has been issued by a Civil or

Revenue Court before this Act comes into force in the territory in which the Court is established.

11. The provisions of this Act shall bind the Crown.

12. All powers conferred by this Act may be exercised from time to time as occasion requires.

## STATEMENT OF OBJECTS AND REASONS.

### *Imprisonment for Debt in India.*

A decree or order for the payment of money may be enforced in India by the imprisonment of the judgment-debtor (Act XIV of 1882, s. 254). The Court has a discretionary power to refuse execution at the same time against the person and property of the judgment-debtor (s. 250), but has no discretionary power to refuse execution either against person or against property at the option of the creditor. When an application for execution of a decree is presented, it must, if it is not barred by efflux of time and is otherwise in order, be admitted, and then the Court must order execution of the decree *according to the nature of the application* (s. 245). The Court cannot refuse to issue its warrant for the execution of the decree unless it sees cause to the contrary (s. 250), and "cause to the contrary," as interpreted by the Courts, means some cause which deprives the decree-holder of the right to execute, or to execute against the party against whom execution is sought, or to execute in the mode prayed for.

2. A judgment-debtor may, when arrested, obtain immediate release by payment of the debt; but if he does not, he must be brought at once before the Court (ss. 336-337).

3. The Local Government may by notification\* direct that whenever a judgment-debtor is arrested in execution of a decree for money, and brought before the Court, the Court shall inform him that he may apply, under Chapter XX of the Code, to be declared an insolvent, and that he will be discharged if he has not committed any act of bad faith regarding the subject of his application, and if he places all his property in possession of a receiver appointed by the Court (s. 336).

4. If the judgment-debtor expresses his intention so to apply, and furnishes sufficient security that he will appear when called on, and that he will, within one month, apply to be declared an insolvent, the Court is to release him from arrest. But if he fails so to apply, the Court may either direct the security to be realised, or commit him to prison in execution of the decree (s. 336).

5. A person is not to be imprisoned in execution of a decree for more than six months, or, if the debt does not exceed fifty rupees, for more than six weeks (s. 337).

6. Whilst he is in prison, a monthly allowance must be paid for his subsistence according to scales fixed by the Local Government. The allowance is to be supplied by the decree-holder, and is to be deemed costs in the suit (ss. 338 to 340).

7. He is to be discharged from prison—

- (a) on the amount mentioned in the warrant of committal being paid to the officer in charge of the prison, or
- (b) on the decree being otherwise fully satisfied, or
- (c) at the request of the person on whose application he has been imprisoned, or
- (d) on default in the payment of the allowance for his subsistence, or
- (e) on his being declared an insolvent, or
- (f) on the expiration of the term of his imprisonment (s. 341).

His discharge from prison does not discharge him from his debt, but he cannot be re-arrested under the same decree (s. 341).

8. By the Presidency Small Cause Courts Act, XV of 1882, the provisions of the Code of Civil Procedure are applied, with modifications and exceptions, to the procedure in the Small Cause Courts at Calcutta, Madras and Bombay. Among the provisions not so applied are those which relate to the release of an arrested judgment-debtor on his expressing an intention to apply for a declaration of insolvency. Chapter XX of the Code, relating to insolvent judgment-debtors, is also not applied to these Courts. (See s. 23 and sched. II.)

9. The Act, however, contains certain special provisions with respect to an arrested judgment-debtor. Under section 29 the Court may release him from arrest on his giving security for payment. And under section 30, if it appears to the Court that a judgment-debtor under its decree is unable, from sickness, poverty or other sufficient cause, to pay the amount of the decree, or of any instalment under the decree, the Court may, from time to time, for such time and on such terms as it thinks fit, suspend the execution of the decree, and release the debtor, or make such order as it thinks fit.

10. In the four districts of the Dekkhan to which the Dekkhan Agriculturists' Relief Acts apply arrest and imprisonment for debt have been abolished in the case of agriculturists.\* And certain special Acts for the relief of embarrassed landholders contain provisions protecting the debtor from arrest or imprisonment in respect of the debts to which the Acts apply.

\* "No agriculturist shall be arrested or imprisoned in execution of a decree for money passed whether before or after this Act comes into force."—(Act XVII of 1879, s. 21, as amended by Act XXII of 1882, s. 8.)

Acts apply arrest and imprisonment for debt have been abolished in the case of agriculturists.\* And certain special Acts for the relief of embarrassed landholders contain provisions protecting the debtor from arrest or imprisonment in respect of the debts

#### *Imprisonment for Debt in England.*

11. Imprisonment for debt was abolished in England by the Debtors Act of 1869 (32 & 33 Vic., c. 62), except in the following cases:—

- (1) default in payment of a penalty, or sum in the nature of a penalty, other than a penalty in respect of a contract;
- (2) default in payment of a sum recoverable summarily before a Justice or Justices of the Peace;
- (3) default by a trustee or person acting in a fiduciary capacity and ordered to pay by a Court of Equity any sum in his possession or under his control;
- (4) default by a solicitor in payment of costs, when ordered to pay costs for misconduct as such, or in payment of a sum of money, when ordered to pay the same in his character of an officer of the Court;
- (5) default in payment for the benefit of creditors of any portion of a salary or other income, in respect of the payment of which any Court having jurisdiction in bankruptcy is authorized to make an order;
- (6) default in payment of sums in respect of the payment of which orders may be made under the Act (that is, cases of contumacious refusal under section 5 of the Act, see para 14).

12. The term of imprisonment in these excepted cases must not exceed one year (s. 4).

13. In cases (3) and (4) the Court has power to enquire into the case, and at discretion to grant or refuse an order for arrest or imprisonment (41 & 42 Vic., c. 54, s. 1).

14. Under section 5 of the Act of 1869, a Court may commit to prison for a term not exceeding six weeks, or until payment of the sum due, any person who makes default in payment of any debt, or instalment of any debt, due from him in pursuance of any order or judgment of that or any other competent Court. But the power is not to be exercised unless it is proved to the satisfaction of the Court that the person making default has, or has had, since the date of the order or judgment, the means to pay the sum in respect of which he has made default, and has refused or neglected to pay it. "Proof of the means of the person making default may be given in such manner as the Court thinks just, and for the purposes of such proof the debtor and witnesses may be summoned and examined on oath, according to the prescribed rules." A summons under this section is usually called a judgment summons.

15. It will be observed that all the cases in which a debtor is liable to imprisonment under the Act of 1869 involve some degree of delinquency†. And it has been held by high authority‡ that the Act was distinctly intended for the purpose of punishing fraudulent or dishonest debtors.

16. Sums recoverable summarily before Justices, or, as they are called in modern statutory language, Courts of summary jurisdiction, are usually fines. But as ordinary civil debts are in some cases so recoverable, it has been provided by the Summary Jurisdiction Act, 1879 (42 & 43 Vic., c. 49, section 35) that an order of a Court of summary jurisdiction for the payment of a civil debt is not to be enforced by imprisonment, unless the case is such as would make the debtor liable to imprisonment under section 5 of the Debtors Act, 1869.

#### *Imprisonment for Debt in Scotland.*

17. In Scotland imprisonment for debt for sums under £8-6-8 was abolished in 1835 by 5 & 6 Wm. IV, c. 70, but alimentary debts (that is, debts for the support of the debtor's wife or children) were excepted from the operation of that Statute. In 1880 was passed the Debtors (Scotland) Act, 1880 (43 & 44 Vic., c. 34), which enacts, by section 4, that,

"with the exceptions hereinafter mentioned, no person shall, after the commencement of this Act, be apprehended or imprisoned on account of any civil debt.



"There shall be excepted from the operation of the above enactment—

- (1) taxes, fines or penalties due to Her Majesty, and rates and assessments lawfully imposed or to be imposed;
- (2) sums decreed for alimony;

"Provided that no person shall be imprisoned in any case excepted from the operation of this section for a longer period than twelve months."

The same Act contains provisions for the relief of insolvent debtors and for the punishment of fraudulent debtors.

18. By the Civil Imprisonment (Scotland) Act, 1882 (45 & 46 Vic., c. 42), imprisonment for alimentary debts was abolished, except in cases where there is a wilful failure to obey the decree for the debt (ss. 3 and 4), and the maximum term of imprisonment for failure to pay rates or assessments was reduced to six weeks (s. 5).

*Imprisonment for Debt in Ireland.*

19. In Ireland the law as to imprisonment for debt is regulated by the Debtors Act (Ireland), 1872 (35 & 36 Vic., c. 57), as amended by 41 & 42 Vic., c. 54, and is practically identical with the English law.

*Proposals for amendment of Indian Law.*

20. On the 17th November, 1881, a circular was addressed by the Government of India to all Local Governments and Administrations, stating that the Government of India had under consideration the question of amending the provisions of the Code of Civil Procedure bearing upon the question of the arrest of *undivided* women in execution of the decrees of Civil Courts, but that before coming to any final conclusion on the subject the Governor General in Council thought it desirable to deal with the larger question of abolishing imprisonment for debt, and for this purpose to enquire whether sufficient reasons exist for the continued maintenance in India of the present system. Local Governments and Administrations were accordingly requested to favour the Government of India with a full expression of their opinion on the matter.

21. The replies to the circular disclosed much difference of opinion as regards the advisability of maintaining in India the present system of imprisonment for debt.

22. In favour of the maintenance under existing circumstances of the present system of imprisonment for debt were the Madras Government, the Madras High Court, the Bombay Government, the Bombay High Court, the Calcutta High Court, the Calcutta Chamber of Commerce and the Trades Association, Calcutta (unless a change were accompanied by the enactment of a stringent bankruptcy law), the British Indian Association, Calcutta, the Board of Revenue, North-Western Provinces, the Punjab Chief Court, the Chief Commissioner of the Central Provinces, the Chief Commissioner of Assam (provided the law were so altered as to permit the issue of process against the person only after all means of realising the decree by process against property have been exhausted), and the Chief Commissioner and the Judicial Commissioner of Coorg. The arguments which they advanced appear to be in the main the following:—

- (a) that the total abolition of imprisonment for debt in India would be premature, and would remove from the Statute Book the only check upon the fraudulent alienation of property by solvent but dishonest debtors;

- (b) that legislation has proceeded quite far enough in relief of the judgment-debtor,

• Sir C. Sargent, of the Bombay High Court, wrote

"The legal incidents of the undivided Hindu family, the nannte distribution of property caused by the Mohammedan law of descent, and, to which last not least, the practice of creating life tenures so common in this country, afford the dishonest debtor endless opportunities of evading the efforts of the judgment creditor to attach his property."

while there are in India special difficulties in executing a decree by attachment of property when the judgment creditor is a member of an undivided\* family. Creditors are not, it is said, in the habit of proceeding to extremities unless the debtor has the means of liquidating a portion at least of the debt. The men who go to prison are

for the most part those who obstinately refuse to pay their debts, and cases of imprisonment for debt are not numerous;

- (c) that the abolition of imprisonment for debt would deprive lenders of personal security, would thereby depreciate credit, and would involve an increase in the rate of interest, already very high. In the case of agriculturists this might seriously impair their ability to pay the land-revenue;

- (d) that abolition of imprisonment for debt should only be attempted when the habits of secrecy, engendered by centuries of oppression, have pretty well worn away, and when transactions are open and the registration of deeds and bonds has become habitual. When the debtor's property can be easily traced and seized in execution of a decree, then it will be reasonable and right to withhold execution on the body of a pauper debtor except as a distinctly exceptional and penal measure in the case of fraud.

23. In support of the abolition of imprisonment for debt were the following authorities:—

- (a) the Advocate General of Bengal, who advocated the introduction of the English system, because there is no reason why the matter should not be regulated in India as in England, if proper exceptions and limitations, as contained in the English Debtors Act of 1869, are prescribed, and because the abolition of imprisonment for debt would not cause any public injury, while, on the other hand, the present system in most instances operates only as a means of oppression, to the total ruin of the party imprisoned and of his family;
- (b) the Bengal Government, which, while not prepared to resist the opinions of the local officers that abolition would at present be premature, thought that, if an alteration of the bankruptcy law were at any time undertaken, measures might then be adopted for the abolition of imprisonment for debt in cases where fraud is not established against the judgment-debtor;
- (c) the North-Western Provinces and Outh Government, which regarded the existing practice of placing in the creditor's hands the power of selecting his own method of coercion as a relic of the old semi-barbarous debt law, which has now been eliminated from almost every civilized code of judicial procedure. The present system operates with severity against all debtors, honest and dishonest, indiscriminately. The power of subjecting a debtor to arrest and imprisonment should be entrusted *not* to the decree-holder, but to the Courts, and its exercise should be limited to cases where clear proof exists of fraudulent and contumacious attempts on the part of the judgment-debtor to defeat the operation of a decree. Imprisonment is especially hard on the cultivator and working man, whom it deprives of their means of subsistence and of providing for their families;
- (d) the North-Western Provinces High Court, which advocated the abolition of imprisonment for debt, as it is doubtful whether "any useful purpose is served by the perpetuation in this country of that remnant of barbarism";
- (e) the Punjab Government, which believed that there is some reason to fear that, under the present system, creditors occasionally make use of the law to gratify vindictive feelings or personal spite, and to coerce debtors to sell their land and property at a price below its proper value or to relinquish their just rights. Discretionary power ought to be expressly allowed to the Civil Courts, imprisonment not being resorted to as an ordinary process of execution of a decree, unless the Court is satisfied that there has been fraud or wilful concealment of property;
- (f) the Chief Commissioner of British Burma, who pointed out that the imprisonment of debtors who are paupers, but who are not fraudulent, does no real good to any class, works directly and indirectly great harm to the poorer classes, and causes a distinct loss to the community at large. The practice of permitting such imprisonment has been gradually circumscribed among other civilized nations; among some nations it has absolutely ceased; and there is no reason why the way should not be paved for the disappearance of the system in India. Civil Courts should be allowed to grant execution against the body of judgment debtors against whom there might be *prima facie* ground for presuming fraud or bad conduct, unless the presumption were rebutted by the judgment debtor;
- (g) the Judicial Commissioner of British Burma and the Recorder of Rangoon, who were of opinion that imprisonment for debt should be abolished, except in case of fraud, which should be punished criminally. The Recorder recommended that the law as to how debtors in England should be applied to India;
- (h) the Resident at Hyderabad, who considered that the present system of imprisonment for debt is not wanted to compel payment, while it may tend to bring undue pressure to bear upon a debtor, especially in an agricultural country where interest is not so generally given as security for debts. He recommended that imprisonment for debt should be retained only to meet cases in which debtors abscond or endeavour to fraudulently evade meeting their obligations.

24. Thus, the preponderance of opinion was on the whole in favour of the maintenance of imprisonment for debt under the present condition of India, but a considerable and influential minority were in favour of its abolition.

25. The arguments on which the upholders of the present system rely fall into two classes: first, arguments which, if valid at all, are valid for England as well as for India; and, secondly, arguments based on the special circumstances and conditions of India.

26. To arguments of the first class belongs the assertion that "to remove from the Statute Book the penalty of arrest and imprisonment in execution of a decree for money would be to paralyze the commerce and trade of the country." The same objection was made in England, first to the abolition of arrest on mesne process,<sup>1</sup> and afterwards to the abolition of arrest on final process. The power of arrest was removed, and neither commerce nor trade shewed any symptoms of paralysis.

<sup>1</sup> See Lord Cottonham's speech in 1811 on the Creditors and Debtors Bill; Hansard, 74, page 604.

27. Those who uphold imprisonment for debt, not as being generally expedient, but as being specially required for India, do so mainly on two grounds: first, the complexity and obscurity of Indian titles to property; and, secondly, the exceptional prevalence of fraud in India, and the exceptional difficulties of detecting it.

As to the first ground, it has been remarked that if it is wrong to allow a debtor to pledge his person as security for his debts, it is not the less wrong, besides, owing to the defect of Indian property law, he finds difficulty in giving a satisfactory security over his property.

In the argument based on the prevalence of, and difficulty of detecting, fraud, there is undoubtedly much force, though it may be doubted whether the obstacles which can be placed in the way of a creditor realizing his debt are not as great in England as in India. But, however this may be, to make an honest, though needy, debtor liable to imprisonment, simply because fraudulent debtors are numerous and difficult to detect, appears to be as unjust as it would be to make homicide by misadventure punishable by death, simply because the crime of murder was rife and hard to prove.

28. There are in the opinion of the Government of India two principles which ought to be observed in every law of debtor and creditor. The Court ought not to give effect to any pledge by a debtor either of his person or of the bare necessities of life. The debtor ought not to be allowed, by his own action, stipulated by the action of the Courts, either to deprive himself of his personal liberty, or to reduce himself to starvation. If he cannot obtain credit except on one or other of these securities, it is better that he should not obtain credit at all. Experience acquired in the Dekkhan goes to show that these principles are as applicable to India as to England. The Code of Civil Procedure recognises one of these principles by exempting from seizure for debt the debtor's bare means of subsistence. But this recognition is nullified by the refusal to depot the principle of exempting the debtor's person from seizure. Of what use is it to reserve by law to the debtor the bare necessities of life, when he can be compelled to give them up by the threat of imprisonment? By those who advocate the retention of the present system, no advantage is placed on the very small proportion of actual imprisonments to warrants of arrest, and the inference drawn from this proportion is that the law, though harsh in theory, produces no harshness in practice. But there is reason to believe that, in the great majority of cases, exemption from arrest is purchased either by renewal of bonds on extortionate terms, or by surrender of property which the law has exempted from seizure, or by surrender of property which does not belong to the debtor at all, but to his relations or friends. In other words, the law enables a creditor to do indirectly what it forbids him to do directly.

29. It is said that the honest debtor has an easy way out of prison through the door of insolvency. But in the first place, the honest debtor ought not to be sent to prison at all; and in the next place, the door which is provided for his release is, for some reason or other, very narrowly closed. There is, or was until recently, a strong concurrence of opinion to the effect that the Insolvency Chapter of the Code of Civil Procedure is practically a dead letter. As to the causes of its failure,—whether it is to be accounted for by the preliminary proceedings being unnecessarily cumbrous or expensive, or by the difficulty of satisfying the Court under section 354 that the debtor has not been guilty of any kind of misconduct, or by ignorance of the law and of the modes of relief available to debtors,—opinions differ; but about the fact of failure there appears to be no difference.

30. Since 1883 the Government of India has received and published reports obtained from Her Majesty's representatives abroad on the systems of imprisonment for debt in force in the various countries to which they are accredited. Those reports showed that imprisonment for debt has been abolished in nearly all civilized countries.

31. Having regard to the state of the law in the United Kingdom, to those reports, to the success which has attended the abolition of imprisonment for debt in the case of agriculturists to whom the Dekkhan Agriculturists' Relief Acts apply, to the expressions to be found in the opinions of the authorities who considered the debtors' Bankruptcy Bill of 1885, and to the advocacy by the Lieutenant Governor of the North-Western Provinces and Chief Commissioner of Oudh, and by the Chief Justice and Judges of the High Court of Judicature for the North-Western Provinces, of the expediency of the process of a writ for debt, so far as it is a process that can be set in motion at the discretion of a creditor, and of the enforcement of the process being restricted to cases in which the Courts are satisfied that there have been fraudulent and continuances attempts to defeat the operation of decrees, the Government of India has decided to introduce a Bill giving effect tentatively and, in the first instance, within a limited area, to the law which dictated the English Act of 1869, and is believed by several authorities of weight to be applicable to India.

#### *Provisions of Bill.*

32. *Sections 1 and 2.*—It is proposed that the measure shall apply in the first instance to the North-Western Provinces and Oudh, and be extendible to other Provinces, or to particular classes of debtors in other Provinces, by Local Governments with the previous sanction of the Governor General in Council.

From the opinions recorded by the Chief Commissioner and by Mr. MacEwen, the Officiating Recorder of Rangoon, on the draft Bankruptcy Bill of 1885, and by the Recorder, Judicial Commissioner and other authorities, European and Native, on the circular of 1881, there appears to be a strong feeling in Burma in favour of abolishing imprisonment for debt where the debtor has not been guilty of fraud. But it is considered desirable that the proposed Act should apply in the first instance to the territories under one Local Government, and that its effect there should be ascertained before the Act is extended to other parts of the country.

The date on which the Act is to come into force in the North-Western Provinces and Oudh is the 1st of January, 1888. If therefore the Bill is passed during the present year, decree-holders will have more than twelve months within which they may proceed against their judgment-debtors under the provisions of the Code of Civil Procedure. In England the period which elapsed between the passing and the coming into force of the Debtors Act 1869, was less than five months.

33. *Section 4*.—This section is based on section 4 of the Debtors Act, 1869, but applies only to arrest and imprisonment for default in compliance with decrees and orders of Civil and Revenue Courts. Clause (c) is specially designed to check those fraudulent alienations of property by solvent but dishonest debtors which are relied on by the opponents of any mitigation of the existing law as the main justification of imprisonment for debt.

34. *Section 5*.—This section, following the 41 & 42 Vic., c. 54, permits the Court to refuse, either absolutely or on terms, an application for the arrest or imprisonment, or for the release or discharge from arrest or imprisonment, of a defaulter who is a trustee or person acting in a fiduciary capacity and is required, as such, to pay any money which is in his possession or under his control, or any money for which he is accountable and of which he has not discharged himself.

The origin and object of this clause are stated as follows by Jessel, M. R., in *Morris v. Ingram* (L. R. 13 Ch. D. 343):—

"Then we come to the Amendment Act of 1878, which was passed to meet a special class of cases, and the history of that Act was this. An application was made before me for the imprisonment of a trustee who had been ordered to pay a sum of money. It was a very hard case, one of an unintentional breach of trust; and though the man was actually dishonest, I had no alternative but to make an order. Then I had various other cases before me which led me to regret that the Court had no discretion, for it not unfrequently happened

\* That is to say, the defaulter specified in 32 & 33 Vic., c. 62, s. 4.

that a person who came in strictly under the first class of offences was not guilty of any more offences. Under these circumstances I thought it would be wise and prudent that a discretion should be given to the Courts to deal with exceptional cases, but not with the intention of repealing the existing Act. Mr. M. then, being a member of the Legislature, then adopted my suggestion, and procured this Amendment Act to be passed."

35. *Section 6*.—This section empowers the High Court and the Chief Controlling Revenue-authority to make rules for regulating the procedure to be followed in the Courts subordinate to them respectively in matters as to the liability of persons to arrest and imprisonment on the ground of fraud or contumacy.

36. *Section 7*.—This section modifies the operation of enactments authorising arrest and imprisonment for default in compliance with decrees and orders of Civil and Revenue Courts for payment of money.

Clause (a), following the Code of Civil Procedure, limits the term of imprisonment to six months, notwithstanding that section 103 of the North-Western Provinces Rent Act, 1881, authorises imprisonment in certain cases for so long a period as two years.

Clause (b) relieves the decree-holder of the liability to maintain his judgment-debtor while in prison. If imprisonment is retained, not as a mode of enforcing payment but simply as a punishment, it will hardly be possible to continue the liability. This liability existed under the old Insolvency Law in England, and the Act which imposed it was once described as giving the creditor "the power of imprisoning and tormenting his debtor at the

\* Hansard, 71, page 151

expense of 3s. 6d. per week." If it is abolished, great care should be taken that imprisonment is not inflicted except in cases of misconduct which deserve punishment.

Clause (c) requires that the defaulter, though in the civil jail, shall nevertheless be subject, as nearly as circumstances admit, to the discipline prescribed in the case of a criminal prisoner undergoing simple imprisonment. Where a person is ordered to pay a fine, the nature and term of his imprisonment will be regulated by the general law. This clause relates to the other cases in which a debtor is liable to imprisonment. Those cases, as before observed, all involve some degree of delinquency (L. R. 6 Ch. 151), and the imprisonment contemplated by the Bill, as by the English Act (L. R. 13 Ch. D. 343), is simple, that is, without hard labour. The effect of this clause will be to deprive the defaulter, as a civil prisoner, of the privilege of maintaining himself, and purchasing or receiving from private sources food, clothing, bedding, and other necessaries (Act XXVI of 1870, s. 31).

Clause (d)\* provides that, except where the arrest or imprisonment is for default in payment of a fine, the defaulter, when once arrested or imprisoned, shall not be released from

arrest, or discharged from prison, without the order of the Court. The Court may grant the order or refuse it. If it refuses the order, the defaulter may appeal.

Clause (e) so far modifies clause (29) of section 588 of the Code of Civil Procedure as to admit of an appeal being preferred from an order for imprisonment in execution of a decree.

37. *Section 8.*—This section follows section 359 of the Code of Civil Procedure in providing that where the Court is of opinion that the defaulter has been guilty of an offence against the Indian Penal Code or any special enactment for the punishment of fraudulent debtors, it may, instead of ordering his imprisonment in the civil jail, send him to a Magistrate to be dealt with according to law.

38. *Sections 9 and 10.*—These sections contain special provisions with respect to arrest before judgment, and save proceedings taken before the Act comes into force.

39. *Section 11.*—It has been decided *in re Havens Smith* (L. R. 2 Ex. D. 17) that the English Debtors Act of 1869 does not apply to a case in which the defaulter is a debtor to the Crown. It is proposed that the Indian Act shall have the like effect as against the Crown where a decree or order for payment of money is made in its favour by a Civil or Revenue Court, as it will have against a subject.

40. The question of giving the Courts a discretionary power to refuse an order for the arrest and imprisonment of a judgment-debtor, or at least of a female judgment-debtor, will be considered when next the Code of Civil Procedure comes under revision.

C. P. ILBERT.

*The 9th June, 1886.*

S. HARVEY JAMES,

*Offg. Secretary to Government of India*



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th June, 1886:—

## NO. 10 OF 1886.

*Bill to declare certain allowances collected known as Oudh Wasikas to be pensions within the meaning of the Pensions Act, 1871.*

WHEREAS, on the death of Her Highness the Bahu Begam, His Highness the Nawab Vazir of Oudh delivered to the British Government a sum of money with intent that the interest accruing thereon should, in compliance with the wishes of Her Highness the Bahu Begam as expressed in the Deed of Deposit executed by her in the year 1813, be applied by the British Government to the payment of certain pensions, which pensions are known as the Amanat Wasikas;

And whereas in the year 1813 the said Government guaranteed the payment of certain pensions to persons connected with the Khás Mahál of Her Highness the Bahu Begam, which pensions are known as the Zamanat Wasikas;

And whereas in the years 1814, 1825, 1829 and 1838 loans, known respectively as the 1st, 2nd, 3rd and 6th Oudh loans, were made by the Ruler of Oudh to the Hon'ble the East India Company with intent that the interest accruing thereon should be applied by the said Government to the payment of certain pensions, which pensions are known as the Loan Wasikas;

And whereas the said Government reserved to itself the right of commuting the pensions to the

payment of which the interest accruing on the 5th Oudh loan was to be applied;

And whereas the Amanat, Zamanat and Loan Wasikas have been regarded as pensions to which the Pensions Act, 1871, applied, and in respect of which there have been made and paid out under section 11 of that Act;

And whereas, since the introduction and publication of the said Bill, it has been ascertained whether the said Wasikas are pensions within the meaning of the Pensions Act, 1871;

XXIII of 1871.

And whereas it is expedient to declare them to be pensions within the meaning of that Act;

It is hereby enacted as follows:—

1. This Act may be called the Oudh Wasikas Act, 1886.
2. The allowances respectively known as the Amanat Wasikas, the Zamanat Wasikas and the Loan Wasikas are, within the meaning of the Pensions Act, 1871, pensions conferred by a former Government and continued by the British Government on political considerations.
3. Notwithstanding anything in section 10 of the Pensions Act, 1871, the Local Government may, without the consent of the holder of a pension payable out of the interest accruing on the 5th Oudh loan, order the whole or any part of the pension to be commuted in the terms referred to in the fourth article of the treaty executed with respect to that loan on the first day of March, 1829, and ratified by the Governor General in Council on the eighth day of May in the same year.

## STATEMENT OF OBJECTS AND REASONS.

CERTAIN allowances, locally known as Amanat Wasikas, Zamanat Wasikas and Loan Wasikas, are paid by the British Government to the descendants of certain relatives and dependants of the Bahu Begam and the Vazirs and Kings of Oudh. Till the year 1880 no doubt was entertained that these allowances were pensions within the meaning of the Pensions Act, 1871. In that year it became desirable on financial grounds to commute one of the largest of them, and a dispute having arisen as to the person entitled to receive the capitalized amount of the allowance, the Government had to consider whether it could safely pay the amount under cover of the Pensions Act to the person who appeared to be best entitled. The Hon'ble the Advocate General inclined to the opinion that a Wasika was a pension within the meaning of the Act, but thought there was a good deal to be said in favour of the opposite view. As the sum involved was so very large that the Government would not have been justified in incurring any risk in disposing of it, a special Bill was introduced into the Legislative Council and passed as the Táj Mahál's Pension Act, 1881.



This step, which the Government was compelled to take for its own protection, necessarily suggested a doubt as to the applicability of the Pensions Act to Wasikas.

As it is expedient on political considerations that there should be no room for question as to the applicability of the Act to Wasikas, the Government has decided to introduce this Bill to remove the doubts created by the legislation of 1881.

*The 9th June, 1886.*

J. W. QUINTON.

S. HARVEY JAMES,

*Secy. Secretary to the Government of India.*

GOVERNMENT OF INDIA.  
HOME DEPARTMENT.

REVIEW OF THE REGISTRATION REPORTS OF THE SEVERAL PROVINCES  
FOR THE YEAR 1884-85.

No. 13  
795-807.

*Extract from the Proceedings of the Government of India, in the Home Department (Public),—  
under date Simla, the 4th June, 1886.*

Read—

Home Department Resolution No. 15—617-29, dated the 22nd April 1885, reviewing the Registration Reports of the several Provinces for the year 1883-84.

Read also—

The Registration Reports of the several Local Governments and Administrations for the year 1884-85.

R E S O L U T I O N .

OBSERVATIONS.—The Governor General in Council notices with satisfaction the progress which has been made in this important department of the Administration under Local Governments and Administrations. Regarding the operations of the Registration Departments as a whole, there has been, as the figures in the margin show, an increase of 138,465 in the number of documents registered during the year under review compared with the results of 1883-84. The receipts have risen to Rs. 28,37,933 from Rs. 25,67,916, while an expenditure of Rs. 19,03,957 in 1884-85, compared with Rs. 17,02,760 in the preceding year, shows that the Department is alive to the necessity of affording the public increased facilities for registration.

2. The increase in the number of documents registered, which in itself testifies to the growing popularity of the system of registration, manifests itself alike in both classes of documents—those which it is compulsory upon parties to register and those of which the registration is optional. It is, however, possible that the operation of the Transfer of Property Act, which, by rendering compulsory the registration of all deeds of sale of immoveable property under Rs. 100 in value, practically effaces the distinction between sections 17 and 18 of the Registration Act in regard to such transactions, may have had some effect in producing the increased number of registrations shown as optional. The question of modifying the statistical returns with reference to the effect in this direction of the Transfer of Property Act is now under the consideration of the Government of India.

The following statement compares the number of documents of each class registered during the year under review with similar registrations in 1883-84; and in the tabulated statement appended to this Resolution further information of statistical interest is furnished in connexion with the operations of the Department:—

		Number of registrations affecting immoveable property.			Number of other registrations.	Grand Total
		Compulsory.	Optional.	Total.		
1883-84	...	815,976	465,596	1,281,572	267,613	1,549,185
1884-85	..	886,610	516,579	1,403,189	224,461	1,627,650

3. The aggregate results for the various Governments and Administrations, as stated above, are on the whole satisfactorily distributed with regard to localities. To begin with the Madras Presidency, the progress which has been so

marked during the past few years has been fully maintained. In this presidency the number of registrations has risen from 478,131 in 1883-84 to 510,699 in 1884-85; and it is a satisfactory feature in this increase that it is even more apparent in the optional than in the compulsory class of registrations. In the latter the percentage of increase is 5·6, while in the former it is 7·7. The financial results are also very satisfactory, the income of the year having risen to nearly 7½ lakhs, showing an increase of 19 per cent. above the highest revenue obtained in any year since the organisation of the department. This increase is no doubt to some extent attributable to the introduction of a revised scale of fees, by which fees leviable on documents of high values were slightly raised. The Governor General in Council would be glad to know whether, concurrently with this enhancement of fees at the top of the scale, any reduction in the fees at the bottom, with which the poorer classes are chiefly concerned, has been found practicable. It is noted with approval that in the expenditure of the department attention was paid to providing additional office accommodation.

4. In the Bombay Presidency an increase of 9·89 per cent. in the number of (mostly compulsory) registrations was also accompanied by a substantial increase in receipts, which amount for the year under review to Rs. 3,18,351. In only one district, Kanara, do results show any noteworthy falling off; and here the decline is attributed to diminished sea-borne export trade, in consequence of the opening of the Southern Mahratta Railway. In this Presidency a system of registration by a peripatetic agency, which is being tried experimentally, has not hitherto been financially successful, though it is stated to have proved a convenience in certain localities. The system is being given a further trial. The Government of India regards with approval all well-considered efforts to popularize or extend facilities for registration.

5. In the Lower Provinces of Bengal, the year's results show a very satisfactory increase both in registrations and in receipts. In the number of documents registered the increase amounts to 11·5, and in the receipts to 10·23 per cent., in the corresponding figures for the preceding year. The increase in registrations is fairly distributed between the optional and the compulsory class. A noticeable feature in the returns is the increase in deeds of sale of petty holdings and leases of agricultural land. The latter is, the Government of India is glad to observe, attributed to some extent to the conclusion of amicable arrangements between landlords and ryots in the Mymensing district, which has been unfavourably known as the theatre of long standing agrarian quarrels. The Governor General in Council notes that in the opinion of His Honour the Lieutenant-Governor the increase in deeds of sale of petty holdings is not due so much to the necessity of securing sales of the owners as to increasing appreciation of the benefits of registration. The point is one, however, to which the Government of India is anxious that special attention should be paid by registering offices.

6. The Reports from the North-Western Provinces and Outh for the last two years showed a decline in registration in the united provinces, which the Governor General in Council was disposed to attribute to defective organization. The Report under review shows an improvement on its immediate predecessors; but the Government of India agrees with the Lieutenant-Governor in thinking that there is still room for amendment. Last year there was in both Provinces a slight rise in the total number of registrations, the increase in the North-Western Province being due to a rise in optional transactions relating to immoveable property. This increase, however, may, in the opinion of the Local Government, be possibly due to the operation of the Transfer of Property Act, to which allusion has been made in the second paragraph of this Resolution. On the other hand, there was a decrease in the transactions affecting moveable property, the decline being attributed to a change in the system under which the sugar industry is carried on. Instead of making advances direct to the tenants who are cane-growers, sugar-refiners have, it is stated, begun to make advances to the landlords, thereby making one bond serve the purpose for which heretofore several were necessary. This change of system suggests matter for consideration from an agrarian as well as from a fiscal standpoint.

In Oudh there was some increase of registrations under all heads, the chief rise, however, being under the head of compulsory transactions affecting immoveable property, mostly deeds of mortgage and term leases. Mortgages of low value are, comparatively speaking, more frequent in Oudh than in the North-Western Provinces, but sales are fewer. The Lieutenant-Governor, it is observed, desires that the causes underlying this variation should be, if possible, ascertained; and the Government of India would be glad to learn in due time the results of any enquiry in this direction that may be instituted.

There was but slight variation in the total receipts and expenditure compared with the previous year, and the small increase in receipts which is shown was counterbalanced by a larger expenditure on improved administration.

7. The results of the year's operations in the Punjab show a slight increase in the number of compulsory, and a considerable decrease (16 per cent.) in the number of optional, registrations regarding immoveable property. The provisions of the Transfer of Property Act do not at present extend to the Punjab, and have, therefore, had no effect on the registration statistics of the year similar to that noticed in the case of the North-Western Provinces and Oudh. The net result was a small decline compared with the preceding year in the total number of documents registered. The principal causes assigned for the decline are the agricultural prosperity of the province and the liberal distribution of loans to agriculturists, which obviated the necessity of their contracting debts or selling property. There was, notwithstanding the decline in the number of registrations, a slight rise in the receipts of the department, while the increase in the expenditure from Rs. 88,039 to Rs. 1,00,117 shows that steps were taken to afford the people increased facilities for registration. Considerable changes were made during the year in the organization of the registering agency. The most important change was in the direction of gradually replacing official by non-official gentlemen at the head-quarters of five districts as sub-registrars, thus entirely relieving the Treasury Officers of those places of registration duties. Another important change was the employment, for the first time, of Tahsildars in the work of registration, the object of this measure being to exact some return from this class of officers for the allowances they receive from the Registration Department, and at the same time to give relief to Treasury Officers whose registration allowances have been withdrawn.

As to the special registrations under the provisions of section 80 of the Act impose work on the Registration Department, in respect of which it obtains no accession to its income, the Lieutenant-Governor considers that the Department should be relieved of this duty, and that it should be entrusted to Revenue officers. In the draft of a Bill to amend the Land Revenue Act now under consideration, it has been proposed to have created the fees required under the Land Immoveable Act, 1871, shall be forwarded to the Deputy Commissioners, who will cause them to be entered in the register of charges and owners, and the proprietors and the tenants in the record of rights for the estate to which they relate. The Local Government considers that this will be a simple and convenient procedure, and, if approved by the Legislature, should satisfy the objections of the Registration Department, which will no longer be concerned with work bringing it no advantage.

8. In the Central Provinces there was a slight decline in the total number of registrations. The decline was due to a falling off in the number of compulsory registrations affecting immoveable property; while registrations of the optional class showed an increase. The decrease in compulsory registrations was chiefly owing to a falling off in the number of registrations of mortgages of immoveable property in the Hoshangabad District, while the increase in optional registrations was due to the rise in the number of transactions in the Jabalpur and Nimar Districts. Taking the results as a whole, it appears that registration has been stationary in the province for the past few years. Some important reforms, having for their object the provision of more efficient inspection, were either carried out or inaugurated. It is believed that these measures when completed will have a very beneficial effect on the operations of the department. The income of the department declined slightly (by 7 per

cent.), while the expenditure rose by 23·4 per cent., the increase in expenditure being due to the reforms referred to.

9. There has been an increase in British Burma in the total number of registrations, which rose from 8,176 to 9,498. The increase was general under all the principal heads of registration, but was most marked in the case of compulsory registrations of mortgage deeds affecting immoveable property, which advanced by 19·5 per cent. The value of such instruments rose from Rs. 40,62,208 to Rs. 71,48,817, the increase being chiefly due to the depressed state of trade in Rangoon and Akyab. The receipts and expenditure of the department rose by 23·92 and 24·32 per cent. respectively, the increase in expenditure being chiefly due to the strengthening of the establishment in the Rangoon Town office.

10. The operations of the Registration Department in Assam increased by 2,110 transactions. The increase was confined to transactions relating to immoveable property; the advance of 1,202 in the number of optional registrations being a satisfactory feature. As in the previous year, the most marked increase occurred in the Surma Valley districts of Sylhet and Cachar, in which more than five-sixths of the total number of transactions were effected. The receipts of the department increased by Rs. 2,780, and the expenditure, including refunds, amounted to Rs. 3,055 more than in 1883-84.

11. There was a slight rise in the total number of registrations in Coorg and there was a proportionate increase in the receipts and expenditure of the department, of 15·64 and 19·11 per cent. respectively.

12. In the Hyderabad Assigned Districts, exclusive of the increased work done in the Cantonment of Secunderabad, there was a satisfactory increase of 14·5 per cent. in the number of registrations under all heads. The districts of Amraoti, Buldana, and Ellichpur chiefly contributed to the increased business, which is due to the opening of additional sub-registry offices and to the introduction of increased special agency. The increase in the number of optional registrations shows, as remarked by the Resident, that the people are beginning to better appreciate the benefits arising from registration. The receipts and expenditure of the department increased by 12·4 and 11·6 per cent. respectively, the increase in expenditure being mainly due to the substitution of Sub-Registrars on fixed salaries for those paid by commission.

ORDER.—Ordered, that a copy of this Resolution be forwarded to the Local		
Madras.	Central Provinces.	Governments and Administrations marginally noted, and to the Foreign and
Bombay.	British Burma.	Revenue and Agricultural Departments
Bengal.	Assam.	for information.
N. W. P. and Oudh	Coorg.	
Punjab.	Hyderabad.	

Ordered, also, that the Resolution be published in the *Gazette of India*.

1	2	3	4	5	6	7													
Provinces.	Total number of registrations.	Receipts.	Expenses.	Percentage of column 4 on column 3.	AGGREGATE VALUE OF PROPERTY TRANSFERRED BY REGISTERED DOCUMENTS.						PROPORTION OF OFFICES TO AREA AND POPULATION.								
					Affecting immovable property.			Affecting movable property.			Total of aggregate value.	Area in square miles.	Population.	Number of registration offices.	Average area in square miles to each registration office.	Average population to each registration office.			
					Ra	Ra	Ra	Ra	Ra	Ra							Ra	Ra	
Madras	435,751	475,131	210,000	514,730	6,246,610	7,44,770	515,200	3,30,560	6,02,150	93.7	95.0	33,11,200,000	9,04,96,350	1,06,22,220	80,11,100,000	2,08,32,848	320	435	96,852
Bombay	51,000	97,511	10,000	2,50,000	2,50,000	2,50,000	2,50,000	2,50,000	2,50,000	52.9	52.1	4,75,42,317	5,12,11,000	25,71,300	5,00,71,251	1,61,34,411	248	57	60,751
Bengal	255,114	6,10,000	6,000	2,50,000	2,50,000	2,50,000	2,50,000	2,50,000	2,50,000	52.4	51.4	11,00,000,000	11,00,000,000	11,00,000,000	11,00,000,000	11,00,000,000	270	680	2,92,785
North-Western Provinces	17,000	114,111	10,000	2,50,000	2,50,000	2,50,000	2,50,000	2,50,000	2,50,000	52.4	51.4	11,00,000,000	11,00,000,000	11,00,000,000	11,00,000,000	11,00,000,000	220	770	1,18,051
Oudh	17,111	41,517	41,517	2,50,000	2,50,000	2,50,000	2,50,000	2,50,000	2,50,000	52.4	51.4	11,00,000,000	11,00,000,000	11,00,000,000	11,00,000,000	11,00,000,000	125	197	91,101
Punjab	63,755	62,577	62,577	1,51,111	1,51,111	1,51,111	1,51,111	1,51,111	1,51,111	62.4	51.4	2,10,00,000	2,10,00,000	2,10,00,000	2,10,00,000	2,10,00,000	290	451	79,873
Central Provinces	22,311	22,311	22,311	1,51,111	1,51,111	1,51,111	1,51,111	1,51,111	1,51,111	62.4	51.4	2,10,00,000	2,10,00,000	2,10,00,000	2,10,00,000	2,10,00,000	71	1,141	1,35,966
British Burma	8,025	8,025	8,025	1,51,111	1,51,111	1,51,111	1,51,111	1,51,111	1,51,111	62.4	51.4	2,10,00,000	2,10,00,000	2,10,00,000	2,10,00,000	2,10,00,000	8	1,021	46,709
Assam	14,000	14,000	14,000	1,51,111	1,51,111	1,51,111	1,51,111	1,51,111	1,51,111	62.4	51.4	2,10,00,000	2,10,00,000	2,10,00,000	2,10,00,000	2,10,00,000	27	2,100	2,21,581
Coorg	6,000	6,000	6,000	1,51,111	1,51,111	1,51,111	1,51,111	1,51,111	1,51,111	62.4	51.4	2,10,00,000	2,10,00,000	2,10,00,000	2,10,00,000	2,10,00,000	10	170	17,800
Hydrabad (including Secunderabad).	22,311	22,311	22,311	1,51,111	1,51,111	1,51,111	1,51,111	1,51,111	1,51,111	62.4	51.4	2,10,00,000	2,10,00,000	2,10,00,000	2,10,00,000	2,10,00,000	6	270	11,518
Total	1,850,000	1,850,000	1,850,000	1,850,000	1,850,000	1,850,000	1,850,000	1,850,000	1,850,000	62.4	51.4	1,850,000,000	1,850,000,000	1,850,000,000	1,850,000,000	1,850,000,000	1,080	680	1,10,271

A. P. MacDONNELL,  
Offg. Secy to the Government of India.

## GOVERNMENT OF INDIA.

## REVENUE AND AGRICULTURAL DEPARTMENT.

## REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING 5th JUNE, 1886.

GENERAL REMARKS.—Rain is reported generally from all parts of India, except Sind, the North-Western Provinces, and the Punjab. In the south of the peninsula, in Assam, and in the tracts east of the Bay of Bengal, especially at Chittagong, the falls have been heavy.

In most parts of Madras and in Mysore and Coorg prospects continue good.

Preparations for the *kharrif* are in progress in Bombay, Berar, and the Central Provinces, and have commenced in the North-Western Provinces and Oudh and in the Mooltan and Shahpur districts of the Punjab. The *rabt* in the Punjab is not yet completely gathered.

Agricultural prospects have improved in Rajputana, the water-supply in most States having been replenished by the recent rain.

Cultivation is going on well in Bengal, and the crops in the ground are thriving. The state and prospects of the crops in Assam continue satisfactory.

The public health is fair in Madras, Bombay, and the Central Provinces, and generally good elsewhere.

Prices, except in the Punjab, where they are fluctuating, are generally steady.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(June 5th)</b>		
Bellary . . . . .	Average 1'56	Standing wet crops generally good; harvest second crop paddy, yield about average. Cattle-disease in two taluks.
Kurnool . . . . .	Average 1'22	Small-pox in three taluks, cattle-disease in one.
Ganjam . . . . .	Average 1'08	Slight small-pox in five and cattle-disease in three taluks; slight cholera. Average number employed on Chilka canal last week 136.
Kistna . . . . .	Average 3'46	River 2'5 feet over amount. Slight fever; cholera in eight taluks.
Chinglipur (Madras) . . . . .	Average 3'22	Standing crops good; harvest wet and dry grains, outturn below average. Cattle-disease in three taluks.
Coimbatore . . . . .	Average 1'54	Standing crops good, but <i>cholam</i> suffering from insects in parts of four taluks; harvest paddy and <i>cholam</i> , outturn average. Fever in one taluk, small-pox abating in another.
Tanjore . . . . .	Average last week since revised, 5'05; this week, 1'11	Standing crops good, except in parts where some garden crops damaged by late heavy rain and wind; harvest paddy and cotton, outturn below average. Slight cholera in one taluk.
Madura . . . . .	Average last week since revised, 1'83; this week, 1'40.	Health of people and cattle generally good.
Malabar . . . . .	Average 3'06	Harvest third crop paddy, outturn below average. Fever in one slight small-pox in nine, and cholera in three taluks.
Travancore . . . . .	2'51	Small-pox and fever in parts. <i>General Remarks.</i> —General prospects fair.
<b>Bombay—(June 5th)</b>		
Kurrachee . . . . .	<i>Nil</i>	Weather cooler. River at Kotri on 7th, 13 feet 6 inches against 13 feet 2 inches on same date last year. Fever in nine and cattle-disease in three taluks; small-pox in three villages in district, seven remaining sick from former number. Prices.—wheat, red rice, and <i>bajri</i> in Kurrachee 26, 30 and 34, in Chorabari <i>nil</i> , 40 and 36, in Shahbadar 20, 42 and 42, and in Johi 32, 40 and 36 pounds per rupee, respectively.
Hyderabad . . . . .	Slight showers in Tando-Bago talukas.	Transplantation general. River at Kotri on 7th, 13 feet 6 inches against 13 feet 2 inches on same date last year. Fever in two, small-pox and cattle-disease in three talukas. High winds in Hyderabad. Wheat 25, <i>juari</i> 40, <i>bajri</i> 38, white rice 19, and red rice 30 pounds per rupee.
Ahmedabad . . . . .	1'79	Total rainfall 2'05. Agricultural operations continue. One death by lightning at Dhandnuka; public health good. Wheat 34 and <i>bajri</i> 31 pounds per rupee.



Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—Contd.</b>		
Baroda . . .	36	Public health good. Small-pox and measles prevailing in Narsari. Crops in fair condition; preparations being made for <i>khurif</i> crops. <i>Bajri</i> 23, wheat 23, and rice 19 pounds per rupee.
Surat . . .	Rain in all talukas, maximum at Mithvi, 12; minimum at Bardoli, 12; <i>nil</i> in Pardi.	Sowing commenced. Fever and cough in Bardoli taluka. <i>Juar</i> 33 and <i>nagli</i> 46 pounds per rupee.
Nasik . . .	Rain throughout the district; maximum at Igatpur, 3.08; minimum at Baglan, 0.3.	Land being prepared for <i>khurif</i> sowing. Public health good. Wheat 31, <i>bajri</i> 33, and rice 17½ pounds per rupee.
Colaba (Bombay)	Rain from 2nd to 5th, heavy on 5th.	Total rainfall since 1st January 2.83, being 158 below average. Abnormal temperature 1° warm on 2nd, 3rd and 8th, 5° cool on 5th, <i>nil</i> on all other days; vapour in air excessive from 2nd to 5th, afterwards normal; abnormal wind from south-east on 5th, from north on 7th and 8th; wind normal on all other days; thunder and lightning on 4th and 5th.
Poona . . .	Bhambadi, 2.80; Maval, 2.06; high shower in Junnar, Kol, Surat, Purnanbhar, and Haveli talukas.	Considerable rain in Junnar, Bhambadi, and Haveli, and small-pox in Haveli. Sowing of rice and <i>naghi</i> in progress in petha Maval and taluka Maval; in the rest of the talukas soil being prepared for sowing. <i>Bajri</i> 33 and <i>juar</i> 45; in Poona <i>bajri</i> 30 and <i>juar</i> 33 pounds per rupee.
Ahmednagar . . .	Jambhed, 1.50; Rahuri, 1.10; Nagpur, 0.3; very light in the remaining talukas; Akola, <i>nil</i> .	Public health good. <i>Bajri</i> —maximum 60 pounds and minimum 39, <i>juar</i> —maximum 84 and minimum 48 pounds per rupee.
Sholapur . . .	Barsi, 2.04; Sholapur, 1.01; Madha, 2.00; Karmala, 2.03; Pandharpur, 2.00; Sangli, 2.19; Malsiras, 1.0.	Land being prepared for sowing in Barsi, Madha, Pandharpur, and Malsiras talukas. <i>Juar</i> 59 and <i>bajri</i> 43 pounds per rupee.
Dharwar . . .	Rain at all stations, except Karwar and Hungul, varying from 4.42 in Nagpur to 1.03 in Mugul.	Rice sowing in progress in western talukas, elsewhere land being prepared for sowing early crops. Public health good; slight cattle-disease in one village of Hungul taluka. Rice 23 and <i>juar</i> 40 pounds per rupee.
Kanara . . .	Karwar, 1.44; Kumbhta, 1.20; Yellapur, 1.01; Hahyal, 2.0.	Total rain all 20.15. Sowing operations continue throughout the district. Anthrax in Supa and Karwar; measles in Karwar; small-pox in Honawar and Mundgod. Common rice at Karwar 14, district average 14½ seers per rupee.
Rajkot . . .	30	Weather for. Public health generally good. Wheat 33, <i>bajri</i> 31, and <i>juar</i> 42 pounds per rupee. General Remarks.—Rain in all districts of the Presidency, excepting S. C. Preparation for sowing <i>khurif</i> crops in progress in most districts. Fever and small-pox in parts of nine and cattle-disease in parts of ten districts.
<b>Bengal—(June 5th)</b>		
Chittagong . . .	25.54	Prospects of crops somewhat damaged; <i>pumias</i> being reaped. Prices rising. Cattle-disease common; public health good.
Dacca . . .	0.59	Prospects of crops good; <i>amra</i> paddy being sown in lowlands. Public health good.
24-Pergunnahs (Calcutta)	<i>Nil</i>	Supplies doing well; lands being prepared; sowing of jute and early rice begun. Public health generally good.
Moorshedabad . . .	Some rain	Weather sultry. Sowing of rice still in progress. All prospects good. Price of rice stationary. Public health fair.
Rangpore . . .	0.43	Prospects of early rice and jute favourable; land being prepared for <i>aman</i> ; <i>chenna</i> harvested; <i>kana</i> ripe in places. Public health fair.
Burdwan . . .	0.01	Prospects of crops good. Public health good.
Bhagalpur . . .	2.33	Cultivation very forward; <i>bhadra</i> sowings in progress, but heavy rain in north has damaged them a little. Public health good.
Purneah . . .	2.15	Crops doing fairly. More rain wanted. Sowings being made wherever possible. Public health good.
Patna . . .	<i>Nil</i>	<i>Chenna</i> being cut; sugarcane looks promising. Public health generally good; a few cases of cholera reported from Barh town.
Durbhunga . . .	1.07	Large rain has done good to paddy and other standing crops; land being ploughed for <i>bhadra</i> sowings. Prices remain stationary. Public health generally good.
Hazaribagh . . .	<i>Nil</i>	Weather very close and sultry. Ploughing and sowing in progress all over the district; sugarcane doing well. General health good.
Cuttack . . .	2.46	Weather cloudy. Ploughing in progress; sowing commenced. Price of rice a little higher. Public health generally good; scattered cases of cholera in interior.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bengal—contd.</b>		
Midnapore . . .	<i>Nil</i>	Weather very hot. Cultivation still in progress. Public health good.
Khoolna . . .	0.39	Weather hot. <i>Amun</i> sowing progressing; <i>amun</i> plants being ploughed. Public health good.
Dinapore . . .	0.0	Cultivation progressing well. Cholera reported from Patnam and cattle-disease from three thanas.
Pubna (Serajgunge) . . .	<i>Nil</i>	Prospects of crops good. Public health fair.
Gya . . .	0.01	Weather cloudy and threatening. Crops doing well. <i>cheria</i> being harvested. Prices moderate. Public health generally good.
Chumparan . . .	<i>Nil</i>	Indigo and other standing crops good; lands being prepared for <i>badon</i> sowing. Prices stationary. A few cases of small-pox reported.
<i>General Remarks.</i> —Rain, though not general, fell in most districts during week; in Clatagong it was excessive and caused some damage to crop prospects. Cultivation generally going on well; <i>amun</i> rice and jute already sown in many places and thriving well; sugarcane and indigo prospects also favourable. Price of rice generally continues stationary. General health good.		
<b>N.-W. Provinces and Oudh—(June 5th)</b>		
Benares (June 7th)	<i>Nil</i>	Weather off and on cloudy. Supplies plentiful. Prices steady. General health good.
Gorakhpore ( " " )	Slight in Sadr	Weather close and cloudy. Preparation of land for <i>khari</i> sowings in progress. Very slight rise in prices. Health fair.
Fyzabad ( " 8th)	<i>Nil</i>	Weather hot, with west wind. Prices unchanged. Supplies ample. Health of men and cattle good.
Lucknow ( " 7th)	<i>Nil</i>	Weather very hot. Supplies sufficient. Prices almost stationary. General health good; no cattle-disease.
Rae Bareilly ( " " )	<i>Nil</i>	Weather cloudy and sultry. Sugarcane and <i>jetwa dhan</i> are being irrigated. Supplies ample. Prices steady. Some cases of cholera reported from taluk Digbajganj.
Partabgarh ( " 8th)	<i>Nil</i>	Weather cloudy, with variable wind. Markets well supplied. Prices nearly stationary. Slight cholera in Patti tahsil, but health generally good.
Allahabad ( " " )	<i>Nil</i>	Weather very hot and dry. Preparation for <i>khari</i> commencing. Markets well supplied. Prices almost stationary. General health good.
Cawnpore ( " " )	Slight showers at Akbarpur	Weather close and cloudy. <i>Rabi</i> harvested. Prices steady. Condition of people good; cattle-disease in Bilhaur and Akbarpur.
Farakhabad ( " " )	<i>Nil</i>	Indigo and cane promise well. Prices steady. Health of people fair.
Sitapur ( " " )	<i>Nil</i>	The weather has cleared up. The grain is being rapidly removed from the <i>khaliyans</i> . Public health and condition of cattle good.
Bareilly ( " " )	<i>Nil</i>	Winds westerly, weather cool. Prices rising. Public health normal.
Banda ( " 7th)	<i>Nil</i>	Weather cloudy. Prices easy. Public health good; cattle-disease in two villages.
Ballia ( " 8th)	6 in Rasra tahsil	Weather close. Prices steady. Health good.
Kumaon ( " " )	<i>Nil</i>	Weather fine. <i>Khari</i> weeding commenced. Prices stationary. Five deaths reported from <i>mithamari</i> ; measles in district; cattle-disease on decrease.
Agra ( " 7th)	<i>Nil</i>	Weather cloudy. Prices steady. Health good.
Jhansi ( " " )	1.20	Weather cloudy. Land being prepared for <i>khari</i> cultivation. Prices steady. Health of people good; slight cattle-disease.
Meerut ( " 8th)	Slight rain in Meerut on 5th.	Weather hot, with westerly wind. Cane and indigo germinated well. Supplies ample. Prices stationary. Health good.
<i>General Remarks.</i> Weather continues unsettled. <i>Khari</i> ploughing in progress in some districts. Supplies ample and prices generally steady. Public health fair; a few cases of cholera reported, also cattle-disease.		
<b>Punjab—(June 5th)</b>		
Hissar (June 8th)	<i>Nil</i>	Health good. Prices slightly rising.
Delhi . . .	<i>Nil</i>	Health good. Prices almost stationary.
Umballa . . .	<i>Nil</i>	Health fair. Prices rising. Prospects of current harvest good.
Jullundur . . .	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest good.
Ferozepore . . .	<i>Nil</i>	Health good. Prices rising.
Sialkot . . .	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest comparatively good.
Lahore . . .	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest below average.
Mooltan . . .	<i>Nil</i>	Health good. Prices falling.
Rawalpindi . . .	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest average.
Shahpur . . .	Slight rain	Health good. Prices rising.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Punjab—<i>contd.</i></b>		
Dera Ismail Khan	<i>Nil</i>	Health good. Prices stationary.
Peshawar	<i>Nil</i>	Health fair. Prices of wheat slightly rising, other grains falling. <i>General remarks.</i> —No rain has fallen, except in Umballa and Sadpur districts. General health good; small-pox in the city of Dera Ismail Khan. Prices rising in the Hisar, Umballa, Feroz pore, and Shahpur districts, and coming in the Moolan and Peshawar districts, elsewhere stationary. <i>Kharif</i> sowing operations in progress; <i>kharif</i> sowings commenced in the Shahpur and Moolan districts.
<b>Central Provinces— (June 5th)</b>		
Nagpur	52	Weather hot and cloudy. Ground being prepared for sowing. Fever and small-pox in prices. Prices steady.
Jubbulpore	11	<i>Kharif</i> ploughing commenced. Health fair. Prices steady.
Saugor (June 8th)	<i>Nil</i>	Winnowing nearly completed. Small-pox and cattle-disease common. Prices steady.
Seoni	74	Weather cloudy. <i>Kharif</i> ploughing in progress. Cattle-disease in place. Prices rising slightly.
Hoshangabad	Slight rain	Weather hot and cloudy. <i>Kharif</i> ploughing commenced. Small-pox and cattle-disease in places. Prices stationary.
Khandwa	87	Weather cloudy and close. <i>Kharif</i> preparations continue. Health fair. Prices unchanged.
Rupur	<i>Nil</i>	Weather cloudy and hot. Ground being prepared for sowing. Cholera common. Cattle-disease alarming. Prices steady.
Sambalpur (June 5th)	391	Weather cloudy and stormy. Sowing commenced. Cholera in place. Prices steady. <i>General remarks.</i> —Weather cloudy and hot with some rain. <i>Kharif</i> ploughings in progress, and sowing commenced in Sambalpur. Cholera continues in Rupur; fever and small-pox in power. Prices steady.
<b>British Burma— (June 5th)</b>		
Akyab (June 5th)	1166	Total rainfall 1073. Public health good; cattle-disease in two cycles.
Bassein	1077	Total rainfall 1071. Public health good; cattle healthy.
Rangoon	705	Total rainfall 1726. Public health good; cattle healthy.
Amherst (Moulmein)	904	Total rainfall 2701. Public health good; cattle-disease slight.
Pegu	1300	Total rainfall 2131. Prices healthy and healthy of cattle good.
Henzada	807	Total rainfall 1437. Cholera and cattle-disease common in one township.
Prome	407	Total rainfall 644. Slight cholera in Prome town; cattle healthy.
Toungthoo	382	Total rainfall 1309. Public health good; cattle healthy.
Thavetmavo	225	Total rainfall 615. Public health and health of cattle good. <i>General remarks.</i> —Cholera in three districts, elsewhere public health good; cattle-disease of a mild type in nine districts.
<b>Assam—(June 5th)</b>		
Gauhati	582 during week ending 8th instant.	Weather hot. Cholera declining both in Sadi station and district; cattle-disease still in some measure. Prospects of crop good.
Sylhet	701	State and prospects continue healthy.
Cachar	181	Weather warm. Ploughing, sowing and rice crops continues. Government 13 seers of black pepper per rupee. Four deaths from cholera from Kangra and one from Harikandi reported. Prospects healthy good.
Dibrugarh	87	Weather miserable. Prospects of crop good. Cholera abating in North Lakhimpur; public health good.
<b>Mysore and Coorg— (June 5th)</b>		
Bangalore	General rainfall in Civil and Military Stations 390; Bangalore district, 1584; Kolar, 113; Tumkur, 218. 212	Standing crops in good condition; prospects of season favourable. Public health generally good. Prices slightly risen in the Mahnad district.
Mysore		
Mercara		Ploughing and sowing of rice in active progress. Slight fall in prices since last week. Prospects of season good. Public health fair.
<b>Berar and Hyderabad—</b>		
Amraoti (June 6th)	42	Weather cloudy. Fields are ready for <i>kharif</i> sowings. Wheat 22 and <i>juari</i> 26 seers per rupee.
Akola	129	Preparations for <i>kharif</i> sowings continue.
Hyderabad	Average 227	Total rainfall since 1st January 717. Reaping of <i>rain</i> crops continues. Recent rainfall slightly damaged standing <i>rain</i> crops. Ground being prepared for sowing of <i>kharif</i> crops. General health fair. Monsoon set in on 6th instant. Prices—wheat 15, coarse rice 11½, white <i>pear</i> 20½, yellow <i>pear</i> 21½, and <i>tin</i> 14½ seers per current sicca rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central India States— (June 9th)</b>		
Indore . . . . .	1.72	Total rainfall 6.68. Monsoon apparently set in.
Gwalior . . . . .	Nil	Health good. Weather cloudy; heat intense.
Sutna . . . . .	Nil	Weather seasonable. Health good.
Neemuch . . . . .	.43	Weather warm.
Goona . . . . .	.17	Few cases of small-pox in Goona city, otherwise health good.
Agar . . . . .	.65	Health and prospects good.
Nowgong . . . . .	.20	Total rainfall .80. Weather cooler and no immediate prospects of the monsoon. Health good.
Bhopawar (Manpur) . . . . .	Slight in Dhar and Manpur.	Weather cloudy. Health good. Prices of food-grain stationary.
<b>Rajputana—(June 9th)</b>		
Abu (June 9th) . . . . .	.75	Weather again clear and cooler.
Sirohi ( " 6th) . . . . .	3.85	Tanks filled; wells good. Health good. Weather fine and clear ag. in and cooler.
Marwar ( " 4th) . . . . .	2.83	About two months' fresh water brought into tanks by this week's rain. Health much improved. Weather cooler. Prices rising slowly.
Kherwara ( " 6th) . . . . .	2.00	A few tanks fuller; well low. Indian-corn sowing begun at places. Health good. Prices steady. Heavy thunderstorm, with rain and floods on 1st; weather much cooler.
Meywar ( " 5th) . . . . .	1.26	Tanks and wells low. Health very good. Prices falling. Wea- ther cloudy.
Pertabgarh ( " " ) . . . . .	Very slight rain	Weather cloudy. Some water in wells. Health good. Prices rising.
Harowti ( " " ) . . . . .	Deoli, 2.37; Tonk, .20	Weather cloudy and rainy. <i>Kharrif</i> operations commenced. Health good.
Jhallawar ( " 4th) . . . . .	Jhalapatar, 1.75	Rain general throughout State. Prices slightly rising. Ploughing commenced. Health good.
Kotah ( " " ) . . . . .	4.32	Health good.
Ajmere ( " 8th) . . . . .	Rain throughout dis- trict.	Weather cloudy. Small-pox in Beawar. Ploughing operations commenced.
Jeypore ( " " ) . . . . .	.31	Prices steady. Health fair.
Kerrowlee ( " 5th) . . . . .	.73	Tanks and wells decreasing. <i>Makka</i> and cotton being cultivated. Health good. Prices steady. Weather seasonable.
Ulwar ( " 8th) . . . . .	Average of seven tahsils, .28	Health good. Prices steady.
Bickamir ( " 5th) . . . . .	1.85; Sujangurh, 2.05	Fever and small-pox prevalent. Prices low. Weather cloudy and hot.
<b>Nepal—(June 3rd)</b>		
Katmandu (June 4th) . . . . .	1.10	Unusual rain has been slightly injurious to Indian-corn lately sown.

No. <sup>99</sup>  
29-2.

*Extract from the Proceedings of the Government of India in the Revenue and Agricultural Department (Meteorology), dated Simla, 10th June 1886.*

Read the following:—

Memorandum on the Snowfall of the Himalaya and Western Mountains to the end of April 1886.

The following is a summary of the reports received up to date.

The Deputy Commissioner of Dera Ismail Khan reports that the snowfall on the Suleiman range was unusually heavy in the months of January, February and March. The snow line, on the hills beyond the border generally, was lower than in average seasons. The snow remained on the higher ranges through February, and melted towards the commencement of March. After the beginning of March, there was a fresh fall on the Takht-i-Suleiman and the higher ranges, but it melted towards the middle of the month. The season was a severe one with unusual cold.

The report of the Deputy Commissioner of Bannu is to the like effect. The fall of snow on the hills near Bannu in the months of January, February and March was somewhat heavier than usual, but not sufficiently to call for any special remarks.

The Deputy Commissioner of Kohat reports a good fall of snow on the Safed Koh and mountains and plains of Tirah, in January, to the depth of about 6 feet on the Safed Koh, and 1 foot on the Tirah plains. The Assistant Commissioner of Thull further reports an unusually heavy fall on the 15th and 16th February, which he estimates at from 10 to 15 feet on the Spinghar, (Safed Koh), 3 feet on the Tirah plains, and 1½ to 2 feet in the Kurram valley.

He considers that the snowfall of the season has been exceptionally heavy. There was a further good fall in March on the Safed Koh and Tirah and Ali Khel Mounds, but the heavy rain, which followed, washed it away from the lower hills. There were also two falls in April; on the 1st and 2nd, and again on the 21st and 22nd, on the Spinghar and other high mountain ranges.

The Deputy Commissioner of Peshawar, reporting on the Khyber and Tirah (Afridi) hills, says that the heavy rainfall of the 18th–20th January in the Peshawar valley (28 inches), was accompanied with a fall of 2 feet of snow on the Lakka Lur and hills of the Lurghur range, and the fall must have been proportionally heavier on the higher Bua, Tirah, and Morg'ha ranges. This was succeeded by further falls on the 22nd–24th and again on the 31st January and 1st February, and on the 15th to the 17th February. This last fall was 3 feet deep on the Landi Kotah and 2 feet at Ali Masjid.

On the 17th and 18th March, a slight fall took place on some of the higher ranges, but it melted soon afterwards.

With respect to the hills adjacent to the Euufzye Subdivision, the Assistant Commissioner sends a return of the total fall, on the several hills, during January and February, varying up to 9 feet, the heaviest being in the Utman Bolak Subdivision on the Banrah range.

At Murree, the total fall of snow in January is reported as 8 feet 8 inches, and on the hills adjacent to Kuhuta as 5 feet, in February, as 5 feet 8 inches at the former, and 9 feet on the latter; in March as 6 inches only at the former and 2 feet on the latter. In April the falls were insignificant.\*

Sir O. St. John reports, from Cashmere, that the first snow fell on the Pir Panjal on the 31st September, i.e., 15 days later than in 1884. There were slight falls only in October and November, and a further fall from the 16th to the 18th December appears not to have been very heavy. The latest report, dated 16th January, reports about 3 inches of snow on the 1st and 5th of the month.

\* In the corresponding months of 1885 it was 12 feet 3 inches in January, 7 feet 7 inches in February and about 8 inches in March at Murree; and on the Nurrur hills adjacent to Kuhuta, 6 feet in January, 5 feet in February, and none later. At Murree, therefore, the snowfall of 1885 exceeded that of the present year, and, excepting in February, the same at Kuhuta.

As has been the case in previous years, the Resident Commissioner of Kulu sends very full and detailed reports on the depth of the snow, and gives a monthly tabular return of its thickness on the different passes. The following is a summary of this table for some of the principal passes in Kulu and Plach:

Name of Pass	Elev. ft.	Depth of snow at the end of the month.			
		January. Ft.	February. Ft.	March Ft.	April. Ft.
KULU ...	Rotang	13,000	12	10	7
	Hamta	14,500	12	10	7
	Babhu	16,000	4	4	4
PLACH ..	Basleo	10,500	4	9	4
	Jalori	19,000	3	2	1.2

The first important fall occurred on the 3rd January, when the valley was under snow down to 1,900 feet. This melted rapidly up to 6,500 feet, and the snow line remained about that level till the 22nd January, when another heavy fall brought it down to 1,500 feet. At the end of the month, the lowest snow was at 5,500 to 6,000 feet. Both in Kulu and Plach, the season was mild. It remained so during February; and at the lower elevations, there was little rain or snow; early in the month, and again on the 20th, the snow fell down to 5,000 feet; but, by the 1st March, it was certainly not lower than 7,500 feet.

The snowfall of March was normal. There were falls on the higher ranges, and, as late as the 29th, stormy weather whitened the hills down to 7,000 feet. But, on the whole, the weather was mild. The Hamta pass was closed throughout the month; but a few Lahaulis crossed the Rotang, though the pass was not open to traders; and the lower Babhu pass, though crossed by pedestrians, was not passable to laden coolies or animals.

A somewhat remarkable dust cloud enveloped the whole valley on the night of the 30th March, and lasted through the 31st, in such density, that the sun was not visible at any time of the day. A similar occurrence is reported from Lahaul.

In April, the weather in the valley was remarkably mild, though there were several snowstorms in the higher ranges, and there was a considerable amount of fresh snow. On the 23rd, there was a great snowstorm on the Rotang, and 4 feet of snow fell at Koksar bungalow.

The Superintendent of the Kailang Observatory in Lahaul, the Revd. A. W. Heyde, writes on the 12th March:—"The present winter has been so far about a normal one, though there has been much cloudy weather. Since the 17th December we have had 27 days with snow, but not more than about 7 feet down here at Kailang (10,500 feet)."

In a subsequent letter dated 6th April: he says: "Since the middle of March we have had very rough weather and much snow; especially on the 19th, 30th and 31st." Describing the dust cloud above noticed, he says: "On the 30th in the afternoon, while the snow was densely falling, the whole valley was suddenly lit up for about 1 hour or more, by a gloomy yellow light, which was so strong that the white walls of the room looked quite yellow. When it had cleared up next morning, the fresh snow was everywhere up to the height of more than 15,000 feet covered with some yellowish dust-like substance."

In April the weather in Lahaul, unlike that in Kulu, was remarkably 'rough,' wet, and cold with much wind. Snow and rain fell on not less than ten days; from the 9th to the 12th, on the 16th, and finally, daily, from the 20th to the 24th.

Up to the 8th May (the latest date of report), it was extremely cold, and the 5th, 6th and 7th were rainy days. But Mr. Heyde remarks that the spring is more favorable for agriculture than that of last year; the snow having so far disappeared that the fields could be ploughed a month earlier than in 1885.

The Deputy Commissioner of Simla gives a return of the snowfall at Simla, Korkhai, and Kotgurb and Kilba in the Satlej valley, for the 3 months, December to February, as follows :—

		December 1885.	January 1886.		February 1886.
			ft.	inch.	ft. inch.
Simla	...	Slight	3	5	0 10
Korkhai	...	Do.	1	1	0 9
Kotgurb	...	Do.	1	4	0 10
Kilba	...	1 ft.	12	0	5 7

The Deputy Conservator of Forests, Bashahir Division, who resides at Kilba, sends the following report dated 24th March :— “The depth of snow on the passes from the North-Western Provinces, Spiti, and Tibet is reported to be unusually deep. Above Kilba, 10,000 feet elevation, the depth of snow was measured ten days ago, and was over 4 feet.

I measured myself on a pass (9,000 feet elevation) from Sarparu to the Ganwi valley in Pandrabis, and found it 3 feet 6 inches in depth. At present the snow lies at 7,000 feet on the northern slopes, and about 8,000 feet on the southern.

At Mussoorie, 7 inches of snow fell on the 4th January, 6 inches on the 1st, and 1 inch on the 7th February: all other falls being insignificant.

The reports of the Senior Assistant Commissioner of Kumaon on the snowfall on the Johar, Dármá and Byams passes, are tabulated as follow :—

	December 1885.	January 1886.	February.	March.	April.
Johar pass	1 ft.	2 feet.	2 feet.	2½ feet.	2 feet.
Darma and Byams	?	?	?	2½ „	?
Neighbouring ranges	?	?	2½ feet.	3 „	2½ feet.

The Deputy Commissioner of Darjeeling reports 1 foot 3 inches on the Sikkim passes, Jelep, Cho, Guathin, Donkia, Thunka, Giagong, and Noko in October 1885, 1 foot 6 inches in November, 4 feet 6 inches in December, 2 feet 1½ inches in January, 1 foot 6½ inches in February, and 3 feet 5 inches in March. The accuracy of the measurement in January and February, (to fractions of an inch), taken in conjunction with the remarkable uniformity of the fall, on all the passes, in every month, is a circumstance to be noted.

On the whole, it appears that, although there has been a considerable amount of snow on the North-Western Himalaya and the hills of Eastern Afghanistan during the past winter and spring; and in January and February, greater than usual, there has been less than last year, especially in the spring months; and it is certain that the snowy range, as seen from Simla in May, and now at the beginning of June, is less thickly covered, than in 1885, and the snow does not extend to such low levels.

At the same time the winds on the west coast of the peninsula have been less northerly; and, during the month of May, those in the Punjab have been decidedly more southerly and easterly than usual. On the Bombay side, therefore, there seems no present reason to anticipate a retardation of the monsoon.

The atmospheric pressure during May has been slightly below the average on the plains of the Punjab, Rappatna, Central India, Bombay and the Central Provinces, but above it on the hills, on the plains of the North-Western Provinces and Bengal, and most so in Bengal. This is favourable to the advance of the easterly branch of the monsoon, and generally to southerly winds; on the assumption, which experience renders probable, that the same general conditions continue to hold. As compared with the average of former years, the barometer is lowest in Bombay and on the west coast.

HENRY F. BLANFORD,

*Meteorological Reporter to the Govt. of India.*

*Simla, 4th June 1886.*

RESOLUTION.—Resolved that the paper be published in the Supplement to the *Gazette of India*.

C. J. LYALL,

*Offg. Secretary to the Government of India.*



GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL  
OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND  
REGULATIONS UNDER THE PROVISIONS OF THE ACT OF  
PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Viceregal Lodge, Simla, on Wednesday, the 9th June, 1886.

PRESENT:

His Excellency the Viceroy and Governor General of India, K.P., G.C.B.,  
G.C.M.G., G.M.S.I., G.M.I.E., P.C., *presiding*.

His Honour the Lieutenant-Governor of the Punjab, LL.D., K.C.S.I., C.I.E.

His Excellency the Commander-in-Chief, Bart., G.C.B., C.I.E., V.C.

The Hon'ble C. P. Ilbert, C.S.I., C.I.E.

The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.

The Hon'ble Sir T. C. Hope, K.C.S.I., C.I.E.

The Hon'ble Sir A. Colvin, K.C.M.G., C.I.E.

Colonel the Hon'ble O. R. Ne march.

The Hon'ble J. W. Quinton.

The Hon'ble W. W. Hunter, C.S.I., C.I.E., LL.D.

Colonel the Hon'ble W. G. Davies, C.S.I.

The Hon'ble Rana Shankar Bakhsh Singh Bahadur, C.I.E.

OUDH RENT BILL.

The Hon'ble Mr. QUINTON moved that the Bill to consolidate and amend the law relating to rent in Oudh be referred to a Select Committee consisting of the Hon'ble Mr. Ilbert, the Hon'ble Sir S. Bayley, the Hon'ble Sir A. Colvin, the Hon'ble Mr. Hunter, the Hon'ble Rana Shankar Bakhsh Singh Bahadur and the Mover. He said:—

“I had intended, in accordance with the wishes of the Government of India and that of the North-Western Provinces and Oudh, to make this Motion during the last Calcutta session, but was prevented from carrying out my intention by the unfortunate illness of our hon'ble colleague Rājā Amir-ud-dowlah Bahadur. It was obviously desirable that in discussing the principles and provisions of this Bill the Council should have the assistance of a representative of the taluqdārs, whose interests are largely affected by it. And in fairness to them the Motion was suspended in the hope that the illness of Rājā Amir-ud-dowlah would be but of short duration. Unhappily my hon'ble friend is still unable to attend our meetings. In his temporary absence the Legislative Council has been reinforced by the addition of Rana Shankar Bakhsh Singh, Vice-President of the Taluqdārs Association and owner of a large taluqa in Southern Oudh, whose knowledge and experience will, I have no doubt, be of great value to us in carrying the Bill through its remaining stages. I hope also that we may still have the benefit of Rājā Amir-ud-dowlah's attendance either here or at the consultations on the Bill which Sir Alfred Lyall hopes to hold at Lucknow before it is finally read.

“The interval that has elapsed has given members an opportunity of making themselves acquainted with the contents of the lengthy papers which have been printed and circulated, and of appreciating the motives and reasons which have induced Government to recommend legislation on behalf of the Oudh tenantry. It has also enabled the taluqdārs to assemble and discuss the measure, and to inform the Local Government of their views

respecting it. When moving for leave to introduce the Bill I dwelt at some length on the necessity for legislation of the nature proposed, and even at the risk of repetition I shall again briefly invite the attention of Council to the prominent facts which in the opinion of the Government leave it no option in the matter.

"The province of Oudh is very densely populated; the bulk of the population live by agriculture, manufactures being few and inconsiderable; 79 per cent. of the cultivated area is occupied by tenants-at-will holding farms averaging something under five acres, and liable to annual enhancement of rent and to eviction at the mere will of the landlord; and of the total number of cultivators only one in 200 enjoys any protection against these incidents of tenure. The landlords consist of 346 taluqdars and 180,000 proprietors of the zamindari class. Tenants with rights of occupancy under the Oudh Rent Act are 8,117, and tenants-at-will 1,800,000. During the last 15 years there has been a rise of rents which varies in different districts but averages for the province 24 per cent., the average rise of prices during the same period having been about the same. The power of ejectment has been freely exercised by the landlords, the number of notices having risen from 23,600 in 1876 to 92,692 in the current year. An examination of 28,477 tenancies in different districts made three years ago showed that of that number there were only 5 per cent. in which the component fields and the rent had remained materially unchanged during the last fifteen years, and that in 46 per cent. the tenants were all new-comers. The provisions of the existing law which allowed tenants to claim compensation for improvements on enhancement of their rent have remained a dead-letter, and those which gave a similar right on ejectment have been largely evaded by contracts.

"When bringing these facts to the notice of Council I stated that they showed that the cultivation of the soil was carried on by a body of raiyats holding under a tenure which might be described as a yearly tenancy in its simplest and most rudimentary form, and I declined to waste your time by attempting to prove, what is notorious to all who have thoughtfully considered the subject, that this form of tenure when the pressure of population is severe is the one most discouraging to agricultural efficiency and most likely to lead to the impoverishment and degradation of the cultivators of the soil.

"It has, however, been urged as an objection to the Bill that the condition of the tenantry has, on our own showing, improved, and that we have made out no case to justify legislation. On this point, I am quite prepared to join issue.

"As regards the improvement in the condition of the tenantry, special causes have been at work to bring about this result, the continued operation of which can no longer be relied upon. The substitution of the British for the Native Government after the pacification of the province enabled every man to enjoy the fruits of his industry in peace, and thereby gave a great stimulus to production. Good roads were everywhere opened out, and of late years railways have brought tracts hitherto practically inaccessible within reach of the markets of the East and West. The cultivation of waste land has extended with great rapidity. The latest returns available give reason for believing that the increase since settlement is some 20 per cent. These causes have efficiently promoted the prosperity of the province, and have enabled the tenantry, whose rents were largely regulated by custom, to share in it.

"But, as I have already stated, they cannot be expected to give rise to the same progress in the future as they have done in the past.

"The establishment of our Government substituted for the good old rule of each party taking and keeping what he could a strict reign of law, which affords security to landlords as well as tenants, but arms the former with the whole power of an irresistible Land Act, and, as always happens in such cases, gives the advantage in the struggle to the richer and stronger of the two parties. A generation has grown up accustomed to the benefits of British government; the main lines of roads and railways throughout the province have been completed; the area of cultivable waste land is rapidly diminishing and customary rents are fast disappearing. We have reached the

summit of the watershed, and have to guard against a facile descent in the opposite direction. Moreover, the progress testified to by no means excludes exceptional cases of great hardship, which tend to increase in number.

"Here I may fitly reproduce a passage from the report of Mr. (now Sir) H. Davies quoted by Mr. Strachey when introducing the present Oudh Rent Act in 1867:—

"The doctrine that rents paid by labourers raising their wages from the soil cannot safely be exposed to competition, as expounded by Mr. J. S. Mill, is now generally accepted by political economists. It is seen that a rapidly increasing population is soon straitened for food, that they will contend fiercely among themselves for the payment of the rent of land from which alone in a purely agricultural country they can extract it; that such contention, whilst nominally and transiently raising rents, must lead to impoverishment and reduced wages; that with increasing poverty the secondary wants necessarily diminish, self-respect vanishes, whilst the multiplication of numbers is accelerated; that the end is to the landlord a shrunken rent roll and deteriorated property; to the country a degraded and desperate peasantry. It is admitted, on the other hand, that rents paid by capital may safely be left to competition, that sensitive fund giving timely and early warning of over-extension to the investor. Contending, not for bread, but for the fair interest of his money, he, unlike the starving cultivator, can and will separate from the soil. Whence is suggested an answer to the question often asked 'why allow competition for grain and not for the rent of land paid by peasants?' Because competition for grain has no tendency to multiply the number of mouths to be fed; but, by adjusting its price in proportion to the supply, rather puts people on their famit; whereas competition for rackrent leases, by encouraging false confidence, by eventually lowering wages, and by minimising the prudential checks, has a direct tendency to stimulate the increase of population and in course of time to lessen the fund for its support."

"This is a forcible statement of an economic deduction the soundness of which is unassailable. If any one wants an inductive proof of the proposition, he has but to study the history of the land question in Ireland for the last 50 years, and to consider the results there brought about by the operation of competition on a teeming agricultural population.

"I would ask Your Excellency and hon'ble members bearing in mind this theoretical argument to weigh the facts stated in the following passages from Major Erskine's report:—

"126. Although I am able to say that the condition and prosperity of the cultivating classes as a body have not yet been injuriously affected under the administration of Act XIX of 1868, I cannot regret the number of these classes, the size of their farms, the incidence of the rent they pay and the insecurity of their tenure without feeling that, as the inevitable multiplication of their numbers proceeds and competition for the land becomes more keen, their condition will under the present law deteriorate, and that it is advisable to take some action on their behalf. And I am strongly of opinion that any remedial measures which are adopted should be such as will protect all cultivating tenants as a body, and not merely those of certain castes or classes, those who are descended from former proprietors or those who have been in occupation for certain periods arbitrarily fixed. Interference is justified on the broad ground that it is imperatively necessary in the interests of the general community that the complete efficiency of the agricultural industry be maintained, and that that efficiency is under present conditions seriously threatened.

"127. The ordinary tenant now holds from year to year; he is liable to be called on each year to agree to an enhancement of his rent on pain of summary eviction if he refuses the enhancement; and he is moreover liable to summary eviction at the end of any year at the mere caprice of the landlord. The landlord need not give him notice to quit until the 15th April; and unless he is in a position to contest the notice, he must vacate the land by the 15th May or he may be forcibly removed. From all parts of the province it is said that landlords throw obstacles in the way of tenants seeking to make improvements, and withhold their consent to the construction of these works until the tenant contracts himself more or less out of the provisions of the Rent Act which secure him compensation. When the rent is a produce-rent, it is regulated by custom; but when it is payable in money it is mainly determined by competition, by which I do not of course mean that the lease of the tenancy or field is put up to auction (though even that is spoken of by the Deputy Commissioner of Faero), but that the landlord ordinarily takes as high a rent as he can get: it is to be feared that, except in rare instances, the landlord does not trouble himself to ascertain the relative productive capacity of his fields and to fix the rent of each on this basis; he treats the tenancy as a whole, and demands what he thinks the tenant will pay or what he thinks another man will give.

"128. Under a system which places him in such circumstances as are above described the Oudh peasant has little incentive to exercise self-denial, prudence and thrift. It may be true that even with greater security of tenure he would still be deficient in those character-

istics; that he would still adhere to his old habits; indulge without restraint his sexual instincts and embarrass himself by extravagant expenditure on marriages, &c.; but at least he should be put in a position in which it would be to his plain advantage to be prudent and economical. Such a position he does not now occupy.<sup>^</sup>

"It has also been argued that the evils for the removal of which we propose to legislate are apprehended, not actual, and that until they come into existence legislation is unwarranted.

"If the evils were in themselves slight, or if the apprehensions of their approach rested on insufficient grounds, then no doubt there would be some force in the arguments; but I hope I have satisfied the Council that neither of these conditions exist in the present case, and that we have only too strong grounds to dread the approach of serious evils, and to believe that, if we do not interpose, their arrival at no distant date is a matter of certainty.

"If this be so, it is surely the duty of Government to take timely measures to keep out the deluge before the country is submerged—to lay by a store in the present plentiful years against the famine which awaits us. In homely phrase, prevention is better than cure. And measures adequate to ward off the disaster will fall far short of those necessary to remedy the calamities caused by it if we allow it to fall upon us.

"In this connection I would read to the Council an extract from a memorandum by Mr. Quinn, written when Commissioner of Sitapore, which is referred to in Major Erskine's report. Mr. Quinn is an officer of sound judgment and long experience in Oudh, and the division from which he wrote consists of one district the lowest as regards density of population, and of two in which the population to the square mile is under the provincial average:—

'I myself am convinced that the keen competition for land which is essential to rack-renting is only commencing, but will rapidly develop. Twenty years hence the whole of the culturable land in Oudh will probably be under cultivation. An ejected cultivator will then become a ruined man. I would earnestly protest against waiting till the cultivator has reached the destitute condition of the Bengal (he might more fitly have said *Behar*) raiyat, and till landlords have come to live up to an unduly inflated income. Now, when class animosities have not sprung up between landlord and tenant, and when the cultivator is still fairly prosperous, is the time for such a moderate reform of the rent law as may ward off the evils which alone the backward state of Oudh has hitherto kept in check.'

"In Southern Oudh, where population is more dense and the area of waste land is much smaller, the state of things dreaded by Mr. Quinn is within very measurable distance, competition rents are rapidly superseding those regulated by custom, and in one district there has been a rise of 49 per cent. in rents in 15 years.

"No candid observer of these facts can accuse the Government of precipitation in initiating the present proposals.

"I stated in my speech on the introduction of the Bill that most of the taluqdars were understood to admit that under the circumstances some amendment of the existing law in the direction of the draft Bill is expedient, necessary and inevitable, and that I had grounds for anticipating that they would acquiesce in a measure of this kind. Since that speech was made the taluqdars have met and considered the Bill, and in their corporate capacity have accepted its main principles. This acceptance was intimated to His Honour the Lieutenant-Governor in a reception of taluqdars held by him at Lucknow in the end of April, and was formally notified to the Secretary to Government in a letter of the 24th of that month, giving cover to a memorial which will be found at page 9 of No. 2 of the printed papers on the Bill. As the memorial is short, I shall make no apology for reading it:—

'May it please your Honour,—We, the taluqdars of Oudh, beg to submit a translation of the proceedings of a Meeting of the Committee of our Association held on the 22nd April, 1886, in deliberation on the Oudh draft Rent Bill, from which it will appear that we accept in their entirety the rules of seven years' lease and of the limitation of enhancement to 6½ per cent. We, however, beg to suggest that land given on clearance lease, *chajra jungle*, new alluvial land, *parti*, and land subsequently to this Bill rendered culturable by landlords at their own expense, should be exempted from the provisions of the above clauses.

'We would also, with due respect and deference, draw Your Honour's attention to sections 38 and 129 of the Bill, which, in our estimation, contain provisions derogatory to our position

and rights, and which also are, in our opinion, unnecessary for the protection of our tenants. These sections we wish to see removed from the Bill.

‘We further respectfully beg to be allowed to point out what seem to us certain defects and errors in the Bill, which we consider should be removed, and also to suggest some useful provisions which may be inserted therein.’

“It confirms what I then stated—and before going on with my argument I may add that on the points to which exception is taken we are prepared to allow the fullest weight to the objections consistent with securing the objects at which we aim, namely, moderate stability of tenures for the cultivator, and a reasonable assurance that the power of enhancement will not be pushed so far as to make that stability a nullity, for no tenure is worth fixing if the enhancement is severe.

“I have thus, I hope, successfully met the objection as to the absence of any necessity for legislating on behalf of the Oudh tenantry. I now turn to the provisions of the Bill as introduced.

“With the Statement of Objects and Reasons will be found printed a letter from the Local Government, giving reasons for the form which the Bill assumes, and for the various minor alterations proposed in the present Rent Act. I shall not trouble Council with recapitulating these on this occasion. They will be fully discussed in Select Committee, and such of them as are finally agreed upon can be referred to so far as is necessary when the Report is presented and taken into consideration.

“I confine myself now to the more important changes, the first of which is that the tenant should have rest for seven years. For that period, dating from the last change in his rent or the last alteration in the area of his holding, we propose to bar enhancements of rent and the issue of notices of ejectment. The present Rent Act does not provide for the issue of notices of enhancement, and the consequence is that notices of ejectment are largely issued for the purpose of securing enhancement as well as for eviction—a fact which must be borne in mind in weighing the annual statistics respecting them. I have already stated that the number of these notices has risen from 25,744 in 1869, the year in which the present Act came into force, to 92,602 in the current year. I shall not trouble Council with the figures for each year, though I have them by me, but state simply that the total number issued in 18 years has been 1,869,964, which would give more than one for every cultivator in the province. This, however, conveys a very inadequate idea of the effect of the notices, for there are districts in which the issues have been comparatively few, and estates where they are little known; and here it is right that I should state that by far the largest proportion of notices has been issued on coparcenary properties, and that tenants on taluqdari estates, speaking generally, have been much less subjected to this form of pressure. Zamindari or coparcenary estates constituted two-fifths of the area of the province, and hence it may be conjectured to what an extent landlords of this class have availed themselves of the power of exaction or eviction with which the law arms them.

“Further the enquiries reported on by Major Erskine clearly brought out the fact that the number of notices issued was no satisfactory gauge of the degree to which rents were enhanced under their operation. A few notices on the boldest recusants are sufficient to induce the bulk of the cultivators to comply with the landlord’s demands. In one large village of Kurni tenants, the most careful and industrious class of cultivators in Oudh, in which a special enquiry was made in 1881, the Government demand was Rs. 400. The rent-roll had been brought up to Rs. 1,027. A stranger got possession, and by the issue of only 18 notices and availing himself of dissensions, among the cultivators succeeded in raising the rents of nearly all the tenants from 10 to 20 per cent. The Deputy Commissioner of another district writes in an annual report:—

‘The results of the notices appear to have been much the same as last year. Over the greater portion of the Atraula taluk enhancement of rent is practically made without having recourse to process by notice. The raiyat is actually able to pay something more than he pays at present; the landlord’s karinda visits a village and calls on all the raiyats to sign a new kistbandi at enhanced rates. They all refuse at first, then gradually by dint of vigorous

harassment and no doubt occasional violence a few are forced to give in, after which most of the rest follow like sheep, inwardly resolving not to pay a penny more than they used to do. A few independent souls hold out, and are marked down for next notice season. The bulk of the agricultural population in this district are timid and spiritless and extremely ignorant peasants.'

"I could adduce much more testimony did time allow in support of my proposition that the number of tenants affected by the notices of enhancement largely exceeds that of those on whom those notices were served, large though that be.

"On the other side the tenants did not fail to avail themselves, so far as in them lay, of the means of resistance in their power against these attacks of their landlord. The law allows of a tenant giving a notice of relinquishment, and a considerable number of these were issued year by year. Where there were most disturbances at the instance of the landlords there were most relinquishments on the part of the tenants. The districts most distinguished for the action of the landlords in ejectment are those which show the greatest number of tenants' relinquishments. This, however, was a weak defence, and failed when it was most wanted, as in bad years the proportion of relinquishments to ejectments invariably fell, and the landlord was master of the situation. The Commissioner of Rai Bareilly writes:—

"The proportion of rents enhanced by notices of ejectment to rents abated by notices of relinquishment is as ten to one.'

"It requires no lengthy argument to prove that the existence and continuance of such a struggle between two parties so unequally matched must prove fatal to the prosperity of the localities where it prevails, and that the first step to be taken for the protection of the weaker and the ultimate good of both is to make the war to cease. This, as I have stated, is the first point aimed at by the Bill in the provisions fixing a statutory tenancy for seven years. That period is an arbitrary one, but it has been fixed in what seemed to be the interests of both parties, and has met with no serious opposition. Like all such arbitrary periods, it may be too long to please one party and too short to please another; it may be impossible to say why it should not be six or eight rather than seven; but it was not arrived at without mature consideration, and I need not detain Council with the reasons which led the Government to adopt it.

"The next point to be considered is what is to happen at the end of the seven years. Are we to allow the present law to come into force again, and had landlords with appetites whetted by seven years' abstinence to enhance and eject *ad libitum*. This is obviously impossible, and the mode in which protection should be afforded to tenants has been the subject of long and anxious consideration. It might have been proposed that rents should not be enhanced for the term of settlement, and that the landlord's power of ejectment except for non-payment of rent and breach of the conditions of tenure should be carefully swept away. This course, however, was not for a moment contemplated, and, as in Oudh it is beyond the sphere of practical politics, it may at once be dismissed from our consideration.

"Many authorities were in favour of allowing only such enhancements of rent as might be judicially determined by Courts or officers specially empowered to settle rents. This view has in theory much in its favour. The decisions of Courts of Justice are looked upon, if not as the perfection of human reason, yet as the fairest means attainable of doing right in the controversies between man and man. The Courts, however, must decide on evidence furnished to them by the parties, and are shut out from sources of information which, in cases like those involving the fixation of rents over large areas, are essential to the right determination of particular cases and vital as regards the welfare of the agricultural community. Officers specially appointed for the task may indeed after careful study and practical experience acquire such a knowledge of the different soils prevailing in selected localities and of the amount and nature of their produce as may render their decisions less dangerous than those of Courts giving judgment in isolated cases, but they must fail in allowing due weight to the countless diversities which make uniform rates of rent inapplicable to all the fields in a village, circle or other arbitrarily assumed



area. No satisfactory standard has yet been devised for determining the fairness of a given rent; and in the North-Western Provinces, where the Settlement-officer's assessment rates, which are easily ascertained, are generally used for this purpose, I can vouch from experience that no more difficult task is thrown upon the Revenue Courts than the trial of enhancement cases. No doubt, valuations of land and produce for the purpose of fixing rent are not uncommon in England and elsewhere, and, where farms are large and capital abundant, furnish a rough and ready means of settling disputes between landlord and tenant. Profits in such countries are large enough to allow a margin for errors in calculation on one side or the other; but in Oudh there is no such margin. The average size of the farms is but five acres, upon which the first burden must be the support of the cultivator and his family; and when the funds necessary for this are deducted, the balance available for the rent is too small to allow of room for miscalculations or error. Any increase to it, however trifling, can only be made at the expense of the subsistence fund, the diminution of which means the deterioration of the peasant, upon whom in the last resort the support of society depends. The system of determining rent at the present day in this part of India by estimating the money value of a proportion of the gross produce received its deathblow in the lengthened discussions on the Bengal Tenancy Act a year or so ago, and I hope it is unnecessary for me to take up time by arguing against it.

"Another difficulty attendant on the introduction of this system of judicial rents into Oudh I shall just touch on—that is the provision of machinery adequate and competent for the task. Existing establishments have been cut down to the lowest scale, and are working under high pressure; so that it would be obviously impossible for them to undertake the duty of settling rents in hundreds of thousands of cases at the close of the seven year period, and it would be equally impossible for Government to provide at once from other provinces a sufficient number of officers qualified to conduct an operation so delicate and so gigantic even if the successor of my honorable friend Sir A. Colvin saw his way to make the necessary financial provision for them—a contingency which the outlook at present scarcely warrants our contemplating.

"All projects for fixing rents judicially being thus abandoned, Government were driven to the alternative of leaving those most interested to adjust rents by mutual agreement, subject to a certain maximum imposed for the protection of the weaker party to the contract. That maximum is an increase of  $6\frac{1}{2}$  per cent on the existing rent. This gives the landlord an opportunity of revising his rents four times within the currency of a 30 years' settlement, and would enable him under the most favourable circumstances to raise his rents about 27 per cent during that period, while it would at the same time afford him some assurance as to the principle on which the Government demand would be adjusted at the next settlement of land-revenue. Assessments would be based not on conjectural valuations of produce, but on rents actually paid.

"The proposal to fix the limit of enhancement at a proportion of existing rents is not free from objections; like all arbitrary limitations it is open to criticism, but if we are to wait until we can find a solution of the Oudh tenant-right question against which no objection can be brought, the amelioration of the condition of the tenantry must be deferred to the Greek kalends. The practical question is not what is a theoretically perfect system, but what changes in the present system, effective for the object we have in view, is open to the fewest and weakest objections.

"This limitation of enhancement proposed is based on a principle universally admitted, that sudden and harsh enhancements are injurious and should be restrained; and existing rents are taken as a starting point, because under the almost unrestricted influence of competition through a series of years and after a general and steady advancement of rents they are understood to be on the whole very closely approximate to the full market-rates, and to bear probably a more uniform relation to the net produce than could be attained by any official revision of them however carefully conducted. It is very probable that the landowner will at the expiry of each statutory period avail himself of his



legal right of enhancement *should the circumstances of the market admit it*, but this is an incident of tenure not unknown in the most prosperous examples of British farming.

“The arrangement also poses as the undeniable advantage of certainty, the only affording to the tenant a true security against sudden and excessive enhancement and a stimulus to devote his utmost skill and industry to the improvement of his holding during the seven years for which the law guarantees him undisturbed possession of it.

“The Government, however, are not unaware that change of circumstances may render useless or mischievous a hard-and-fast rule as to the maximum rate of enhancement, and in view of this we have taken power enabling the Local Government to vary within periods of not less than seven years the limits of the enhancement to which tenants with rights of occupancy are liable. I pointed in my speech on the introduction of the Bill to some causes which might render a fixed maximum oppressive or inadequate, and recent experience in Ireland, if such were necessary, warns us that a few bad seasons may have such an effect on rents fixed on what seemed at the time to be equitable principles. The power is no doubt an important one to be entrusted to the executive Government, but it would be put in force only on exceptional occasions, and its exercise would be carefully watched. It is not desirable that on every occasion where circumstances may call for a variation of the limit of enhancement the intervention of the Legislature should be resorted to, and the whole question of the relations between landlord and tenant be thereby again opened up. It must also be borne in mind that Government has a substantial interest in holding the balance fairly between them on this point. As the interdependence of land-revenue and rents is becoming closer every year, any large reduction of rents must affect the Government revenue. I now pass on to the subject of ejection.

“Enhancement and ejection hang together. As I have pointed out on a previous occasion, provisions for protecting the tenant from enhancement are of little use if the power of ejection at his will and pleasure is left to the landlord. A tenant in an agricultural community such as we have to deal with will agree to any demand which does not involve starvation sooner than part with what affords the means of subsistence for himself and his family; and the unrestricted power of ejection is really a power to rackrent. That this power has not everywhere produced its natural consequences hitherto is due to the moderation of the majority of the landlords, and to the fact of the pressure of the population on the land not having reached its extreme limit in all parts of the province. But this state of things is passing away, and the moderation of landlords will be subjected to a strain too great to be resisted. Moreover, cases are but too numerous, where the power, chiefly I am bound to say among the smaller landlords, has been unsparingly exercised, and also where the lessees of absentee proprietors have not failed to push to the utmost the advantage which the law gives them. Limitations on the power of ejection are therefore a necessary consequence of those on enhancement.

“The Bill proposes in the first instance to render more effective the provisions of the existing law regarding the payment of compensation for tenants’ improvements. On this point I need not now dwell. The new section has been drawn on the lines of that passed for Bengal last year, and is likely to excite little controversy. The principles on which it is based were thoroughly discussed in this Council on more than one occasion, and have encountered no opposition.

“The mere payment, however, of compensation for improvements is not a sufficient deterrent as in the cases where it will operate the landlord is sure of receiving again a return for the money expended by him. Something further is required to prevent landlords from using the power of ejection harshly or capriciously to the detriment of their tenants generally, and this the Bill furnishes in the shape of compensation for disturbance. A landlord who ejects a tenant willing to pay the statutory enhanced rent at the end of the seven years’ period of occupancy must pay the

tenants so ejected one year's rent. Compensation for disturbance is not altogether a new idea in India. In No. 1 of the printed papers hon'ble members will find an account by Mr. J. B. Lyall of a system based on this principle which was introduced and worked by him for a time with the assent of the zamindárs in the Kangra district. Three years ago this Council accepted the principle and embodied it in the Central Provinces Tenancy Act. I have referred to my friend the Officiating Chief Commissioner as to the working of the provision. He tells me that the time that has elapsed since the Act came into force has been too short to allow of the law on this point being made much use of, or to admit of any valuable opinion being formed as to its operation. The principle was also contained in the Bengal Tenancy Bill as introduced, and was dropped out only at the last moment, having been found to be not required for occupancy-tenants. The non-occupancy-tenants were believed to be only a minority of the cultivators of Bengal, and it was considered that they would derive sufficient protection from the system of judicial leases established by the Act. In Oudh, circumstances, I need scarcely point out, are certainly different. The whole of the Oudh cultivators are practically tenants-at-will, and the Bill makes no distinction between classes among them, and establishes no favoured grade—a principle which has been steadily kept in view in maturing the present proposals. Compensation for disturbance has thus been for some time under discussion in this country, and Government has failed to discover any more effective means of checking evictions made with the view of securing harsh and unreasonable enhancements.

"A low scale of compensation for disturbance will not operate strongly, it is true, in checking enhancements where there is a keen competition for land, and the landlord can look forward to receiving at once from the incoming tenant a bonus sufficient to recompense the compensation paid to the tenant who vacates; but, unless under very favourable conditions, it must act in some degree as a deterrent to a landlord who wishes to proceed to enhancement by way of eviction. The necessity of paying down cash the recovery of which may be open to some doubt will in such cases make a landlord pause, and the knowledge that if ejected he will not be turned out on the world as a pauper will promote the self-respect of the tenant and nerve him to apply his skill and industry to making the most of his holding.

"This is, however, one of the points in the Bill to which objection is made by the Taluqdárs Association.

"In the discussions on this Bill the Government have shown themselves desirous as far as possible to meet the objections of the taluqdárs, and is my hon'ble friend can bring before the Select Committee any modification of our plan of compensation for disturbance, or any substitute for it which is likely to prove equally effective for checking capricious evictions, I can assure him of the fullest and most favourable consideration for it.

"I may, however, state here some considerations which have occurred to me respecting the objections to our proposal urged by the taluqdárs. Their objection, as I understand, is not so much to the imposition of a penalty on the exercise of their power of ejectment as to the indignity of being obliged to pay money to a tenant from whose presence they are anxious to free their estate. There is doubtless force in this objection in the case of a good landlord who desires for the benefit of his property to get rid of a bad tenant. But all landlords are not good and all tenants are not bad. And we are legislating to prevent bad landlords from doing what good landlords have not hitherto felt inclined or compelled to do. A bad tenant would in most cases be slack in the payment of his rent, and we have introduced a new provision into the Bill which will enable a landlord at any time to get rid of a tenant who cannot or will not pay up arrears of rent decreed against him. This is a considerable extension of the powers of realising arrears of rent by ejectment possessed by landlords under the existing law, and will, I hope, be taken as outweighing in some degree the obligation of paying compensation for disturbance to tenants ejected on other grounds.

"It is also urged that the right of compensation for disturbance at the close of the seven years' tenancy implies a right of occupancy in the land against the will of the landlord, and that the recognition of any such right in the tenants derogates from the rights guaranteed to the taluqdárs. This applies only to taluqdári estates, and has no bearing on two-fifths of the land of Oudh, which is not held by taluqdári landlords; and I would appeal to my hon'ble friend to consider before he pushes home the argument, whatever be its worth, whether, having acknowledged most candidly the necessity for affording tenants stability of tenure for a period of seven years and protection from excessive enhancements at the end of that period, the taluqdárs of Oudh are prepared to nullify the provisions on this last head by insisting on opposing for the benefit of bad landlords measures by which alone those provisions can be made a reality.

"The Bill as it stands enables any landlord to get rid of the obligation of paying compensation for disturbance by granting leases for a longer period than seven years, which, coupled with the power of requiring the prompt ejectment of a tenant who fails to pay arrears of rent decreed against him, limits the range and mitigates the stringency of the provisions objected to.

"My Lord, I feel I have trespassed on the patience of Council to an unconscionable extent, and I shall add only one word as to the objection taken to section 129 of the Bill, which reserves power to the Local Government to revise and settle rents under certain conditions. I explained on a former occasion that this section was drafted in order to define the liability of the taluqdárs under the sanads by virtue of which they hold their estates. I showed that even in case of small zamindárs the grant of such powers was not unprecedented, that it would really be a relief to good landlords to know exactly what they might and might not do without incurring the risk of penalty, and that it was supported by a warm friend of the taluqdárs. Their Association, however, objects strongly to the grant of this power to the Local Government; and as the enforcement of the conditions of the sanad is of the highest political importance and one on which no doubt as to the views of the Government of India and indeed of Her Majesty's Government at home should be allowed to remain, I shall leave the objection to be dealt with by the members of the Executive Council who follow me."

The HON'BLE RANA SHANKAR BAKSH then addressed the Council in the vernacular, a translation of his speech being read by the Secretary as follows:—

"My Lord,—As a Member of this Hon'ble Council, I feel it my duty to express my humble views on the broad and difficult questions involved in the Oudh Rent Bill, which is now before Your Excellency's Council. But I shall confine myself to a few remarks which will not take up much of the valuable time of the hon'ble members.

"From the results of formal and elaborate enquiries which have from time to time been made into a tenant-right in Oudh, it has been universally admitted that the landlords in Oudh have never practised extortion towards their tenants. In support of this I respectfully refer Your Lordship to the Minute of His Honour the Lieutenant-Governor, North-Western Provinces and Oudh, dated 28th December, 1882; to letter No. 135, dated 1st June 1883, from Major Erskine, the Special Commissioner; and to letter No. 3939, dated 21st December 1882, from the Secretary to the Government, North-Western Provinces and Oudh. In the face of such high authorities exonerating the taluqdárs from the charge of rackrenting and oppression, I humbly submit that I am quite unable to understand how such a charge can for a moment be supposed to be true or well-founded, and how the notorious Sahlamao case can be cited in support thereof.

"The sanads granted to the taluqdárs, when read with the letters of the 10th and 19th October, 1859, leave no doubt as to the fact of the protection therein afforded being confined, with certain conditions, to those under-proprietors who occupied an intermediate position between the superior proprietors or taluqdárs and tenants-at-will, and who were actually found to possess an occupancy-right in 1855. But in obedience to the will of Government, and with the sole view of

benefiting these immediate holders, the taluqdars have loyally submitted to the extension of the period, during which their claims may be heard, to twelve years. This is sufficiently proved by the following legislative enactments and official circulars to which I humbly draw the special attention of this Hon'ble Council:—

"By Act XVI of 1845 the period in question was extended from the 13th February, 1844, to the 23d February, 1850.

"By Act XXVI of 1846 under-proprietary rights in *sir*, &c., were conceded to sub-lessees and under-proprietors.

"By Act XLII of 1850 the right of redemption of mortgage was allowed, contrary to the express provisions of the sanad.

"By Circular IV of 1857 compensation was made to ex-proprietors in the shape of an under-proprietary title.

"By section 5, Act XIX of 1853, a right of occupancy was conferred on ex-proprietors in their *thakbhisht* land.

"Having mentioned briefly some of the most valuable concessions made by the taluqdars in favour of their tenants, I proceed to examine the broader question of an alleged 'tenant-right' in Oudh. On this important question I think I cannot do better than draw the attention of this Hon'ble Council to the elaborate and complete enquiries made in 1855, which resulted in the famous despatch of His Majesty's Secretary of State dated 10th February, 1855, wherein it was finally settled and authoritatively declared that no tenant-right had ever existed in Oudh, that is, tenants will possess no right whatever in the land they cultivated. But the taluqdars of Oudh, in deference to the wishes of Government and with the sole view of gaining their goodwill and promoting the welfare of their tenants, have, of their own accord, by a Resolution of the Committee of the British Indian Association held on the 22nd April, 1836, agreed to make two fresh valuable concessions in favour of the latter, and cheerfully accepted the rules of seven years' lease, and of the limitation of enhancements, subject to the following very important exceptions:—

"(a) *navtore* (land given on clearance lease);

"(b) *banjor*;

"(c) jungle;

"(d) new alluvial land;

"(e) *partti*;

"(f) land rendered cultivable by the landlord at his own expense.

"The very Lord, the taluqdars of Oudh have on every occasion proved their loyalty and devotion to the British Government, have always earnestly endeavoured to gain its goodwill and have always shown moderation and liberality to their tenants and those who hold under them. Under these circumstances, I respectfully submit that the charge of rackrenting and oppression brought against them is far from being just and reasonable. But, as experience has shown that section 43, Act XIX of 1858 has not worked as well as could be desired, and that some amendment should be made therein in the interests of all concerned, I do not feel myself justified in saying that I hold a different opinion.

"Now, with Your Lordship's permission, I propose to examine some other provisions of the Oudh Rent Bill which, in my humble opinion, are open to serious objection.

"Amongst these I would, with due deference, draw Your Lordship's attention to the provisions of section 33 (A), regarding compensation for disturbance, and of section 129, authorizing the Local Government to interfere in cases of great mismanagement. These sections, I humbly submit, should be entirely expunged from the Bill, because 'compensation' presupposes the existence of a right in lieu whereof something is given; and as no tenant-right is proved to have ever existed in Oudh nor can any be created, it does not appear for what the proposed compensation is to be given. If this compensation is for ejection, it involves the loss of the proprietary rights of the landlords, and will inevitably have the effect of depriving them thereof. It will be a very great hardship to the landlord if, after being debarred from ejecting his tenant for seven years, and enhancing

his rent beyond one anna in the rupee on the expiration of that period, he is compelled to pay one year's rent to the tenant so ejected. Such a measure would almost be intolerable to the landlord. As an illustration of this I would humbly ask Your Lordship to look into the case of a tenant who has to pay an annual rent of one hundred rupees, and who, on being ejected after the expiration of the statutory period of seven years, is paid that amount, and the land is let to another tenant on a rent of Rs. 100 *plus* Rs. 6-4. During the next seven years the landlord will realize from the new tenant Rs. 43-12 only, which is less than one-half of the amount he has paid to the old one as compensation for disturbance; that is to say, out of a total rent of Rs. 100 the landlord will lose Rs. 56-4, and will have no prospect of realizing that amount from any one by any means, nor will he be able to recoup himself during the next fourteen years for the loss thus sustained. The compensation for disturbance rule, which is a very hard-and-fast rule indeed, will, in the long run, deprive the landlord of his power of ejection altogether, and will give the tenant a right to hold the land for a practically unlimited period. Upon those who cannot afford to pay any compensation at all, it will have the effect of permanently transferring their properties to their tenants. It is the duty of this Hon'ble Council to have due regard for the rights and interests of all classes for whom it proposes to legislate.

"Another effect of this compensation for disturbance rule will be that it will be an irresistible temptation to tenants to shift their holdings as frequently as they could, and will set them wandering about in quest of a better land and a more lenient landlord from whom they could squeeze a larger amount as compensation for disturbance. One of the main objects of this Bill, as I understand it, is to give fixity of tenure to the cultivator, and to induce him to devote more time and labour to the cultivation of his holding. This object, I humbly submit, will be utterly defeated by the rule in question, which, diverting the tenant's attention from the cultivation of his holding, will fix it on compensation. This, as a matter of fact, will lead to the deterioration of the soil, and will leave no chance of its improvement. What justification is there, I would respectfully ask, for depriving the party justly entitled of a portion of his right and giving it to another party which does not possess the shadow of a right? Will it be just and reasonable to deprive the landlord of the only means of getting rid of a bad tenant by making this objectionable rule applicable to all classes of tenants? The ejection of recalcitrant tenants should, like that of defaulters, be made a rule rather than an exception.

"Now, with due respect and deference, I beg to draw the attention of this Hon'ble Council to the provision of section 129. I will not dwell upon the reasons and motives which have prompted the insertion of this section in the present Bill. I will leave it to the hon'ble members to consider and decide whether it is necessary to retain this section after adequate provisions have been made for fixing the term of the lease and limiting the enhancement of rent. The term of the lease having been fixed and the rate of enhancement limited, I humbly submit that this section seems to me to be entirely unnecessary and undesirable, and should be expunged from the Bill.

"In conclusion, I humbly pray that sufficient time may be allowed to the taluqdárs for submitting their objections to certain provisions of this Bill, and suggesting some useful provisions for insertion therein, and explaining the exceptions subject to which they have accepted the rules of seven years' lease and of the enhancement of rent. I beg leave to support the Motion that the Oudh Rent Bill be committed to the Select Committee for consideration and report."

The HON'BLE SIR STEUART BAYLEY said:—"I think, my Lord, that the Council are to be congratulated in the circumstances under which they are now proceeding with this Bill, as the announcement which we have just heard from the hon'ble member who represents the Taluqdárs' Association, that they accept the two main principles of the Bill, renders unnecessary a great deal of irritating controversy as to the legislation of 1868, and the circumstances of the inquiries which led up to it. There is a great deal to be said on both sides of the question, but it cannot be said without raising a certain amount of unpleasantness, and for that reason I am very glad that it has not come to be

discussed. With regard to the legislation of 1868 itself, I have only to make one observation, and that is that Sir John Strachey, who introduced the Bill himself, looked forward to the time when under the stress of unlimited competition it would be necessary to take fresh legislative action in order to strengthen the tenants' position; and he was careful to point out that the hands of the Government of India were as much unfettered in intervening in questions between the landlord and tenant in Oudh as in any province in India, except in regard to the one point as to the conditions under which the rights of occupancy should be exercised. He mentioned this, and he significantly added that it would be desirable that there should be no misunderstanding on that point. Nor need I now, after the exhaustive explanation which the hon'ble mover of the Bill has given us, enter at any length into the present condition of affairs, which has rendered legislation necessary. The Council are well aware that the province of Oudh is a purely agricultural country, that it is very thickly populated, and that, of the tenant-cultivators, over 99 per cent. are cottier tenants-at-will, liable to be ejected every year on a notice of one month. The inquiries instituted, and which lasted for several years, were very exhaustive, and the result, as the papers before you show, was that there was an unanimous opinion on the part of the district officers that, in view of the rapid rise in rents, of the rapid increase in notices of ejectment and of the general status of the cultivators which I have just pointed out, it would be absolutely necessary to strengthen their position with a view to giving stability to cultivation and encouraging improvements. These were the conditions which led to the introduction of the Bill.

"Turning now to the speech of the hon'ble member who represents the taluqdárs,—a speech which follows the main lines of the memorial of the 23rd April, submitted by them,—I have first to remark that I think the Government ought to acknowledge heartily the loyalty and moderation with which the body of taluqdárs have advanced half-way to meet the wishes of the Government; and I think that, on our part, we ought to give very careful consideration in consequence to whatever objections they may urge to the special provisions of the Bill, and that as far as possible, with due reference to the security which it is the main object of the Bill to obtain for the cultivators, we ought to do our utmost to meet their wishes. The two points to which both in the memorial and in the hon'ble gentleman's speech the greatest attention is given are sections 38 and 129. Section 38 provides that, when a landlord elects to eject a tenant at the expiry of his lease without giving him the option of staying on at an enhanced rent, he shall give that tenant compensation for disturbance equal to one year's rent. Section 129 provides that, when the agricultural condition of an estate is greatly deteriorated owing to gross mismanagement, the Government shall have the power to send in an officer to settle the rents, and the rents so settled shall be stable for a period of ten years.

"I will, with the permission of the Council, deal with the latter of those two sections first. The history and object of that section, as has been explained by my hon'ble friend Mr. Quinton, was to give effect in a modified form and in a legal method to a well known provision of the taluqdárs' sanad. That provision is to the effect that they should be retained in possession of their estates so long as they maintained the agricultural prosperity of those estates and secured those holding under them in the possession of their rights. This clause in the sanad has been the subject of a great deal of discussion. Sir Charles Wingfield, who was the strongest upholder of taluqdári rights, refers to it distinctly as a condition which warrants the Government in interfering in order to prevent oppression; and Sir George Couper in one of his letters speaks of it as the **Magna Charta** of the Oudh rights. Well, no doubt that condition in the sanad does give Government the power of interfering to prevent oppression, but the terms are somewhat vague and indefinite, and the penalty—no less than confiscation or sequestration—is so enormous that it is not to be wondered at that the Government have been very reluctant to take executive action under that condition. As a matter of fact, it has only once been acted upon. It therefore appeared possible that, instead of leaving this tremendous "bludgeon clause" hanging over the heads of the taluqdárs, a modified penalty to be exercised under



the definite provisions of the law might be found to meet all the requirements of the condition, and might not be unacceptable from that point of view as a definite and milder penalty to the taluqdárs. For my own part I cannot confess to feeling any surprise that, on consideration, the taluqdárs have preferred to go on living under the same indefinite terror, to which they have become accustomed, rather than to accept a more definite, although very much milder, penalty about which they could only predicate that in occasional cases it might be reverted to with less reluctance than the severer one. Speaking for myself, I should say that this Bill gives generally such protection to the raiyats as to render it unnecessary to have recourse to special and exceptional action in regard to individual ill-doers. Consequently, if the proposal is accepted by the Local Government, I shall without regret see the section expunged by the Select Committee.

"The question of compensation for disturbance is a much more difficult one. It is discussed very fully and carefully in Sir Alfred Lyall's letter of the 21st December, 1883; it runs in and out throughout the whole correspondence, is perpetually cropping up, and argued first from one point of view and then from another; and when you think it is put aside for the moment, you find that every question comes back to this as the main prop on which almost all the other provisions of the Bill hinge. The point is this—In order to give stability to the cultivator and encourage him to make improvements, Sir Alfred Lyall has laid very great stress upon the necessity of giving the sitting tenant at the end of his seven years' lease option of holding on at the enhanced rate. I should explain that under the accepted provisions of the Bill he gets under a seven years' lease and a limit on the enhancement. Sir Alfred Lyall then says that the sitting tenant ought to have the first option of a new lease at the enhanced rate. But, if side by side with that provision you leave it in the power of the landlord to eject a tenant without compensation, what becomes of the safeguard that Sir Alfred Lyall thinks absolutely necessary? The condition that the sitting tenant shall have the first option of the renewed lease at an enhanced rate is nullified; as a matter of fact you come up to almost unrestricted competition. On the other hand, the position taken up by the taluqdárs is very strong. I cannot quite follow my hon'ble friend in the first of his arguments that, because a tenant has no occupancy-right, therefore, the offer of compensation is a distinct deduction and derogation from the proprietary right of the landlord. It is true that the decision of the Government was that the tenant has not, and never had, an occupancy-right which could be enforced; but it is well known—and I do not think that the fact will be disputed anywhere—that the tenant in Oudh, as elsewhere, has by custom an hereditary occupation. That was the opinion of Lord Lawrence's Government in their letter to the Chief Commissioner of the 16th February, 1885, in which it is said:—

'3. The evidence adduced tends to show that under the Native Government of Oudh there was vested in the raiyat no right of occupancy which could be successfully maintained against the will of the landlord.

'4. It is at the same time held by no means certain that the landlord had a legal right to oust a raiyat who continued to pay the customary rent, and there existed a prevailing usage by which the occupant-cultivators did, in point of fact, generally maintain the hereditary possession of their lands at the customary rents.

'5. It is unnecessary here to enquire whether this usage was the remnant of a former right of occupancy surviving thus imperfectly a long reign of anarchy, or whether it sprung spontaneously out of the mutual relations and necessities of landlord and raiyat. It is admitted very generally to exist, and in some quarters with such strength and distinctness as closely to resemble an actual right.'

"Well, it is admitted the raiyat's status is a question of custom and not of right, but, admitting this, I cannot see that compensation involves any real weakening of what is generally understood as the landlord's proprietary rights. Apart however, from this objection, I think that from the landlord's point of view there is objection to be taken very strongly on two other sides of the question. The landlord might very properly say 'Why, if I want to get rid of a recalcitrant tenant, should I be fined for it?' Or, even if he does not look at the matter from that point of view, he may very strongly say 'Why, when I find it essential to the peace of the neighbourhood, owing to the carelessness of



a man or to his disposition to cause trouble, or even owing to caste prejudices—if I find it necessary for my own peace and perhaps to retain my other tenants—if I find it necessary to oust him—why should I have to make him a present of a year's rent?' This really becomes a premium on turbulence and misconduct, and from that point of view I must confess there is a great deal to be said in favour of the objection; and Sir Alfred Lyall, in the letter from which I have quoted, had not failed to notice the point. He discussed it and tried to find a remedy; the remedy which he proposed, or rather discussed, was that, when it became a question of getting rid of a recalcitrant tenant, a landlord should be able to get rid of him by satisfying the Revenue Courts that he had sufficient reason for so doing. Sir Alfred Lyall in discussing the matter came to the conclusion that in the first place this would involve a great deal of unpleasant litigation—litigation which would probably cost the landlord quite as much as the year's rent which he was asked to pay as compensation for disturbance, and which, if the cost were thrown on the raiyat, would ruin him; and further he objected that the particular grounds for getting rid of the man were such that the question would be one in which no Court could come to a satisfactory decision. He consequently rejected that suggestion and fell back upon the proposal now made in the Bill. The point is one on which there is a great deal to be said on both sides, and on which I confess I should like to reserve my final opinion. I think that, while we ought to attach very great importance to the object Sir Alfred Lyall has in view, the particular method here brought forward in the Bill is one to which an equal importance does not attach; that is to say, if this security can be attained by any other method, or if after full consideration the local officers and the Local Government think that the Bill gives sufficient security without any further safeguards, then I for my part should be very willing to be guided by their advice.

"The other points discussed in the memorial are mainly questions which must be viewed in the light that may be thrown upon them by local custom; they are consequently questions upon which I am not prepared at present to give any opinion at all, and they will be more properly discussed in Select Committee. I am glad to learn from what my hon'ble friend has mentioned that before the question comes before the Select Committee it is the intention of the Lieutenant-Governor of the North-Western Provinces and Oudh to meet the taluqdars at Lucknow, and to go into the question again fully with them. Under these circumstances I think the Select Committee will have the best possible advice; their task will be very much simplified, and they will be able to arrive at a much more satisfactory decision than they otherwise could have done.

"Finally, I have only to say that, believing as I do that this Bill is calculated to do much for the agricultural prosperity of the province, I think that Sir Alfred Lyall is to be congratulated on having initiated it. I think also that he is to be congratulated on the confidence in his justice and farsightedness which he has inspired in the taluqdars, and which has influenced them in accepting the two main principles of the Bill, although no doubt they derogate somewhat from their present powers."

His Excellency THE PRESIDENT said :—

"I shall only trouble the Council with a very few observations, and I cannot preface them in a manner more consonant to my own feelings and to the sentiments which I know to prevail amongst my colleagues than by congratulating them and myself upon the acquisition of our new member, who has already shown by the ability with which he has expressed his views what a useful and worthy accession he is likely to prove to the Legislative Council of the Government of India.

"At our last meeting in Calcutta I explained that the reason why we did not then proceed with the Bill was the unavoidable absence of our colleague, the Hon'ble Rājā Amir Hosan, who was prevented from taking his place among us by severe illness. I added, however, that the Local Government, in order to save time, intended to publish a draft of the Bill, and to collect the opinions of competent authorities upon it. Rājā Amir Hosan is, to our great, regret still

disabled from attending here, but a very well-qualified representative of the taluqdars, the Vice-President of their Association, has been appointed to assist us by his advice. The Bill has now been examined by the taluqdars, and we are in possession of their views; and I am glad to learn that in the main principles of the Bill they have expressed their acquiescence. I myself am fully convinced of the expediency of legislation on the basis of this Bill, and, while congratulating the taluqdars on the moderation they have shown, I am glad to understand from the previous speakers that there is a disposition to meet, as far as possible, the wishes of the Association on minor points.

"There is one special matter, however, upon which I should like to say a word in reply to what has fallen from my honourable colleague Rana Shankar Baksh Singh, and that is the question of compensation for disturbance. I understand that the taluqdars are inclined to consider that, were a claim of this sort to be conceded to the tenants, it would be tantamount to an acknowledgment of a right of permanent occupancy in their favour. Now, this is a matter which has for many years past occupied my attention, and I must confess that in my opinion no such consequences can be held to flow from it. When a yearly tenant is unexpectedly evicted from his holding, the injury he sustains is not limited to the loss of his improvements, but it entails a further loss occasioned by the disturbance introduced into his plan of life and his industrial undertakings. As a landlord I have myself always recognized the equitable claim of the tenant-at-will to compensation on this account, especially under a system of agriculture such as that which prevails in Oudh and in my own country, but I never held nor admitted that it implied either a proprietary or an occupancy right. When, moreover, we remember that this claim only amounts to one year's rent (in Ireland it was assessed at between four and seven years), and that it can be neutralized by the grant of an eight years' lease, I do not think that its recognition by the legislature can be complained of by any one. I admit however, that the interests of the landlord in regard to the tenant's disturbance claim should be safeguarded by allowing him to plead certain considerations as an offset or justification. However, I will not dilate further on this particular point, because it falls more properly within the competence of the Committee to which this Bill has been referred. I will only conclude by saying that there is now no reason for further delay, and the Bill will proceed in due course through the regular stages. Between this and the time when the Select Committee will meet, the criticisms of the public on the Bill will be invited, and it will be examined and by the Association of the taluqdars and discussed with His Honour the Lieutenant-Governor and Chief Commissioner, who will visit Lucknow for the purpose."

The Motion was put and agreed to.

The Hon'ble MR. QUINTON also moved that the Bill and Statement of Objects and Reasons be published in the *North-Western Provinces and Oudh Government Gazette* in English and in such other languages as the Local Government thinks fit.

The Motion was put and agreed to.

#### NORTH-WESTERN PROVINCES RENT ACT, 1881. AMENDMENT BILL.

The Hon'ble MR. QUINTON also moved that the Report of the Select Committee on the Bill to amend the North-Western Provinces Rent Act, 1881, be taken into consideration. He said:—

"When I obtained leave via Calcutta to introduce this Bill and that to which the following Motion refers in February last, and refer them to a Select Committee, I stated at length the reasons which in the opinion of the North-Western Provinces Government rendered legislation necessary. I have not had the advantage of attending the meetings of the Select Committee, but the criticisms received have been duly considered and the Bills have emerged from the crucible with no alterations of importance.

"Under these circumstances I feel justified in asking the Council to pass them today."

The Motion was put and agreed to.

The Hon'ble MR. QUINTON also moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

#### NORTH-WESTERN PROVINCES LAND-REVENUE BILL.

The Hon'ble MR. QUINTON also moved that the Report of the Select Committee on the Bill to amend the North-Western Provinces Land-revenue Act, 1873, be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. QUINTON also moved that the Bill be passed.

The Motion was put and agreed to.

#### INDIAN MUSEUM BILL.

The Hon'ble SIR S. BAYLEY introduced the Bill to alter the constitution of the body corporate known as the Trustees of the Indian Museum, and to confer certain additional powers on that body, and moved that it be referred to a Select Committee consisting of the Hon'ble Mr. Libert, the Hon'ble Sir A. Colvin and the Mover.

The Motion was put and agreed to.

The Hon'ble SIR S. BAYLEY also moved that the Bill and Statement of Objects and Reasons be published in the *Calcutta Gazette* in English and in such other languages as the Local Government thinks fit.

The Motion was put and agreed to.

#### DEBTORS BILL.

The Hon'ble MR. LIBERT moved for leave to introduce a Bill to amend the law relating to imprisonment for debt. He said:—

"I am reminded by the audience who are facing me that the Council is practically sitting to-day as a local legislature for the territories under the administration of the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh,—territories to which a separate legislature has not been given under the provisions of the Indian Councils Act,—and accordingly this is, I think, a suitable opportunity for the introduction of a measure the immediate application of which will be confined to those territories.

"In moving recently for leave to introduce the Indian Bankruptcy Bill I referred to the important subject of imprisonment for debt, and, whilst frankly stating my personal opinion that the present law is a bad law, I went on to say that in the present state of Indian public opinion I was not prepared to propose any amendment of it which should apply to the whole of India. But I took care to reserve my opinion on the question whether the Government would not be justified in proposing legislation confined in its scope to a particular province where the balance of authoritative opinion was in favour of such legislation. It is a measure of such limited application that I am now asking leave to introduce.

"The present state of the law is this. Under the Civil Procedure Code a decree or order for the payment of money may be enforced by the imprisonment of the judgment-debtor. The Court has a discretionary power to refuse execution at the same time against both person and property, but has no discretionary power to refuse execution either against person or against property at the option of the creditor. When an application for execution of a decree is presented, it must, if it is not barred by efflux of time and is otherwise in order, be admitted, and then the Court must order execution of the decree *according to the nature of the application*. The Court cannot refuse to issue its warrant for the execution of the decree unless it sees cause to the contrary, and "cause to the contrary," as interpreted by the Courts, means some cause which deprives the decree-holder of the right to execute, or to execute against the party against whom execution is sought, or to execute in the mode prayed for.

"But to this general law there is one remarkable local exception. In the four districts of the Dekkhan to which the Dekkhan Agriculturists' Relief Act applies, arrest and imprisonment for debt have been altogether abolished in the case of the class of persons described in the Act as agriculturists. 'No agriculturist,' says the Act, 'shall be arrested or imprisoned in execution of a decree for money'. The Act has now been in operation for more than six years, and the periodical reports of its working show that this simple and trenchant provision has worked well, and has been attended with beneficial results. Now the Dekkhan Relief Act is, substantially, an amendment of the Civil Procedure Code, confined in its scope to a specified, but extensive and important, set of transactions; and I have always considered that such of its provisions as are found by experience to work well ought eventually to be generalized and embodied in the Code. The experience already gained of this particular provision is, I think, at least sufficient to justify us in trying it on a more extensive scale.

"It will have been seen that, under the general provisions of the Civil Procedure Code, the discretion as to whether a debtor shall be arrested and imprisoned or not rests not with the Court but with the creditor. It may be clear that the debtor has property available for attachment, and that a warrant of arrest has been applied for from vindictive or other improper motives, and yet, if the creditor asks for a warrant of arrest, a warrant must issue. The debtor may be a woman, she may even belong to the class of women who by the law of this country are exempted from public appearance in Court, and yet, if the creditor says that he wishes to send her to prison, to prison she must go.

"Now, in the year 1831 a case occurred which illustrated the working of this provision of the law and attracted a good deal of public attention. The case was one in which a *paradánashin* lady in Calcutta was arrested and imprisoned in execution of a decree for money obtained against her. Some correspondence with respect to the case took place between the Government of India and the Government of Bengal, and eventually, as a result of the correspondence, a circular was in November, 1831, addressed by the Government of India to all Local Governments and Administrations, stating that the Government of India had under consideration the question of amending the provisions of the Code of Civil Procedure bearing upon the question of the arrest of *paradánashin* women in execution of the decrees of Civil Courts, but that before coming to any final conclusion on the subject the Governor General in Council thought it desirable to deal with the larger question of abolishing imprisonment for debt, and for this purpose to enquire whether sufficient reasons exist for the continued maintenance in India of the present system. Local Governments and Administrations were accordingly requested to favour the Government of India with a full expression of their opinion on the matter.

"The replies to the circular disclosed much difference of opinion with respect to the advisability of maintaining for India the present system of imprisonment for debt, and the usual arguments, with which most of us are familiar, were duly marshalled on either side.

"The arguments on which the upholders of the present system relied fall into two classes: first, arguments which, if valid at all, are valid for England as well as for India; and, secondly, arguments based on the special circumstances and conditions of India.

"To arguments of the first class belongs the assertion that "to remove from the Statute-book the penalty of arrest and imprisonment in execution of a decree for money would be to paralyze the commerce and trade of the country." These general predictions are dangerous. Precisely the same objection was made in England, first to the abolition of arrest on mesne process, and afterwards to the abolition of arrest on final process. It is the kind of objection which, as logicians would say, *solvitur ambulando*. The power of arrest was removed, and neither commerce nor trade shewed any symptoms of paralysis.

"Those who uphold imprisonment for debt, not as being generally expedient, but as being specially required for India, do so mainly on two grounds: first, the complexity and obscurity of Indian titles to property; and secondly, the exceptional prevalence of fraud in India, and the exceptional difficulties of detecting it.

"As to the first ground, I will only say that two wrongs do not make a right. If it is wrong, as I hold it is, to allow a debtor to pledge his person as security for his debts, it is not the less wrong because, owing to the defects of Indian property law, he finds difficulty in giving a satisfactory security over his property.

"In the argument based on the prevalence of, and difficulty of detecting, fraud there is undoubtedly much force, though, after having in the course of my professional career studied most of the reports and evidence bearing on the law of debtor and creditor in England and conversed with a large number of persons who have a practical experience of its working, I am inclined to doubt whether the moral complexion of the Indian debtor is really so much darker than that of his English brother, and whether the obstacles which can be placed in the way of a creditor realizing his debts are not as great in England as in India. But, however this may be, to make an honest, though needy, debtor liable to imprisonment, simply because fraudulent debtors are numerous and difficult to detect, appears to me something like making homicide by misadventure punishable by death, simply because the crime of murder is rife and hard to prove.

"There are, in my opinion, two principles which ought to be observed in every law of debtor and creditor. The Courts ought not to give effect to any pledge by a debtor either of his person or of the bare necessities of life. The debtor ought not to be allowed, by his own action, supplemented by the action of the Courts, either to deprive himself of his personal liberty, or to reduce himself to starvation. If he cannot obtain credit except on one or other of these securities, it is better that he should not obtain credit at all. These principles appear to me to be as applicable to India as to England—to an uncivilized as to a civilized country. The Code of Civil Procedure recognises one of these principles by exempting from seizure for debt the debtor's bare means of subsistence. But this recognition is nullified by the refusal to adopt the principle of exempting the debtor's person from seizure. Of what use is it to reserve by law to the debtor the bare necessities of life, when he can be compelled to give them up by the threat of imprisonment? By those who advocate the retention of the present system much reliance is placed on the very small proportion of actual imprisonments to warrants of arrest; and the inference drawn from this proportion is that the law, though harsh in theory, produces no hardships in practice. But my belief is that, in the great majority of cases, exemption from arrest is purchased either by renewal of bonds on extortionate terms, or by surrender of property which the law has exempted from seizure, or by surrender of property which does not belong to the debtor at all but to his relations or friends. In other words, the law enables a creditor to do indirectly what it forbids him to do directly.

"It is said that the honest debtor has an easy way out of prison through the door of insolvency. But in the first place, the honest debtor ought not to be sent to prison at all; and in the next place, the door which is provided for his release is, for some reason or other, very rarely used. There is, or was until recently, a strong concurrence of opinion to the effect that the Insolvency chapter of the Code of Civil Procedure is practically a dead letter. As to the causes of its failure,--whether it is to be accounted for by the preliminary proceedings being unnecessarily cumbrous or expensive, or by the difficulty of satisfying the Court that the debtor has not been guilty of any kind of misconduct, or by ignorance of the law and of the modes of relief available to debtors,--opinions differ; but about the fact of failure there appears to be no difference. The legislation of 1879 has done something towards the improvement of the Insolvency chapter of the Code. But I believe that the experience of those who have been concerned in the working of that chapter will bear me out in saying that notwithstanding those improvements the number of orders passed under it falls very far short of what might be expected under a thoroughly satisfactory and workable law. And whilst this is so it would be unfair to point to the provisions of the chapter as a justification of a law which, but for those provisions, would be admittedly unjust and defective.

"My own strong opinion, on the evidence before me, is that imprisonment for debt, as such, ought to be abolished in India as it has been abolished in England and other civilized countries, but that in India as in

England imprisonment should be retained as a punishment in those cases where indebtedness involves an element of fraud.

"If I thought that the objections to the present law were merely theoretical, if the conclusions at which I have arrived were based merely on *à priori* reasoning and were not supported by practical experience, I should hesitate to bring forward proposals about the expediency of which doubts are entertained by a large number of the Indian judicial authorities. But this is not the case. The evidence collected by the Dekkhan Riots Commission is sufficient to show, if other evidence were wanting, that the existing law is not only defective in theory but oppressive in practice, and my opinions are shared by those whose authority to speak on Indian subjects no one could question. Looking round this table, I can appeal to Sir S. Bayley, who, writing in April 1882 as Resident at Hyderabad and with the experience which he had acquired in Bengal and Assam, was of opinion that the present system of imprisonment for debt is not wanted to compel payment, while it may be used to bring undue pressure to bear on a debtor, and that this is especially the case in an agricultural country where land is generally given as security for debt; to Sir Theodore Hope, who, in the speech which he made in 1879 in introducing the Dekkhan Agriculturists' Relief Bill, stated the case against the present system more forcibly and concisely than it had ever been stated before; to Sir Auckland Colvin, who was himself a member of the Dekkhan Riots Commission; and to Sir Charles Aitchison, who intimated very clearly in 1882 that, but for 'the weight of learned opinion' by which he was embarrassed, the Punjab Government would then have been ranked among the decided opponents of the present law.

"With Sir T. Hope's permission I will read to the Council some extracts from his admirable and exhaustive speech on the Dekkhan Relief Bill. In referring to the provisions of the Bill with respect to the mode of enforcing execution of a decree, he expressed himself as follows:—

'As to execution against the person by arrest and imprisonment, I rejoice to state that it is now considered expedient to abolish it altogether. Imprisonment will still be inflicted as a punishment for fraud detected on insolvency; but that is a totally different thing. The maintenance of imprisonment for debt, as found in the Indian law, is equally indefensible in principle and in practice. As to principle, the Dekkhan Riots Commission make clear that point, utilising the opinions of John Stuart Mill. Their appendices teem with evidence in detail as to the extortion and wrong of which the warrant of arrest becomes in practice the engine. Unacknowledged payments, fresh bonds for sums unadvanced, life-long slavery and even female dishonour may all be obtained—the first three constantly, by the mere production of the warrant of arrest without enforcement. They say, for instance, that in 1874 "it would seem probable that somewhere about 150,000 warrants had been used as threats only." The outcry against imprisonment from officers well qualified to judge of it has been uniform and persistent. Its abolition is unanimously recommended by the Dekkhan Riots Commission. Mr. Pedder and Miss Nightingale have in *The Nineteenth Century* brought the evils it causes prominently before the British public. Sir Erskine Perry gives its abolition his "unqualified approval" in a note dated December 1st, 1877. Judicial officers and pleaders take the same view as the Executive. Were it even defensible in theory, which we have seen that it is not, the abuses to which, in a country like Western India at least, it is proved to lead in practice afford sufficient ground for its condemnation in the districts to which the Bill is to apply. \* \* \* Imprisonment was, at best, a barbarous device to meet the case of a debtor's concealing his property or refusing to give it up. Under the draft Bill, it will be quite unnecessary for these purposes, and reserved for cases of flagrant fraud or dishonesty in insolvents. In this altered position I trust that no hesitation will now be felt by the Council in abolishing a system which has been proved to be grossly abused as an engine of extortion, and is in opposition to the legislation of the civilized world.'

"These are the opinions of an officer whose experience was derived mainly from the Bombay Presidency. Let me add equally weighty testimony from another part of India. This is what was said by the Lieutenant-Governor of the North-Western Provinces in 1882:—

'5. Sir A. C. Lyall has long been of opinion that the powers of subjecting a debtor to arrest and imprisonment should not be entrusted to the decreeholder, but to the Courts only; and, in leaving with the Courts the authority to imprison, he would limit its exercise to cases in which clear proof should be shown of fraud or dishonest evasion of payment on the part of the judgment-debtor. The existing practice of placing in the creditor's



hands the power of selecting his own method of coercion is, Sir A. C. Lyall believes, a relic of the old semi-barbarous debt laws which has now been eliminated from almost every civilised code of judicial procedure. The retention of this process in our Indian code would, upon this principle, be justified only by showing that it was specially required by the circumstances and conditions of the administration of the debt law in this country; and Sir Alfred Lyall does not think that any such imperative reasons for retaining it can be adduced.

‘6. It has been argued that, by restricting the process of arrest to cases of proved dishonesty or contumacious refusal to pay debts, the debtor would be given an opportunity for getting out of the way, and thus evading arrest if the Court should determine to order it. But, in the first place, the position of an absconder from process is a very uncomfortable one; so that only the class of debtors who now run away from the creditor are likely to run away from the Court; and, in the second place, the additional risk that would be imposed on the creditor in his realisation of bad debts seems quite worth incurring for the purpose of relaxing the severity with which the present system operates against all debtors, honest and dishonest, indiscriminately. Of the persons arrested, only a comparatively small number seem to be actually imprisoned after arrest; and this fact has been taken to prove that most of these debtors were able to pay but refused to do so till arrested. But it is at least quite as probable an explanation that the debtor, when arrested, preferred, rather than go to jail, to accept any terms which his creditor chose to dictate to him, and to save himself from prolonged imprisonment by executing or renewing bonds on hard or ruinous conditions, or by mortgaging or selling all his property, including property exempt by law from attachment under a Civil Court decree. The effect of arrest, in neutralising the legal exemptions from attachment, seems indeed to merit particular attention. For although section 260 of the Code of Civil Procedure provides that certain things shall be exempt from attachment under a decree, the provision can be practically of little use when the creditor can, by exercising or threatening to exercise his power of arrest, compel the debtor to give up any property whatsoever that he may possess. The Judicial Commissioner of Oudh has cited, as an instance of the difficulty which creditors would experience in realising their debts if the power of arrest were abolished, the case of a debtor who holds a pension, which the law forbids the Court to attach, but who owns no other tangible property. It is argued that such a man may be made to pay his debt while the law allows him to be arrested, but might defy his creditor if the power of arrest were removed. But, according to this view of the case, it is clear that the power of arrest now operates in a great degree to annul the exemption from attachment assigned by law to the pension, since the creditor, though he cannot directly attach the pension, can imprison the pensioner till he comes to terms that may be equivalent to its transfer.

‘7. There may be cases falling under section 251 of the Code of Civil Procedure in which it may be necessary to reserve power to the Court to order the imprisonment of a judgment-debtor who has wilfully disobeyed the Court's specific order, for instance, in the case of a suit for the recovery of a wife. (I will remark here, parenthetically, that I wish to reserve my opinion as to the expediency of a law which enables a husband to obtain the imprisonment of a contumacious or runaway wife, but this question does not arise on the present Bill, which is confined to money debts. To proceed with my quotation.) But all such cases would fall under the rule of dishonest or contumacious evasion; and it would be quite sufficient to invest the Court with discretion and authority sufficient to enforce its own specific mandates. And the reservation of the power of personal coercion to the Courts would prevent the process being employed, as there is reason to believe it occasionally is employed, to gratify a vindictive feeling on the part of the creditor, as in cases where there has been a quarrel, or where a debtor, knowing himself to be insolvent, has favoured another creditor at the expense or to the disadvantage of the decreeholder.

‘8. Sir A. C. Lyall would therefore advocate the entire abolition of the process of arrest for debt, so far as it is a process that can be set in motion at the discretion of the creditor, and would allow the Courts to order arrest only on proof of fraudulent and contumacious attempts to defraud at the operation of a decree.

‘9. It is possible that the abolition of the power of arrest would make the recovery of debts somewhat less easy; but, granting this, the law is not bound to go beyond a certain limit in aiding creditors, and in Sir A. C. Lyall's opinion it goes too far when it leaves to creditors uncontrolled power of imprisoning their debtors. Imprisonment is especially hard on the cultivator and working man, whom it deprives of their means of subsistence and of providing for their families, and these are the classes who probably are most frequently imprisoned.

“There is no branch of the law which more intimately affects the welfare of the poorer classes throughout India than the law of debtor and creditor; and if the Government of India entertains an opinion that that law is seriously defect-



ive it would incur a grave responsibility if it were to hesitate or unduly delay to give its opinion practical effect.

“Why then, I may be asked, did not the Government of India undertake legislation in 1882 or 1883? The answer is that it would have been inconvenient and inexpedient to do so at a time when analogous legislation was still under discussion in Parliament. The English legislation of 1869 proceeded on the sound principle that provisions for the relief of the honest debtor should be accompanied by provisions for the punishment of the fraudulent debtor. The Debtors Act of 1869, which abolished imprisonment for debt, as such, contains two Parts, of which one is headed ‘*Abolition of Imprisonment for Debt*’ and the other ‘*Punishment of Fraudulent Debtors*.’ Concurrently with it was passed the Bankruptcy Act of 1869, which remodelled the system of bankruptcy for England, and with reference to which the penal provisions of the Debtors Act are framed. Now in 1882 and 1883 the English bankruptcy law was in the legislative crucible, and it appeared to me that, much as the Indian insolvency law stood in need of amendment, it would be desirable to defer proposals for its amendment until the new English law had been passed, and some little experience of its working had been obtained, and that then, and not till then, would be the proper time for dealing with the cognate subject of imprisonment for debt. As soon as the new English Bankruptcy Act had become law I set about the preparation of a corresponding measure for India, but the preliminary steps occupied some time, and it was not until a fortnight ago that I was able to introduce the Indian Bankruptcy Bill into this Council. The main provisions of that Bill will operate only within the Presidency-towns and a few other like places, but it contains one Part, the Part headed ‘*Fraudulent Debtors and Creditors*,’ which applies to the whole of British India. This part is taken from the English Debtors Act of 1869, as amended by the English Bankruptcy Act of 1883. When read with the Indian Penal Code, it will be found to contain those full and strong powers for the arrest and punishment of fraudulent creditors and debtors which are the essential adjuncts of every proper bankruptcy law. Therefore I am now in a position to say that I have already brought forward those proposals for the amendment of the penal law which in the opinion of the Parliament of 1869 were the proper supplement and corollary of proposals for the relief of the innocent debtor.

“I may add that the interval which has elapsed since 1883 has not been wholly unfruitful of results. I was anxious to fortify myself with information about the law of imprisonment for debt in foreign countries, and through the kindness of Sir H. Maine I obtained from Her Majesty’s representatives abroad a series of interesting reports on that subject. A summary of those reports has been published, and fully bears out the statement made by Sir T. Hope in 1879 that the existing Indian system is ‘in opposition to the legislation of the civilized world.’

“I have described the steps which were taken with reference to this subject in 1881, and have explained why legislation was not initiated as an immediate consequence of those steps. It remains for me to explain the nature of the proposals which on behalf of the Government of India I am bringing forward now. Having regard to the authority and experience of some of those who are opposed to a change in the law, and bearing in mind the immense diversity of circumstances and conditions which prevails throughout this vast peninsula, we thought that, while we should not be justified in further delaying legislation, our most prudent course would be to confine its application in the first instance to some one province where the balance of authority, administrative and judicial, is clearly and strongly in its favour. There is such a province. I have read to the Council the opinion that was expressed by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh in 1882, and I am in a position to say that the opinion which Sir A. Lyall held then he holds after four years’ further experience now. His opinion was briefly but emphatically endorsed by the Hon’ble Judges of the Allahabad High Court, who were, and are, strongly in favour of abolishing imprisonment for debt as such.

"Under these circumstances I propose that the measure which I am asking for leave to introduce should apply in the first instance only to the North-Western Provinces and Oudh, but that it should be capable of extension hereafter to other provinces by the Local Governments with the previous sanction of the Governor General in Council. From the opinions which were received from Lower Burma in 1882, and again with reference to the draft Bankruptcy Bill which was published last year, there appears to be a strong feeling in that province in favour of abolishing imprisonment for debt where the debtor has not been guilty of fraud. But on the whole I think it is preferable that the primary application of the measure should be confined to the territories under one Local Government only, and that its effect there should be ascertained before the Act is extended to other parts of the country. The Bill follows generally the principles of the English Act of 1869, by enacting that a Civil Court shall not imprison for debt except in certain specified cases, and that in those cases imprisonment is to be treated not as a measure of coercion but as a punishment. The excepted cases are—

- "(a) where the order is for payment of a fine ;
- "(b) where the defaulter is a trustee or person acting in a fiduciary capacity, and the decree or order requires him, as such, to pay any money which is in his possession or under his control, or any money for which he is accountable and of which he has not discharged himself ;
- "(c) where the Court is satisfied that, since incurring the liability in respect of which the decree or order was made, the defaulter has fraudulently transferred, concealed or removed any part of his property, or committed any other act of bad faith in relation thereto, with the object or effect of impeding the enforcement of the decree or order by the attachment and sale of his property ;
- "(d) where the Court is satisfied that the defaulter either has, or has had since the date of the decree or order, the means to pay the money, and has refused or without reasonable cause neglected, or refuses or neglects, to pay the same.

"In these excepted cases the debtor may be sentenced to imprisonment for a term not exceeding six months: he is to be imprisoned in the civil jail, but is nevertheless to be subject, as nearly as circumstances admit, to the discipline prescribed in the case of a criminal prisoner undergoing simple imprisonment, and his creditor is not to be liable to pay subsistence-money for his maintenance in prison. It appears to me that these consequences logically follow from the theory that imprisonment is inflicted as a penalty and not as a screw. The liability of the judgment-creditor to maintain his debtor when in jail existed under the old insolvency law in England, and the Act which imposed it was once described as giving the creditor 'the power of imprisoning and tormenting his debtor at the expense of 3s. 6d. per week.' I regard it as a bad qualification of a bad law, and think that the law and the qualification should disappear together.

"These are, very briefly, the main provisions of the Bill. For its subsidiary provisions I must refer the Council to the Bill itself and to the Statement of Objects and Reasons, both of which I propose to publish at once. The Bill is comparatively short and simple, but the subject with which it deals is as important as any that have ever engaged the attention of the Indian legislature."

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also introduced the Bill.

The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published in the local official Gazettes in English and such other languages as the Local Governments think fit.

The Motion was put and agreed to.

### OUDH WASIKAS BILL.

The Hon'ble MR. QUINTON moved for leave to introduce a Bill to declare certain allowances collectively known as Oudh Wasikas to be pensions within the meaning of the Pensions Act, 1871. He said :—

“Certain allowances, locally known as Amanat Wasikas, Zamanat Wasikas and Loan Wasikas, are paid by the British Government to the descendants of certain relatives and dependants of the Bahu Begam and the Vazirs and Kings of Oudh. Till the year 1880 no doubt was entertained that these allowances were pensions within the meaning of the Pensions Act, 1871. In that year it became desirable on financial grounds to commute one of the largest of them, and, a dispute having arisen as to the person entitled to receive the capitalized amount of the allowance, the Government had to consider whether it could safely pay the amount under cover of the Pensions Act to the person who appeared to be best entitled. The Hon'ble the Advocate General inclined to the opinion that a Wasika was a pension within the meaning of the Act, but thought there was a good deal to be said in favour of the opposite view. As the sum involved was so very large that the Government would not have been justified in incurring any risk in disposing of it, a special Bill was introduced into the Legislative Council and passed as the Taj Mahal's Pension Act, 1881.

“This step, which the Government was compelled to take for its own protection, necessarily suggested a doubt as to the applicability of the Pensions Act to Wasikas.

“As it is expedient on political considerations that there should be no room for question as to the applicability of the Act to Wasikas, the Government has decided to introduce this Bill to remove the doubts created by the legislation of 1881.”

The Motion was put and agreed to.

The Hon'ble MR. QUINTON also introduced the Bill.

The Hon'ble MR. QUINTON also moved that the Bill and Statement of Objects and Reasons be published in the *North-Western Provinces and Oudh Government Gazette* in English and in such other languages as the Local Government thinks fit.

The Motion was put and agreed to.

The Council adjourned to Wednesday, the 23rd June, 1886.

S. HARVEY JAMES,

*Offg. Secretary to the Govt. of India,*

*Legislative Department.*

SIMLA ;  
The 11th June, 1886 )

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. VI OF 1886-87.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	RECEIPTS FOR WEEK ENDING 10TH MAY 1886.		Total mean length open.	RECEIPTS FOR WEEK ENDING 15TH MAY 1886.		TOTAL RECEIPTS FROM 1ST APRIL TO 10TH MAY 1886.		TOTAL RECEIPTS FROM 1ST APRIL TO 15TH MAY 1886.		Total Increase in 1886-87.	Total Decrease in 1886-87.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		<i>Rs.</i>	<i>Rs.</i>		<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>	<i>R.</i>	<i>Rs.</i>
15th May 1886	Oudh and Rohilkhand	658	1,28,563	2.8	630	1,20,465	2.51	6,03,404	2.76	10,57,303	2.41	1,73,500	...
22nd do.	Madras	301	1,21,062	1.72	861	1,11,559	1.61	9,18,880	1.97	6,20,872	1.60	1,02,8	...
22nd do.	South Indian	671	7,27,89	1.1	61	9,33,307	1.52	5,00,186	1.33	6,11,17	1.1	5,33,72	...
22nd do.	Great Indian Peninsula	1,504	6,31,058	6.15	1,204	11,45,921	7.42	60,11,103	6.00	68,99,137	7.15	2,58,241	...
22nd do.	Bombay, Central and Central India	401	3,42,533	7.03	411	3,33,900	7.22	20,01,307	6.00	22,00,158	7.45	1,17,921	...
	<b>TOTAL</b>	4,085	19,21,171	3.92	2,100	18,00,282	4.47	1,11,00,003	4.13	1,17,00,710	4.39	6,00,717	...
	<i>State.</i>												
12nd May 1886	East Indian	1,700	11,01,104	3.0	1,717	10,37,266	6.8	6,00,000	0.8	65,74,131	6.1	3,60,632	...
12nd May	Eastern Bengal	251	75,171	3.1	234	79,800	3.11	5,76,800	3.77	5,08,755	3.51	48,104	...
12nd do.	N. Bengal	27	1,100	1.7	27	1,504	1.8	9,071	3	11,541	0.4	1,671	...
12nd do.	Northern Bengal	141	3,114	1.11	219	4,040	1.94	2,47,001	1.1	2,50,714	1.81	41,490	...
12nd do.	Kolkata-Dumai	37	1,004	1.2	37	1,704	1.4	2,000	0.8	1,11,000	0.0	6,000	...
12nd do.	Patna-Gy.	111	1,111	1.11	239	3,000	1.1	1,00,000	1.1	2,00,000	1.1	1,00,000	...
12nd do.	Calcutta-Achra	27	1,111	1.1	27	1,000	1.2	600	1.0	800	1.0	1,000	...
12nd do.	Dadri-Gurgaon	11	1,111	1.1	11	1,000	1.0	2,000	1.0	1,000	1.0	249	...
12nd do.	Rajpootana-Mulwa	1,111	3,000	3.0	1,111	3,800	3.0	2,000	2.0	2,000	2.0	3,000	...
12nd do.	Wardha-Gy.	45	1,111	3.4	45	1,400	3.1	9,000	3.3	1,000	3.3	1,000	...
12nd do.	Nagpur and Calcutta	149	3,000	2.7	149	3,800	2.61	3,37,333	3.17	3,000	3.13	9,170	...
15th do.	Bombay-Burma	37	4,000	1.7	37	4,000	1.70	2,000	1.1	3,000	1.0	2,000	...
12nd do.	Andhra Pradesh	60	1,111	1.1	60	1,111	1.1	4,000	0.9	3,000	1.0	1,000	...
12nd do.	North-Western	1,111	1,111	1.1	1,111	4,800	4.0	48,000	4.0	3,000	2.7	16,000	...
12nd do.	Amritsar-Patna	70	1,111	1.1	70	5,000	7.0	4,000	0.9	3,000	0.9	3,000	...
12nd do.	Punjab-Patna	30	1,111	1.1	30	2,000	6.0	0	4.7	1,000	0.0	1,000	...
15th do.	Dumai	10	1,111	1.1	10	3,000	3.0	1,000	0.4	3,000	1.0	1,000	...
15th do.	Bombay	30	1,111	1.1	30	4,000	1.0	2,000	0.0	3,000	1.0	1,000	...
12nd do.	Cannalore-Kalpal	42	1,111	1.1	42	3,000	7.0	0	0	1,000	0.0	1,000	...
	<b>TOTAL</b>	11,111	11,111	2.9	11,111	11,111	2.9	0,000,000	2.9	7,000,000	3.3	1,000,000	...
	<b>GRAND TOTAL (GUARANTEED AND STATE)</b>	11,111	11,111	3.77	10,300	10,300	3.76	7,000,000	3.0	7,000,000	3.3	10,000,000	...
	<b>GROSS ESTIMATED EXPENSES</b>							1,000,000	1.0	1,000,000	1.0		...
	<b>NET RECEIPTS</b>							6,000,000	1.1	6,000,000	1.3	18,000,000	...
	<i>Assessed and other.</i>												
8th May 1886	Bombay and	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	3,666	...
22nd do.	Bombay and	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	1,100	...
8th do.	Assam	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	1,300	...
22nd do.	Southern Malabar	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	1,300	...
22nd do.	Western and North-Western	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	90,648	...
22nd do.	Tamilnadu	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	578	...
	<b>TOTAL</b>	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	2,42,801	...
	<i>Native States.</i>												
22nd May 1886	Bhavnagar-Gondal	103	27,600	0.17	103	35,335	1.83	1,73,000	1.40	1,83,200	1.44	6,530	...
22nd do.	Jodhpore	64	10,700	0.28	64	4,100	0.68	1,000	0.17	1,000	0.17	6,112	...
8th do.	Nizam's	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	17,377	...
15th do.	Mysore	100	7,000	0.07	100	8,000	0.08	4,000	0.04	4,000	0.04	1,761	...
22nd do.	Rajpura-Patna	10	7,000	0.07	10	1,200	0.12	1,000	0.01	1,000	0.01	1,801	...
	<b>TOTAL</b>	403	3,000	0.1	413	49,149	1.19	3,000,000	1.11	3,000,000	0.8	2,287	...

N.B.—As regards the figures in column "Total receipts from 1st April to date," audited figures have been availed of as far as possible.

(a) Return not received.

(b) Total receipts from 1st April to 9th May 1886.

(c) Total receipts from 1st April to 8th May 1886.

SIMLA,

FRED. FIREBRACE, Major, R.E.,

Under Secretary.

The 9th June, 1886.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JUNE 12, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 15th March 1886.*

From the 10th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the *Gazette*. The annual subscription for the two Parts is **Rs 5** per annum, payable in advance. When sent by post, **Rs 2-8** per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's *Gazette*.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

*Publisher, Gazette of India.*

### CALCUTTA UNIVERSITY.

#### NOTICE.

The Tagore Professor of Law will lecture on the Law relating to the Transfer of Immoveable Property *inter vivos* at 9 A.M., on Saturday, the 19th June 1886, and on succeeding Saturdays, at the Presidency College at the same hour.

W. GRIFFITHS,

*Registrar.*

SENATE HOUSE,

*The 31st May 1886.*

*Statement of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st May 1886.*

PARTICULARS	4 PER CENT. LOANS						4½ PER CENT. LOANS			TRANSFER LOAN OF 1879, SEVEN SHIL- LINGS PER CENT PORTION.	5 PER CENT. LOAN OF 1856-57.	GRAND TOTAL.			
	3½ PER CENT. TRANSFER LOAN OF 1853-54.		Of 1834-43 Of 1834-55.		Interest of 1863 to 1879	Reduced 4 per cent. loan of 1879	Total.	Of 18-0. Of 18-3	TRANSFER LOAN OF 1879, 4½ PER CENT. POR- TION.				Total.		
	Of 1833-35	Of 1835-36	Of 1834-43	Of 1834-55.											
Balance of 15th May 1886	54,100	13,73,653	27,29,800	2,28,76,000	91,81,200	2,61,38,000	2,30,26,700	8,58,25,153	43,99,700	76,73,200	9,66,83,700	10,90,56,600	1,33,800	32,200	19,51,01,853
<b>Add—</b>															
Amount enfaced at Madras between 10th and 31st May 1886	...	...	...	17,500	...	...	...	17,500	...	...	12,000	12,000	...	...	29,500
Amount enfaced at Bombay between 10th and 31st May 1886	...	...	...	5,500	...	4,500	...	5,500	...	30,000	47,000	77,000	...	...	86,500
Amount enfaced at Calcutta between 16th and 31st May 1886	...	...	4,100	10,500	...	62,500	...	78,100	...	...	2,25,000	2,30,000	...	...	3,08,100
	54,100	13,73,653	27,33,100	2,29,09,000	91,81,200	2,67,04,000	2,30,28,700	8,59,30,253	44,04,700	77,03,200	9,72,67,700	10,93,75,600	1,33,800	32,200	19,55,25,953
<b>Deduct—</b>															
Amount written off in the London Registers	...	...	1,000	1,08,000	...	3,81,000	48,000	5,46,000	5,000	...	1,53,800	1,58,800	...	...	7,04,800
Balance on 31st May 1886	54,100	13,73,653	27,32,100	2,28,01,600	91,73,200	2,63,23,000	2,29,80,700	8,53,84,253	43,99,700	77,03,200	9,71,13,900	10,92,16,800	1,33,800	32,200	19,48,21,153

NOTE.—From 9th June 1887 to 31st Mar. 1888, re-transferred from India 5,215 lakhs, re-transferred from London 4,554 lakhs.

1st Apr. 1886 to 15th Apr.	7	7	7	7	7	7	7	7	7	7	7	7	7	7
16th " " to 30th "	7	7	7	7	7	7	7	7	7	7	7	7	7	7
1st May " to 15th May "	7	7	7	7	7	7	7	7	7	7	7	7	7	7
16th " " to 31st "	7	7	7	7	7	7	7	7	7	7	7	7	7	7
31st " " to 31st "	7	7	7	7	7	7	7	7	7	7	7	7	7	7
5,204 lakhs.	4,554 "	4,554 "	4,554 "	4,554 "	4,554 "	4,554 "	4,554 "	4,554 "	4,554 "	4,554 "	4,554 "	4,554 "	4,554 "	4,554 "

Balance against India 500 lakhs.

PUBLIC DEBT OFFICE,  
BANK OF BENGAL;  
Calcutta, 2nd June 1886.

W. D. CRUICKSHANK,  
Offg. Secretary and Treasurer.

## ACCOUNTANT GENERAL'S OFFICE, PUBLIC WORKS DEPARTMENT.

## NOTIFICATION.

*Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 4th June 1886.*

PUBLIC WORKS BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.				IRRIGATION.				STATE RAILWAYS (CAPITAL).				STATE RAILWAYS (REVENUE).			
Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.	Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.	Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.	Order of Receipt.	Accounting Offices.	Last month for which received.	Date of Receipt.
1	Rajputana	Mar. 1886	May 10, 1886	1	Bombay	Mar. 1886	May 2, 1886	1	Bhopal Extension Survey	Mar. 1886	May 15, 1886	1	Arrerican-Patankot	Mar. 1886	May 18, 1886
2	Punjab	Do.	Do.	2	Rajputana	Do.	Do.	2	Arrerican-Patankot	Do.	Do.	2	Arrerican-Patankot	Do.	Do.
3	Central India	Do.	Do.	3	Punjab	Do.	Do.	3	Punjab Ry. Survey	Do.	Do.	3	Arrerican-Patankot	Do.	Do.
4	Hyderabad (Imperial)	Do.	Do.	4	Bombay	Do.	Do.	4	State Ry. Survey Branch	Do.	Do.	4	Arrerican-Patankot	Do.	Do.
5	Hyderabad (Assigned Districts).	Do.	Do.	5	Madras	Do.	Do.	5	State Ry. Survey Branch	Do.	Do.	5	Arrerican-Patankot	Do.	Do.
6	Coorg	Do.	Do.	6	Bombay	Do.	Do.	6	State Ry. Survey Branch	Do.	Do.	6	Arrerican-Patankot	Do.	Do.
7	Port Blair	Do.	Do.	7	Madras	Do.	Do.	7	State Ry. Survey Branch	Do.	Do.	7	Arrerican-Patankot	Do.	Do.
8	British Burma	Do.	Do.	8	Madras	Do.	Do.	8	State Ry. Survey Branch	Do.	Do.	8	Arrerican-Patankot	Do.	Do.
9	Bombay	Do.	Do.	9	Madras	Do.	Do.	9	State Ry. Survey Branch	Do.	Do.	9	Arrerican-Patankot	Do.	Do.
10	Madras	Do.	Do.	10	Madras	Do.	Do.	10	State Ry. Survey Branch	Do.	Do.	10	Arrerican-Patankot	Do.	Do.
11	Central Provinces	Do.	Do.	11	Madras	Do.	Do.	11	State Ry. Survey Branch	Do.	Do.	11	Arrerican-Patankot	Do.	Do.
12	Military Works Branch	Do.	Do.	12	Madras	Do.	Do.	12	State Ry. Survey Branch	Do.	Do.	12	Arrerican-Patankot	Do.	Do.
13	Assam Western Provinces	Do.	Do.	13	Madras	Do.	Do.	13	State Ry. Survey Branch	Do.	Do.	13	Arrerican-Patankot	Do.	Do.
14	North-Western Provinces	Do.	Do.	14	Madras	Do.	Do.	14	State Ry. Survey Branch	Do.	Do.	14	Arrerican-Patankot	Do.	Do.
15	Bengal	Do.	Do.	15	Madras	Do.	Do.	15	State Ry. Survey Branch	Do.	Do.	15	Arrerican-Patankot	Do.	Do.
16	Central India	Do.	Do.	16	Madras	Do.	Do.	16	State Ry. Survey Branch	Do.	Do.	16	Arrerican-Patankot	Do.	Do.
17	Port Blair	Do.	Do.	17	Madras	Do.	Do.	17	State Ry. Survey Branch	Do.	Do.	17	Arrerican-Patankot	Do.	Do.
18	British Burma	Do.	Do.	18	Madras	Do.	Do.	18	State Ry. Survey Branch	Do.	Do.	18	Arrerican-Patankot	Do.	Do.
19	Bombay	Do.	Do.	19	Madras	Do.	Do.	19	State Ry. Survey Branch	Do.	Do.	19	Arrerican-Patankot	Do.	Do.
20	Madras	Do.	Do.	20	Madras	Do.	Do.	20	State Ry. Survey Branch	Do.	Do.	20	Arrerican-Patankot	Do.	Do.
21	Central Provinces	Do.	Do.	21	Madras	Do.	Do.	21	State Ry. Survey Branch	Do.	Do.	21	Arrerican-Patankot	Do.	Do.
22	Military Works Branch	Do.	Do.	22	Madras	Do.	Do.	22	State Ry. Survey Branch	Do.	Do.	22	Arrerican-Patankot	Do.	Do.
23	Assam Western Provinces	Do.	Do.	23	Madras	Do.	Do.	23	State Ry. Survey Branch	Do.	Do.	23	Arrerican-Patankot	Do.	Do.
24	North-Western Provinces	Do.	Do.	24	Madras	Do.	Do.	24	State Ry. Survey Branch	Do.	Do.	24	Arrerican-Patankot	Do.	Do.
25	Bengal	Do.	Do.	25	Madras	Do.	Do.	25	State Ry. Survey Branch	Do.	Do.	25	Arrerican-Patankot	Do.	Do.
26	Central India	Do.	Do.	26	Madras	Do.	Do.	26	State Ry. Survey Branch	Do.	Do.	26	Arrerican-Patankot	Do.	Do.
27	Port Blair	Do.	Do.	27	Madras	Do.	Do.	27	State Ry. Survey Branch	Do.	Do.	27	Arrerican-Patankot	Do.	Do.
28	British Burma	Do.	Do.	28	Madras	Do.	Do.	28	State Ry. Survey Branch	Do.	Do.	28	Arrerican-Patankot	Do.	Do.
29	Bombay	Do.	Do.	29	Madras	Do.	Do.	29	State Ry. Survey Branch	Do.	Do.	29	Arrerican-Patankot	Do.	Do.
30	Madras	Do.	Do.	30	Madras	Do.	Do.	30	State Ry. Survey Branch	Do.	Do.	30	Arrerican-Patankot	Do.	Do.
31	Central Provinces	Do.	Do.	31	Madras	Do.	Do.	31	State Ry. Survey Branch	Do.	Do.	31	Arrerican-Patankot	Do.	Do.
32	Military Works Branch	Do.	Do.	32	Madras	Do.	Do.	32	State Ry. Survey Branch	Do.	Do.	32	Arrerican-Patankot	Do.	Do.
33	Assam Western Provinces	Do.	Do.	33	Madras	Do.	Do.	33	State Ry. Survey Branch	Do.	Do.	33	Arrerican-Patankot	Do.	Do.
34	North-Western Provinces	Do.	Do.	34	Madras	Do.	Do.	34	State Ry. Survey Branch	Do.	Do.	34	Arrerican-Patankot	Do.	Do.
35	Bengal	Do.	Do.	35	Madras	Do.	Do.	35	State Ry. Survey Branch	Do.	Do.	35	Arrerican-Patankot	Do.	Do.
36	Central India	Do.	Do.	36	Madras	Do.	Do.	36	State Ry. Survey Branch	Do.	Do.	36	Arrerican-Patankot	Do.	Do.
37	Port Blair	Do.	Do.	37	Madras	Do.	Do.	37	State Ry. Survey Branch	Do.	Do.	37	Arrerican-Patankot	Do.	Do.
38	British Burma	Do.	Do.	38	Madras	Do.	Do.	38	State Ry. Survey Branch	Do.	Do.	38	Arrerican-Patankot	Do.	Do.
39	Bombay	Do.	Do.	39	Madras	Do.	Do.	39	State Ry. Survey Branch	Do.	Do.	39	Arrerican-Patankot	Do.	Do.
40	Madras	Do.	Do.	40	Madras	Do.	Do.	40	State Ry. Survey Branch	Do.	Do.	40	Arrerican-Patankot	Do.	Do.
41	Central Provinces	Do.	Do.	41	Madras	Do.	Do.	41	State Ry. Survey Branch	Do.	Do.	41	Arrerican-Patankot	Do.	Do.
42	Military Works Branch	Do.	Do.	42	Madras	Do.	Do.	42	State Ry. Survey Branch	Do.	Do.	42	Arrerican-Patankot	Do.	Do.
43	Assam Western Provinces	Do.	Do.	43	Madras	Do.	Do.	43	State Ry. Survey Branch	Do.	Do.	43	Arrerican-Patankot	Do.	Do.
44	North-Western Provinces	Do.	Do.	44	Madras	Do.	Do.	44	State Ry. Survey Branch	Do.	Do.	44	Arrerican-Patankot	Do.	Do.
45	Bengal	Do.	Do.	45	Madras	Do.	Do.	45	State Ry. Survey Branch	Do.	Do.	45	Arrerican-Patankot	Do.	Do.

S.M.A.

The 7th June 1886.

A. G. BEGBIE, Major, R.E.,  
Offg. Accountant General, P. W. Dept.



**No. 81.**—Mr. H. O. Walling, Assistant Engineer, 2nd Grade, passed the examination prescribed in Public Works Department Code.

Chapter II, Section i, paragraph 17, on the 1st June 1886.

A. C. BIGG-WITHER,  
Joint Secy. to Agent to Govr. Genl.,  
Baluchistan, P. W. Dept.

### AGENT TO THE GOVERNOR GENERAL, RAJPUTANA.

#### NOTIFICATION.

*Abu, the 8th June 1886.*

No. 1361 G.—With reference to this Office Notification No. 1081 G., dated 8th ultimo, Major and Brevet Lieutenant-Colonel A. Conolly, Commandant, Meywar Bheel Corps, availed himself on the 30th idem of the privilege leave granted him therein.

By Order,  
HUGH DALY,  
for 1st Asst. to the Agent to the Govr. Genl.,  
Rajputana.

### RESIDENT IN MYSORE.

#### NOTIFICATION.

*Bangalore, the 4th June 1886.*

No. 1597.—Mr. J. C. S. Lawrance, B.A., L.L.B., an Advocate of the Resident's Court, is appointed Public Prosecutor of the Civil and Military Station of Bangalore, with effect from the 9th June 1886, *vice* Mr. P. Singarachari, who resigns that appointment.

By Order,  
E. A. FRASER, Major,  
Assistant to the Resident.

### DIRECTOR GENERAL OF RAILWAYS.

#### NOTIFICATION.—ESTABLISHMENT.

*Simla, the 4th June 1886.*

No. 49.—Mr. J. M. Rutherford, Class I, Grade 3, of the Superior Revenue Establishment of State Railways, Traffic Department, has been granted by Her Majesty's Secretary of State for India extraordinary leave, without pay, for four days in extension of the furlough granted him in Director General's Notification No. 101, dated 4th August 1885.

F. S. STANTON, Colonel, R.E.,  
Director General of Railways.

### CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the num-

bers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

#### Allahabad Circle.

##### NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		R.	
9	D 8—56093 to —56102	500 each.	Missar Sepoy Singh and Sital Prasad, Sambhal, Zillah Mooradabad.
10	D 20—62740 ,, —62761	100 100	
			Shaikh Elahi Baksh, Contractor, Allahabad.

ALLAHABAD,  
The 9th June 1886.

H. J. BRERETON,  
Asst. Accountant Genl.,  
In charge of Paper Currency Office.

### TREASURE TROVE.

#### NOTICE.

Notice is hereby given that on the 3rd February 1886, the undermentioned property, valued in all at Rs 180-9, was found near the burial ground at a distance from the temple of Agasti Iswaraswamy, in the village of Irakam, in Gudur Taluq, Nellore District :—

List of Property.	Value.
	R. a. p.
1 A big idol of mixed metal, 6 maunds weight . . .	150 0 0
1 A small idol of mixed metal, 2½ viss weight . . .	15 0 0
1 Cumharthi copper, 1½ viss . . .	3 0 0
1 Tirthuvattu, ¼ viss, copper . . .	1 0 0
1 Copper sandals, a pair, ½ viss . . .	2 0 0
1 A bell, 4 pollams . . .	0 1 0
2 Cumharti thattalu of one metal . . .	4 0 0
1 Plate made of bell metal, ½ viss . . .	0 8 0
1 Metallic plate for Cumharti, 2½ viss . . .	5 0 0
TOTAL . . .	180 9 0

All persons claiming the treasure, or any part thereof, are required to appear personally or by agent before the undersigned on the 1st October 1886, at Nellore, and establish their claims to it.

W. J. TATE,  
Acting Collector.

NELLORE COLLECTOR'S OFFICE.  
The 28th May 1886.

### TREASURE TROVE.

#### NOTICE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act, VI of 1878, that on the 5th day of May 1886, treasure consisting of the undermentioned articles, valued at Rs 127-1, was found by the convicts belonging to the Extramural Convict Gang while excavating earth close to the road to the Aras Mahal, which

is being made in the Mahal Bagayat, in the town of Bijapur, District of Bijapur:—

Description of Property.	Value.		
	R	a.	p.
1. Silver coins bearing inscription in Native character for hazari (1,000) . . .	29	0	0
2. Silver coins bearing inscription in Native character for the year 12 Julus . . .	89	0	0
3. Silver coins bearing inscription in Native character for the year 14 Julus . . .	1	0	0
4. Silver coins bearing inscription in Native character for the year 16 Julus . . .	1	0	0
5. Silver coins bearing inscription in Native character for the year 20 Julus . . .	1	0	0
6. Silver coins bearing inscription in Native character for the year 44 Julus . . .	1	0	0
7. Silver coins bearing inscription in Native character for the year 15 Julus . . .	1	0	0
8. Silver coins bearing inscription in Native character for the year not known . . .	2	0	0
9. Silver coins bearing inscription in Native character for the year 3 Julus . . .	2	0	0
10. Small copper pot in which the treasure was found . . .	0	1	0
<b>TOTAL</b> . . .	<b>127</b>	<b>1</b>	<b>0</b>

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Mamledar of Bijapur Taluka of the Bijapur District, at his office, on the 30th day of September 1886, in order to the matter being inquired into and determined in accordance with the provisions of the Act.

E. J. EBDEN,  
Acting Collector.

BIJAPUR COLLECTOR'S OFFICE,  
The 31st May 1886

### TREASURE TROVE.

#### NOTICE.

In terms of Section 5 of Act VI of 1878, notice is hereby given, that on 26th April 1886, certain treasure (Dulabshai Dhabu copper coin of the value of Rs 55-6) was found in a piece of gaothan land lying between the houses of Dodhu Nimji and Ragji Wagji of Waghadi, Taluka Shirpur, of the Khandesh Collectorate of the Bombay Presidency.

Claimants are hereby required to appear personally or by agent before the Mamlatdar of Shirpur, on the 15th October 1886, when he will proceed to hold an enquiry according to law.

W. W. LOCH,  
Acting Collector of Khandesh.

DHULIA,  
The 8th June 1886.

### POST OFFICE.

#### NOTIFICATIONS.

Simla, the 5th June 1886.

No. 3525.—Mr. Ratanji Jamsedji is appointed to officiate as a 1st Grade Superintendent, Bombay.

Mr. Chandahal Mathuradas is appointed to officiate as a 2nd Grade Superintendent, Bombay.

Mr. Ram Chandra Moreshoor Bapat is appointed to officiate as a 3rd Grade Superintendent, Bombay.

Mr. Vaman Ganesh is appointed to officiate as a 4th Grade Superintendent, Bombay.

G. J. HYNES,

for Dir. Genl. of the Post Office of India.

#### LOCAL NOTIFICATION.

The 19th June 1886.

Tenders are invited for the supply, under contract for one year, of Professional Petition Writers, to attend at the General Post Office and at the Town Sub-Post Offices, for the purpose of writing and addressing letters and filling in Money Order, Insurance, Parcel Receipts, and other Post Office forms, for the illiterate classes.

A copy of the rules and authorized fees can be had on application to the undersigned.

G BARTON GROVES,

Offg. Presidency Postmaster, Calcutta.

#### Unclaimed letters held in the Calcutta General Post Office on 10th June 1886

Calcutt, H.	Kang, J. F. J.	Schulze, W.
Dundas, R. H. D.	Leeman, J.	Scott, H. G.
Faulkner, Mrs. G. H.	MacKay, A. J.	Stevens, R. H.
Gasper, F. Cecil	Powell, J. O.	Wilkinson, Messrs & Co.

#### Letters marked "Care of Post Office."

"Akaba"	Chandler, H. J.	Randall, T.
Barnes, G. J.	Chester, Mr.	Rice, W. G. I.
Barnett, Mrs. James	Hannigan, C. H. M.	Restwerth, B. J.
Bashin, M. F.	Hogan, R.	R. M. L., Miss.
Bates, J. N.	Hutton, J. C. Col.	Roberts, H. A.
Biggs, Mon. T.	Imeson, James	Robinson, F. A.
Blessett, W. A.	J. M. M.	Rode, Capt. J.
Bowers, S.	Kelly, Miss G.	Sadden, Miss M.
Breck, A.	K. L. M.	Schmidt, Otto
B. R.	Kocher, J.	Schoenmann, C. H.
Bu. h. C.	Kravis, W.	Sharpe, Capt. A.
Capel, Lt. Col.	L. J. J.	Shaw, H. J.
Carson, Mrs.	Ente, F. R.	Silk, W.
Cav. s. Capt. A. F.	M. O.	Smadwood, Geo.
Charleston, R. M.	Minopce, T.	Smart, Mrs. R. B.
Cohen, Mr.	M. J. J. J.	Smith, Chas. W. Trevor.
Dunrook, Paul.	Martin, H.	Smith, J. M.
D'Miche, Jose.	McDonnell, Miss.	Sole, Roy. A. B.
Dowling, D. G. A.	McDonnell, John.	Stanislaus, Walter
D'Rozario, Miss J.	M. C. St. John C.	Stone, Mr. T.
Driver, W. H. P.	Edin, R. M.	Swingler, Mrs. C.
Drury, Sergeant J.	Morris, Paul	Taylor, Capt.
Dukes, Mrs.	N. J. J. Mrs. I.	Todd, H. P.
Eaton, Percy H.	O. J. J.	Tracey, A.
Fox, R. C. W.	P. J. B.	Tyrell, C. A.
Fraser, H. B.	Perry, A.	Walker, P. C.
Gayer, A. H.	Perry, J.	Ward, Lieut. R. R.
Gilbert, Mrs. M.	Poley, J.	Wessendarr, Henri.
Godfrey, J. B.	Powell, J. O.	Williams, C.
Goodall, Miss.	Prentice, F. C.	Wilson, Mrs. Mark.
Greenhill, E. G.		

#### Registered Letters.

Aitridge, G.	June, W.	Ross, A.
Grogan, H. C.	Perrot, Sig. Nicolas.	Sutherland, G.
Guerner, H. J.	Potter, J. O.	Wilson, W. I.

#### Unclaimed letters held in the Barrackpore Post Office on the 7th June 1886.

Agar, H.	Hart, H.	Owen, J.
Armistead, M.	Levy, Mign.	Owen, M. S.
Cross, J.	Lockton, C. A.	Patch, J.
Deburgh, W. I.	M. J. S. B.	Stewart, Mrs.
Fagin, H. R.	Mullick, N. C.	Zachariah, H. C.
Fowler, J.		

G. BARTON GROVES,

Offg. Presidency Postmaster, Calcutta.

The 12th June 1886.  
SEA AND FOREIGN MAILS.

Mails for	Date of closing at Calcutta	Route by which despatched.
	1886	
Egypt, Europe, America, Cape Colonies through United Kingdom	12th June	Per P. & O. Str. from Bombay.
Ditto ditto ditto	15th "	Ditto.
Ditto Book Post and Pattern Packets	18th "	Ditto.
Mauritius, Malé (Seychelles) Mayotte, Xosha Be, and Réunion	20th "	Ditto.
Zanzibar, Mozambique, and East Coast of Africa generally, Delagoa Bay Natal and Cape Colonies by B. L. Steamers from Aden to Zanzibar and thence by the Castle Mail Packets	14th "	Ditto.
Ditto ditto (Supplementary)	14th "	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bangkok (Siam), Philippine Islands, China, and Japan	2nd "	Ditto.
Australia, New Zealand and Tasmania	2nd "	Ditto.
Madras and Colombo	2nd "	Per P. & O. Str.
Madras, Pondicherry, Ceylon, Batavia, Singapore, and China	14th "	Per French Str.
Straits and Hong-Kong	15th "	Per Str. A.
Rangoon and Moupin	15th "	Per Str. A.
Akyah, Kyauk Phay, and Rangoon	16th "	Per Str. B.

N.B.—The letter-box will close at 7 P.M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover, will be received up to 7 P.M.

G. BARTON GROVES.  
Offg. Presidency Post Master.

GOVERNMENT CINCHONA  
FEBRIFUGE.

This preparation is an efficient substitute for quinine, and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanic Garden, Calcutta, for *cash only*, at the following rates—per four-ounce tin, *Rs. 8-8*; per eight-ounce tin, *Rs. 8-8*; per pound tin, *Rs. 16-8*. The general public can be supplied by the Superintendent, Botanic Garden, for *cash only*, at the under-noted rates—per four-ounce tin, *Rs. 5-8*; per eight-ounce tin, *Rs. 10-8*; per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, eight annas per four and eight ounce tins, and twelve annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سینکونا فبري فيوج

یہ دوا کوئیفاٹین کا خوب قائم مقام ہے اور کلکتہ کے ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہوائیک ملازم سوکاری واسطے سوکاری کام اور خیمات کے اور سوائے اونکے کو کوئی ایک مشہور بیس پوند خرید لینے سے بقیہ نقد حسب نرخ ذیل خرید کوسکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; ایک پوند کے تین کا سولہ روپیہ آٹھ آنہ

اور عوام الناس ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ ذیل خرید کوسکتے ہیں یعنی نرخ چار اونس کے تین کا پانچ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا دس روپیہ آٹھ آنہ ; ایک پوند کے تین کا بیس روپیہ

یہ دوا کلکتہ کے بڑے بڑے دوائی اور دھبی دوا خانوں میں بکتی ہے ماسوائے قیمت مذکورہ بالا کے معقول ذات چار اور آٹھ اونس کے تین کا آٹھ آنہ ; اور ایک پوند کے تین کا بارہ آنہ

CRYSTALLINE CINCHONA  
FEBRIFUGE.

A new and improved preparation made at the Government Factory from Red Cinchona Bark. This is a more perfect substitute for Quinine than the ordinary uncrystallized Febrifuge. It can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds and upwards* at a time, from the Superintendent, Royal Botanic Garden, Seebpore, near Calcutta, for *cash only*, at the following rates: per four-ounce tin, *Rs. 8-8*; per eight-ounce tin, *Rs. 12-8*; per pound tin, *Rs. 24*. The general public can be supplied by the Superintendent, Royal Botanic Garden, for *cash only*, at the undernoted rates: per four-ounce tin, *Rs. 8-8*; per eight-ounce tin, *Rs. 16-8*; per pound tin, *Rs. 32*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, four annas per four-ounce tin, eight annas per eight-ounce tin, and twelve annas per pound tin, in addition to the foregoing rates.

کرسٹلین سینکونا دوائی بخار

لال سینکونا دوائی کی ایک نئی اور عمدہ دوا گورنمنٹ فیکٹری میں تیار ہوئی ہے معمولی بے صاف کی ہوئی دوائی بخار سے کونین کے لئے بہت خوب وائم مقام ہے اور سب پر معطل کلکتہ کے ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہوائیک ملازم سوکاری کام اور خیمات کے لئے اور وہ لوگ جو ایک مسرت دس پوند لین بعد اس ہوا سے خرید سکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا بارہ روپیہ آٹھ آنہ ; اور ایک پوند کے تین کا چوبیس روپیہ

اور عام لوگوں کو ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے نقد اس ہوا پر مل سکتا ہے یعنی چار اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا سولہ روپیہ آٹھ آنہ اور ایک پوند کے تین کا بیس روپیہ آٹھ آنہ کلکتہ کے بڑے بڑے دوائی اور دھبی دوا خانوں میں بھی بکتی ہے معقول ذات چار اونس کے تین کے لئے چار آنہ ; آٹھ اونس کے تین کے لئے آٹھ آنہ اور ایک پوند کے تین کے لئے بارہ آنہ علاوہ اوپر لکھے ہوئے نرخ کے ہے

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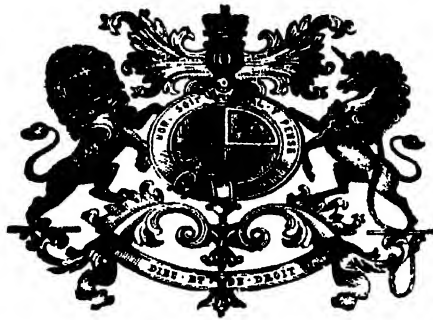
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TARA PROSAD CHATTERJEE,  
*Treasury Officer, Burdwan.*

BURDWAN COLLECTORATE,  
*The 19th May 1886.*





SUPPLEMENT TO  
**The Gazette of India.**

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CALCUTTA, SATURDAY, JUNE 12, 1886.

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Karwar.	12 5/4	7 0	14 0	16 S	13 0	22 0	13 0	21 13	23 8	13 0	213 5 1/2	12 0		
Pinch Mahals (Godhra)	12 1	9 8	10 10	16 0	16 0	20 0	11 6	160 0		11 6	160 0	15 4		
Aden	8 0	6 3	7 0	10 3	11 3		6 3	65 5		6 3		32 0		
Asirgarh Cantonment	15 0	10 0	12 0	28 0	27 13		19 0	160 0		9 14	160 0	12 0		
Baroda Camp (Sadar Bazar)	12 13	17 2	8 0	17 2	16 0	17 12		50 0		9 2	50 0	13 12		
Dasa Cantonment	17 8	22 0	9 0	21 0	23 0			135 0		11 0	135 0	13 0		
Nimach Cantonment	18 4	22 0	8 0	25 0	20 0			190 0		20 0	190 0	13 0		
Nasirabad Cantonment	20 0	32 0	8 0	33 0	23 0		13 0	30 5 1/2		14 4	30 5 1/2	14 0		
Rajkot Station	17 8	7 0	9 0	22 8	16 8			18 5		11 3	160 0	35 0		
Upper Sind Frontier	13 11	20 13	11 3	21 8	19 13			85 0		8 0	85 0	16 0		
Karachi	12 0	20 0	14 0	16 0	17 5			180 0		14 0	180 0	13 3		
Hadarabad (Gidu Bunder)	12 8	17 8	8 0	18 8	19 8			100 0		15 0	100 0	14 0		
Shikarpur	12 4	22 8	10 4	11 1	23 8			100 0		15 0	100 0	14 0		
Sakkar	15 8	26 8	10 8	21 0	20 8			100 0		15 0	100 0	14 0		
Thar & Parkar (Umarkoti)	17 8	16 0	15 0	17 0	17 0			100 0		15 0	100 0	14 12		
<i>Western Districts.</i>														
Burdwan	17 8	17 0	21 0					120 0		21 0	120 0	13 5 1/2		
Bankoora	18 8	17 5	22 8					360 0		22 0	360 0	12 8 1/2		
Beerboom	19 8	15 8	17 8					160 0		22 8	160 0	12 0		
Mednapore	16 0	15 0	14 0					135 0		14 0	135 0	12 8 1/2		
Hooghly	16 0	15 0	14 0					120 0		14 0	120 0	13 0 1/2		
Howrah	16 0	15 0	15 0					190 0		15 0	190 0	13 0		
<i>Central Districts.</i>														
Calcutta	16 0	21 8	15 0	19 0	13 0		15 0	20 4	20 0	18 0	64 0	13 4		
24-Pargunnahs	13 4	20 0	13 5					17 8	17 8	20 0	16 0	12 13 1/2		
Nuddea	17 4	26 0	8 0					22 14	23 0	18 0 1/2	18 0 1/2	11 10 1/2		
Khoolna	13 4	13 4	17 4					16 0	20 8	120 0	12 0 1/2	12 0 1/2		
Jessore	20 0	10 0	13 12					19 0	19 0	140 0	11 4 1/2	12 8		
Moorshedabad	17 4	35 10	17 0					22 8	24 0	24 0	12 12 1/2	12 12 1/2		
Dinapore	17 4	21 0	17 12					17 12	14 0	120 0	11 8 1/2	11 8 1/2		
Rajahmundry	17 4	13 0	21 0					21 0	20 0	200 0	12 6 1/2	12 6 1/2		
Rungpore	17 12	14 4	17 12					21 4	20 0	120 0	12 0 1/2	12 0 1/2		
Bogra	17 4	13 0	21 0					19 0	15 5	120 0	12 0 1/2	12 0 1/2		
Pubna	21 12	8 0	18 0					15 0	15 0	120 0	12 0 1/2	12 0 1/2		
Darjeling	9 0	10 0	13 0					15 0	15 0	120 0	12 0 1/2	12 0 1/2		
Jalpaiguri	13 4	20 0	13 0					15 0	15 0	120 0	12 0 1/2	12 0 1/2		
<i>Eastern Districts.</i>														
Dacca	15 8	26 0	14 0	17 0				21 0	16 0	120 0	12 0 1/2	12 0 1/2		
Forcedpore	24 0	25 0	16 0	17 0				16 0	16 0	140 0	12 12 1/2	12 12 1/2		
Backergunge	13 0	13 0	16 0	16 0				18 0	13 0	120 0	12 4 1/2	12 4 1/2		
Mymensingh	13 4	14 8	21 0					15 0	9 0	100 0	11 0 1/2	11 0 1/2		
Chittagong	16 0	11 0	14 0					13 0	13 0	120 0	12 0 1/2	12 0 1/2		
Noakhali	13 5	16 0	18 0					15 0	15 0	120 0	12 0 1/2	12 0 1/2		
Tripurah	12 0	12 0	16 0					12 0	12 0	120 0	12 0 1/2	12 0 1/2		
Chittagong Hill Tracts	12 0	12 0	16 0					12 0	12 0	120 0	12 0 1/2	12 0 1/2		
Hill Tipperah	12 0	12 0	16 0					12 0	12 0	120 0	12 0 1/2	12 0 1/2		

\* Price of rice in Nudda not published, the figures given being apparently incorrect. Will be published after correction.

a In sub-divisions retail prices of salt per rupee were:—Culina 14 seers, Cutwa 13-4 seers, and Pansongunge 13 seers.

b In sub-divisions retail prices of salt per rupee were:—Banshet 13-5 seers per rupee.

c In sub-divisions retail prices of salt per rupee were:—Jumlook 11 seers, Chhattal 13-8 seers, and Contai 10-8 seers.

d In sub-divisions retail prices of salt per rupee were:—Serampore 13 seers and Jehanabad 13-8 seers.

e In sub-divisions retail prices of salt per rupee were:—Banshet 12-12 seers, Bessrhat 13 seers, Diamond Harbour (at Kulphat 12-4 seers), Barrackpore and Dum-Dum 12 seers.

f In sub-divisions retail prices of salt per rupee were:—Koohtea 12-12 seers, Meherpore 12 seers, and Chooa-danga 12 seers.

g In sub-divisions retail prices of salt per rupee were:—Kishoregunge 10-10 seers, Attra 12 seers, Jamalpore 10-10 seers, Sherpore 10 seers, and Netrokona 12-5 seers.

h In sub-divisions retail prices of salt per rupee were:—Putuakhal 10-10 seers, Pirozepore 11 seers and Bhola 10-8 seers.

i In sub-divisions retail prices of salt per rupee were:—Kishoregunge 10-10 seers, Attra 12 seers, Jamalpore 10-10 seers, Sherpore 10 seers, and Netrokona 12-5 seers.

j In sub-divisions retail prices of salt per rupee were:—Brahmanberiah 12-8 seers, and Chandpore 12 seers.

f In sub-divisions retail prices of salt per rupee were:—Lalbagh and Kandil 12 seers, and Jungpore 11-8 seers.

g In sub-divisions retail prices of salt per rupee were:—Gandaria 9-12 seers, Nilphamari 13 seers, and Kuri-gram 12 seers.

h In sub-divisions retail prices of salt per rupee were:—Mandakunge 11 seers, Moonsheegunge 10-12 seers, and Narainkunge 12-4 seers.

i In sub-divisions retail prices of salt per rupee were:—Gaulundi 12 seers and Madaripore 10-8 seers.

j In sub-divisions retail prices of salt per rupee were:—Putuakhal 10-10 seers, Pirozepore 11 seers and Bhola 10-8 seers.

k In sub-divisions retail prices of salt per rupee were:—Kishoregunge 10-10 seers, Attra 12 seers, Jamalpore 10-10 seers, Sherpore 10 seers, and Netrokona 12-5 seers.

l In sub-divisions retail prices of salt per rupee were:—Kishoregunge 10-10 seers, Attra 12 seers, Jamalpore 10-10 seers, Sherpore 10 seers, and Netrokona 12-5 seers.

m In sub-divisions retail prices of salt per rupee were:—Kishoregunge 10-10 seers, Attra 12 seers, Jamalpore 10-10 seers, Sherpore 10 seers, and Netrokona 12-5 seers.

n In sub-divisions retail prices of salt per rupee were:—Kishoregunge 10-10 seers, Attra 12 seers, Jamalpore 10-10 seers, Sherpore 10 seers, and Netrokona 12-5 seers.

o In sub-divisions retail prices of salt per rupee were:—Kishoregunge 10-10 seers, Attra 12 seers, Jamalpore 10-10 seers, Sherpore 10 seers, and Netrokona 12-5 seers.

p In sub-divisions retail prices of salt per rupee were:—Kishoregunge 10-10 seers, Attra 12 seers, Jamalpore 10-10 seers, Sherpore 10 seers, and Netrokona 12-5 seers.

q In sub-divisions retail prices of salt per rupee were:—Kishoregunge 10-10 seers, Attra 12 seers, Jamalpore 10-10 seers, Sherpore 10 seers, and Netrokona 12-5 seers.

r In sub-divisions retail prices of salt per rupee were:—Kishoregunge 10-10 seers, Attra 12 seers, Jamalpore 10-10 seers, Sherpore 10 seers, and Netrokona 12-5 seers.



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2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
QUANTITIES PER RUPEE IN SEERS OF 80 TOLAS.														
DISTRICTS.	Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or (Sorghum vulg.)	Bajra or (Cumbu typhoidesum).	Maria or Ragi (Eleusine corocana).	Kangri or Kaku, Italian millet (Setaria italica).	Giam, Chenna, Chola, Kadalay or Sunaga (Cicer arietinum).	Maize (Zea Mays).	Arhar or Thur (Cajup Paa (Cajanus indicus).	Firewood.	Salt.	REMARKS.
Behar.														
Patna . . . . .	20 0	28 0	11 8	17 0	26 0	26 0	26 0	19 0	27 12	18 0	27 0	120 0	11 8	
Gya . . . . .	15 8	30 0	8 8	16 0	21 0			16 0	23 8		23 0	200 0	11 04	
Shahabad . . . . .	19 8	27 0	8 0	16 0					24 0		14 0	160 0	12 80	
Durbhanga . . . . .	18 8	28 8	10 0	16 0					19 8	25 0	20 0	160 0	11 80	
Muzafferpore . . . . .	20 0	30 0	12 0	16 0					22 8	27 8	22 8	140 0	12 02	
Sarun . . . . .	18 8	27 8	7 4	18 8					25 0	20 0	27 0	160 0	12 09	
Chumpan . . . . .	20 0	23 0	10 0	16 0					28 0	25 0	21 0	120 0	12 43	
Monghyr . . . . .	23 2	36 12	13 9	16 4	24 2			21 0	27 0	27 0	14 15	151 8	12 231	
Bhagalpur . . . . .	16 15	30 5	15 2	17 10					25 4	15 4	15 0	102 1	12 1021	
Purneah . . . . .	21 0		19 0	21 0					20 0		15 0	130 0	11 023	
Maldah . . . . .	22 0		10 0	21 0					20 0		15 0	150 0	11 8	
Sonthal Pergunnahs . . . . .	17 0		16 0	23 0					20 8	30 0	23 0	200 0	11 484	
Orissa.														
Cuttack . . . . .	19 11		10 8	17 1					19 11			80 0	14 0	
Pooree . . . . .	15 12		15 12	21 0					14 7		17 1	80 0	14 7	
Balasore . . . . .	18 0	13 0	13 0	24 0					15 0		12 0	160 0	9 805	
CHOTA NAGPORE.														
South-Western Frontier Agency.														
Hazaribagh . . . . .	No return received.													
Lohardugga . . . . .	20 0	22 0	16 0	21 0					16 0	20 0	20 0	120 0	10 0	
Singbhoom . . . . .	24 0	32 0	24 0	28 0					16 0		21 0	360 0	9 0	
Manbhoom . . . . .	15 0	32 0	12 0	27 0					18 0		18 0	240 0	11 1056	
Assam.														
Sylhet . . . . .	13 0		12 4	15 12					16 8		20 8	118 0	13 0	
Cachar . . . . .	12 4		10 103	13 53					14 13		11 132	64 0	12 1	
Goalpara . . . . .	22 0		8 0	20 0					10 0		8 0	70 0	12 0	
Garo Hills . . . . .			6 0	17 0					10 0		8 0	160 0	8 0	
Kamrup . . . . .	16 0		8 0	13 0					13 0		9 0	160 0	11 0	
Darrang . . . . .	7 0		7 0	13 0					10 0		9 0	150 0	10 0	
Nowgong . . . . .	8 0		8 0	16 0					9 0		11 0	120 0	10 0	
Sibsagar . . . . .			7 0	16 0					11 0		10 0	160 0	9 0	
Lakhimpur . . . . .	10 0		6 8	13 0					9 0		8 10	100 0	10 0	
Khasi and Jaintia Hills . . . . .				10 0					9 0		4 0	120 0	3 3	
Naga Hills . . . . .				8 0										
Dehra Dun.														
Saharanpur . . . . .	19 0	30 0	6 0	11 8	20 0	20 0	20 0	26 0	23 8	22 0	24 0	160 0	11 0	
Muzaffarnagar . . . . .	20 7	30 3	7 8	10 12	23 11	27 15	27 15	37 10	25 13	29 0	26 14	107 8	12 54	
Meerut . . . . .	20 0	33 0	6 10	13 2	22 0	19 12	19 12	12 2	26 4	26 4	17 10	110 0	13 2	
Bulandshahr . . . . .	19 0	30 0	6 0	14 0	22 0	20 0	20 0	14 0	28 8	27 0	24 0	100 0	12 8	
Aligarh . . . . .	22 8	33 0	7 0	11 0	25 0	22 0	22 0	16 0	31 8	25 0	25 0	160 0	12 8	
Kanana . . . . .	20 8	31 0	5 4	10 0	25 0	17 8	17 8	16 0	31 0	24 0	36 0	130 0	13 0	
Kumaon . . . . .	12 0	14 0	9 0	10 0				11 0	12 0					

N.W. PROVINCES.									
Bijnor	19 11	34 1	14 10	12 8	30 8	20 4	...	24 0	135 0
Moradabad	19 4	30 12	10 0	14 8	30 8	20 4	...	24 0	125 0
Badaun	22 3	32 6	6 0	13 3	24 0	10 12	...	27 0	12 4
Bareilly	19 6	28 12	6 4	12 8	28 12	20 0	...	24 0	10 0
Shahjahanpur	21 8	32 8	8 4	14 8	...	...	...	27 10	150 0
Tari Pergunnahs	21 4	31 4	8 2	13 2	25 0	20 0	...	25 0	100 0
Muttra	19 0	29 8	7 8	12 6	24 0	20 0	...	30 0	140 0
Agra	17 8	26 0	6 0	12 0	22 8	18 0	...	26 0	100 0
Farrukhabad	19 0	27 0	6 0	9 0	19 0	...	15 8	28 0	140 0
Mainpuri	21 4	27 4	4 8	11 5	19 8	...	...	26 4	160 0
Etah	19 12	27 12	4 0	12 8	16 0	...	...	27 4	120 0
Jalaun	21 0	31 0	7 0	14 0	16 0	30 0	...	16 0	11 12
Jhansi	21 8	29 0	9 0	11 0	22 0	18 0	...	34 0	140 0
Lalitpur	24 0	32 0	10 0	15 0	35 8	20 0	...	33 0	200 0
Cawnpore	21 4	30 0	9 8	14 8	25 0	22 0	...	29 0	170 0
Fatehpur	17 12	25 0	12 12	15 0	27 0	...	...	35 0	160 0
Banda	20 8	28 0	8 0	15 0	27 0	...	...	31 0	160 0
Allahabad	17 0	27 12	7 0	13 8	26 0	25 0	...	25 0	10 8
Hamirpur	21 7	25 4	7 12	13 12	21 0	...	...	36 12	11 8
Jaunpur	No return received.								
Corakhpur	19 12	29 12	9 7	16 10	18 0	18 0	...	27 0	28 13
Basti	22 0	36 0	10 0	15 0	...	...	...	26 0	160 0
Azamgarh	20 0	29 8	10 5	16 4	...	...	...	19 3	177 8
Mirzapur	17 0	27 0	7 0	14 0	23 0	18 0	...	28 0	130 0
Benares	19 0	25 14	10 5	15 11	21 2	20 14	...	25 0	120 0
Ghazipur	18 10	21 0	6 7	12 4	21 14	19 13	...	25 12	128 12
Balia	19 4	29 12	10 4	14 2	21 2	...	...	25 12	100 0
Philibhit	21 4	31 4	15 0	12 8	...	...	...	25 0	11 4
Almora	No return received.								
OUDH.									
Sultanpur	22 0	36 0	11 0	15 0	30 0	24 0	...	32 0	160 0
Partabgarh	22 0	32 7	14 7	17 0	...	...	...	21 7	180 0
Fyzabad	19 8	28 12	10 8	16 0	...	...	...	20 0	120 0
Kheri	23 6	34 8	8 8	14 0	26 0	26 8	...	24 0	140 0
Lucknow	21 0	30 8	6 0	14 0	19 0	18 8	...	29 0	120 0
Bira Banki	21 0	32 0	7 0	15 0	...	...	...	20 0	120 0
Bahraich	24 0	40 0	14 0	20 11	32 0	22 0	...	32 0	160 0
Rai Bareilly	20 8	30 0	7 0	15 8	...	...	...	35 0	200 0
Sitapur	25 0	35 0	8 0	16 1	...	...	...	32 0	160 0
Gonda	23 8	36 8	15 0	18 1	30 8	15 4	...	30 0	240 0
Unao	20 0	29 0	9 0	14 3	23 0	18 0	...	18 0	160 0
Hardui	No return received.								
PUNJAB.									
Hissar	21 0	40 0	10 0	16 0	35 0	27 0	...	36 0	100 0
Rohatak	22 0	38 0	13 0	19 0	29 0	25 0	...	36 0	80 9
Gurgaon	22 0	36 0	10 0	16 0	22 0	22 0	...	32 0	140 0
Dudhi	20 0	31 0	12 0	18 0	24 0	18 0	...	20 0	120 0
Karnal	23 0	40 0	11 0	19 0	30 0	22 0	...	30 0	160 0
Umballa	21 0	36 0	12 0	18 0	24 0	24 0	...	25 0	140 0
Simla	15 0	19 0	9 0	13 0	19 0	15 0	...	19 0	70 0
Kangra	19 0	31 0	13 0	19 0	...	...	...	23 0	120 0
Hoshiarpur	No return received.								
Jalandhar	20 0	36 0	7 0	28 0	20 0	20 0	...	28 0	110 0
Ludhiana	24 0	35 0	12 0	25 0	20 0	20 0	...	34 0	100 0

\* Figures for wholesale price of salt at Motihari not furnished.

\* In sub-divisions retail prices of salt per rupee were:—Jehanabad 12 seers, and Aunungabad and Nowada 10 seers.

\* In sub-divisions retail prices of salt per rupee were:—Buxar and Sasseram 12 seers, and Bhabuah 11 seers.

\* In sub-divisions retail prices of salt per rupee were:—Taipore 11-8 seers and Machubani 11 seers.

\* In sub-divisions retail prices of salt per rupee were:—Sitamarhee 11 seers and Hajepore 12-4 seers.

\* In Sewan retail price of salt 12 seers per rupee.

\* In Bettiah retail price of salt 11-4 seers per rupee.

\* In sub-divisions retail prices of salt per rupee were:—Begusarai 11 seers and Jamui 12 seers.

\* In sub-divisions retail prices of salt per rupee were:—Banka 12 seers, and Mudehpura and Soopole 10 seers.

\* In sub-divisions retail prices of salt per rupee were:—Kishengunge 10 seers and Arrareah (at Raingunge) 12 seers.

\* In sub-divisions retail prices of salt per rupee were:—Deoghur and Jamtara 13 seers, Godda 11 seers, and Pakour 12 seers.

\* In Bhadruck retail price of salt 8-8 seers per rupee.

\* In Gobindpur retail price of salt 12 seers per rupee.

**PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1<sup>st</sup> HALF OF MAY 1886—continued.**

[illegible]

Pegu Division.									
Rangoon Town	21 10	13 10	16 10	...	19 5	...	320 0	29 5	
Pegu	...	10 2	14 3	...	11 2	...	137 8	26 14	
Tharawaddy	...	11 14	12 15	...	11 1	17 13	535 11	29 12	
Prome	18 3	13 7	15 4	...	13 13	53 44	167 9	28 0	
Irrawaddy Division.									
Bassein	...	14 2	14 1	...	13 2	...	265 14	28 6	
Henzada	...	13 0	15 10	...	...	...	183 8	35 8	
Thonegwa	...	9 6	17 7	...	12 14	...	246 0	44 5	
Thayetnyo	15 1	11 2	13 1	...	13 14	28 3	490 0	18 15	
Tenasserim Division.									
Moulmein Town and Amberst	9 0	9 0	12 2	...	12 2	10 2	220 0	30 8	
Tavoy	...	13 12	19 6	...	...	...	329 3	16 1	
Mergui	...	14 9	16 10	...	...	...	418 0	14 9	
Toungoo	...	10 10	13 13	...	12 9	...	27 0	13 12	
Shwaygyin	...	9 13	11 15	...	...	...	200 0	18 14	
Salween	No return received.	...	...	...	...	...	...	...	
HYDERABAD AND ADJACENT DISTRICTS.									
Secunderabad	16 5	6 13	10 14	...	14 7	...	125 0	10 0	
Bolarum	17 13	8 2	10 1	20 11	16 11	...	116 14	10 10	
Chadarghat	11 8	7 0	9 0	23 0	14 12	...	88 0	9 12	
Amrāoti	...	7 0	12 0	28 0	10 8	...	...	12 0	
Nakla	17 0	7 0	11 0	21 0	20 0	...	...	11 0	
Ellichpur	19 0	8 0	11 0	26 0	15 0	...	...	11 0	
Buldana	23 0	8 0	11 0	33 0	24 0	...	...	11 0	
Wun	20 0	7 0	11 0	30 0	20 0	...	...	11 0	
Bāsin	28 10	8 0	11 5	38 0	23 0	...	...	10 5	
MYSORE.									
Bangalore	10 13	8 11	9 8	22 14	11 11	...	96 0	12 0	
Kolar	...	12 0	11 8	...	12 0	...	102 0	11 0	
Tānkūr	13 0	12 8	11 8	...	12 0	...	340 0	10 8	
Mysore	11 8	11 0	9 8	17 0	11 0	...	...	11 0	
Hassan	...	12 0	12 0	...	13 0	...	96 0	11 0	
Shimoga	13 10	14 11	13 10	25 4	13 10	...	480 0	11 0	
Kadur	10 0	12 0	14 0	...	13 0	...	64 0	12 0	
Chitaldroog	15 0	17 2	12 5	33 3	14 6	...	...	11 6	
Coorg.									
Coorg	9 10	13 3	12 4	...	17 12	...	110 0	11 8	
RAJPOOTANA.									
Jaypore	18 8	27 8	4 8	32 8	28 12	32 0	35 0	14 0	
Kishengurh	19 12	32 0	10 0	40 0	30 0	35 0	...	14 0	
Kerrowlee	18 12	26 4	12 8	27 8	26 6	...	200 0	11 14	
Uluw	21 15	30 3	6 12	25 0	29 8	28 11	44 0	13 12	
Bhuthpore (City)	20 0	29 12	8 0	20 8	30 7	30 8	160 0	12 0	
Ajmere	16 5	27 0	3 0	30 0	25 0	32 0	80 0	13 0	
Deoli Cantonment	23 7	33 3	5 8	40 0	32 0	...	230 0	12 8	
Erinpura	19 4	33 0	8 0	24 0	29 0	...	310 0	14 0	
Sirohee	17 0	27 0	6 0	19 0	21 0	22 0	200 0	14 8	
Abu	15 0	23 0	6 0	...	18 12	...	160 0	13 0	
Anadra	17 0	27 0	6 4	...	22 0	...	...	14 8	
Bālmere	18 0	...	5 0	...	16 0	...	240 0	16 0	
Jaysalmere	12 5	...	10 0	18 4	14 12	...	...	25 9	
Hilly Tracts of Meywar	21 0	24 0	15 0	10 24	22 0	24 0	...	11 0	
Meywar (Oodeypore)	16 124	20 114	9 6	20 5	27 3	20 5	200 0	11 114	
Bāswāra (Meywar Agency)	27 8	26 8	9 8	17 8	40 0	37 8	...	12 8	
Parthagarh (Meywar Agency)	21 4	31 4	9 6	26 14	33 2	30 0	...	17 15	
Marwar (Jodhpore)	16 8	21 4	5 0	20 0	22 8	20 0	...	16 4	

\* Firewood is sold by head-load, bullock-load, and cart-load, and not by weight.

† Eight pies per bundle.

## PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF MAY 1886—concluded.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
PROVINCES.		QUANTITIES PER RUPEE IN SEERS OF 80 TOLAS.													
DISTRICTS.		Wheat.	Barley.	Rice, best sort.	Rice, common.	Jowar or Cholam (Sorghum vul. rare).	Bajra or Cumbu (Pennisetum typhoides).	Marua or Ragi (Eleusine coracana).	Kanuni or Kaku, Italian millet (Setaria italica).	Gram, Chola, Kadala, or Sunaga (Cicer arietinum).	Maize (Zea Mays).	Arhar or Tur (Cajanus indica).	Firewood.	Sale.	REMARKS.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
RAJPOOTANA contd.	Bikaner	11 14	...	3 0	6 0	...	16 2	...	...	20 6	...	8 8	85 0	14 0	
	Boondee	27 0	40 0	9 8	10 0	30 8	...	...	...	40 0	...	...	160 0	12 8	
	Kotah	26 8	30 0	9 0	10 0	32 8	20 0	...	...	38 8	30 0	32 8	240 0	11 12	
	Tonk	24 0	33 10	5 8	9 8	33 0	...	...	12 0	35 8	...	...	100 0	12 12	
	Jhalwar	23 10 1/2	26 10 1/2	8 14	11 13	28 5	14 0 1/2	...	14 1/2	35 6	...	11 13	175 0	11 1	
	Shahpura	24 0	29 10	10 0	16 4	34 0	28 8	...	...	27 0	33 0	...	160 0	12 8	
CENTRAL INDIA.	Dholpur	18 6	24 15	10 2	...	23 3	20 0	...	20 0	25 14	...	35 10	90 0	12 8	
	Indore	16 13	23 0	9 3	10 0	32 0	19 3	...	...	22 5	35 0	10 0	100 0	12 0	* Not sold.
CENTRAL INDIA.	Gwalior	17 1	22 7	7 5	9 13	19 3	24 0	...	18 4	22 13	...	...	130 14	10 15	
	Goona	28 0	20 0	10 4	10 8	32 0	...	...	...	34 0	30 0	16 8	200 0	11 12	
	Baghelkhand (Sutna)	21 0	30 0	8 0	17 0	21 0	20 0	...	*	29 12	...	35 0	200 0	10 4	

DEPARTMENT OF FINANCE AND COMMERCE,  
(Statistical Branch.)

D. BARBOUR,  
Secretary to the Government of India.

GOVERNMENT OF INDIA.  
DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENTS OF PRICES CURRENT (RETAIL) OF FOOD-GRAINS FOR THE 1st AND 2nd HALVES OF APRIL 1886, PUBLISHED IN PAGES 793 AND 821 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA" DATED 8th AND 22nd MAY 1886.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
PROVINCES.	DISTRICTS.	QUANTITIES PER RUPEE IN SEERS OF 50 T. AS.														REMARKS.
		Wheat.	Barley.	Rice, best sort.	Rice, common.	Lower or Cholum (Sorghum vul. guere).	Bajra or Cumbu (Pennisetum typhoides).	Maria or Ravi (Eleusine (oro- cana).	Kangra or Kalun, Hillia millet (Setaria indica).	Poram, (banna, Chola, Kadelay or Samaga (a- narcotum).	Maize (Zea Mays).	Arhar or Chiti (Cajup Tea (a- narcotum).	Firewood.	Salt.		
N.W. PROVINCES.	1st half of April 1886.															
	Fatehpur . . . . .	17 0	23 5	12 12	12 0					27 0		26 4	10 1	10 5		
ROM- BAY.	2nd half of April 1886.															
	Aden . . . . .	8 0		6 3	7 0	10 3	11 3			11 1		6 3	65 5	32 0		







# The Gazette of India.

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No. 25. }

SIMLA, SATURDAY, JUNE 19, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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**PART I.**—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations.

**PART II.**—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

**PART III.**—Advertisements and Notices by private individuals and Corporations.

**PART IV.**—Acts of the Governor-General's Council assented to by the Governor-General:—

The North-Western Provinces Rent Act, 1886.  
The North-Western Provinces Land-revenue Act, 1886.

**PART V.**—Bills introduced into the Council of the Governor-General for making Laws and Regulations, or published under Rule 22:—

The Oudh Rent Bill, 1886.  
The Indian Museum Bill, 1886.  
The Debtors Bill, 1886.  
The Oudh Wasikas Bill, 1886.

**SUPPLEMENT No. 25.**

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### HOME DEPARTMENT.

#### NOTIFICATIONS.—ESTABLISHMENTS.

*Simla, the 15th June, 1886.*

**No. 201.**—*Erratum.*—In Home Department Notification, No. 164, dated 19th May last, appointing Mr. C. G. Bayne, C.S., to be Junior Secretary to the Chief Commissioner, British Burma, for "2nd March, 1886," read "1st April, 1886."

#### MEDICAL.

*The 14th June, 1886.*

**No. 255.**—The services of Surgeon G. Bomford, M.D., are placed temporarily at the disposal of the Government of Bengal.

#### JUDICIAL.

*The 16th June, 1886.*

**No. 802.**—The Hon'ble the Chief Justice of the High Court of Judicature at Fort William in Bengal has appointed Mr. C. M. W. Brett of the Bengal Civil Service to be Registrar on the Appellate Side of the Court, *vice* Mr. C. A. Wilkins, whose services have been replaced at the disposal of the Government of Bengal, with effect from the 21st April last.

### POLICE.

*The 18th June, 1886.*

**No. 230.**—The services of Mr. J. C. Stack, officiating District Superintendent of Police, are placed at the disposal of the Chief Commissioner of Assam.

**No. 233.**—The services of Mr. D. W. Ritchie, District Superintendent of Police, are placed at the disposal of the Chief Commissioner of Assam.

**No. 236.**—The services of Mr. C. H. Parish, officiating Assistant Superintendent of Police, are placed at the disposal of the Chief Commissioner of Assam.

### PATENTS.

*The 14th June, 1886.*

**No. 699.**—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one Rupee. A certified copy of any

specification will be given to any person requiring the same on payment of the expense of copying.—

No. 147 of 1885.—Aaron E. Ryles, Assistant Locomotive and Carriage Superintendent, Oudh and Rohilkhand Railway, Lucknow, for an improved method of painting and varnishing carriages or other vehicles, but in particular Railway stock.

No. 148 of 1885.—Aaron E. Ryles, Assistant Locomotive and Carriage Superintendent, Oudh and Rohilkhand Railway, Lucknow, for a system or process of causing metallic enamel to represent all kinds of ornamental stone or wood.

No. 6 of 1886.—Vincent Nepos, of 105, Lower Circular Road, and John Edwards, of Narcolunga, 24-Perganahs, Locomotive Foreman, Eastern Bengal State Railway, for an improved an-rotation slide valve spindle.

No. 72 of 1886.—Arthur Campbell Rogers, Assistant Engineer, Oudh and Rohilkhand Railway, of Nagmah, District Bijnour, North-Western Provinces, India, for "Rogers' Patent 'Januk' Ploughshare."

No. 73 of 1886.—Arthur Campbell Rogers, Assistant Engineer, Oudh and Rohilkhand Railway, of Nagmah, District Bijnour, North-Western Provinces, India, for "additions to Rogers' Patent Rail Stand and fittings of a combined duplex automatic coupling car and lamp, of automatic cleaners, of safety tenders, and of combined clamping and guide rods."

A. P. MACDONNELL,

*Offg. Secretary to the Government of India.*

#### THE CHIEF COMMISSIONER OF COORG.

##### NOTIFICATION.

*Bangalore, 5th June, 1886.*

No. 37.—In exercise of the powers conferred by Section 5 of the Scheduled Districts Act, 1874, the Chief Commissioner of Coorg is pleased, with the previous sanction of the Governor-General in Council, to extend to the Chief Commissionership of Coorg the Northern India Ferries Act, 1878 (XVII of 1878), as amended by Act III of 1886, with the exception of the second and third paragraphs of Section 1, and Sections 2, 7A, 17, and 36 thereof.

By order,

E. A. FRASER,  
*Secretary.*

#### FOREIGN DEPARTMENT.

##### NOTIFICATIONS.

*Simla, the 16th June, 1886.*

No. 1193 G.—The privilege leave granted by Foreign Department Notification, No. 913G. of the 29th April, 1886, to Surgeon A. Adams, M.D., Agency Surgeon, Western Rajputana States Residency, is extended to three months.

*The 17th June, 1886.*

No. 1193 G.—The services of Mr. A. R. Becher, Examiner, Public Works Accounts, and Manager, Mysore State Railway, are replaced at the disposal of the Public Works Department, with effect from the 25th May, 1886.

*The 15th June, 1886.*

No. 2017 I.—In exercise of the powers conferred by Section 3, Clause 2, of the Indian Divorce Act, the Governor-General in Council is pleased to appoint the Political Agent in Kathiawar to be a District Judge for the purpose of the said Act.

*The 16th June, 1886.*

No. 2040 I.—In exercise of the powers conferred by Section 12 of the Code of Criminal Procedure, the Governor-General in Council is pleased to invest Lieutenant R. D. C. Davies, Assistant Cantonment Magistrate of Mhow, with the powers of a Magistrate of the 2nd Class, to be exercised within the limits of the Mhow Cantonment.

No. 2051 I.—In exercise of the powers conferred by Section 28 of Act III of 1880, the Governor-General in Council is pleased to invest Lieutenant R. D. C. Davies, Assistant Cantonment Magistrate of Mhow, with power to try breaches of any rules or regulations made under Section 25 of the said Act and applying to the said Cantonment.

*The 15th June, 1886.*

No. 1085 F.—In modification of the Notification by the Government of India in the Foreign Department, No. 2135 E P., dated the 2nd July, 1880, the Governor-General in Council is pleased to direct that the first sentence of the fourth clause of the 1st paragraph of the said Notification shall be read as follows:—

"The Commissioner and Superintendent, for the time being, of the Peshawar Division, shall exercise the powers of a Court of Session as described in Act X. of 1872, within such tract"; and

in the last paragraph of the said Notification, in place of the words "the said Officer Commanding Her Majesty's Forces," shall be read "the said Commissioner and Superintendent of the Peshawar Division."

H. M. DURAND,

*Secretary to the Government of India.*

#### DEPARTMENT OF FINANCE AND COMMERCE.

##### NOTIFICATIONS.

##### ACCOUNTS AND FINANCE.

*Simla, the 16th June, 1886.*

No. 1409.—In continuation of Notifications No. 1470 of the 26th March and No. 900 of the 20th May, 1886, His Excellency the Governor-General in Council is pleased to declare that Sub-section (1) of Section 7 of the Indian Securities Act of 1886 applies to the Office of Commanding Officers of Regiments.

## PAPER CURRENCY.

*The 16th June, 1886.*

**No. 1461.**—Abstract of the Accounts of the Department of Issue of Paper Currency on the 31st May, 1886, published as required by Section 27 of the Indian Paper Currency Act, XX of 1882.

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	Total.
	Rs.	Rs.	Rs.	Rs.
Calcutta	5,66,50,115	1,53,56,051	64,77,394	2,18,13,455
Allahabad	65,70,885	25,47,920	...	25,47,920
Lithore	79,80,110	30,98,840	...	30,98,840
Bombay	4,33,48,040	1,01,88,004	43,78,596	2,33,00,000
Kurrachee	60,78,715	81,04,085	17,700	81,21,785
Madras	1,74,44,845	1,03,74,540	3,30,000	1,07,04,540
Calcutt	10,37,405	18,70,875	...	18,70,875
Rangoon	25,05,595	33,07,915	...	33,07,915
Total	14,10,87,830	7,05,00,230	1,11,83,000	8,16,83,230

Price paid for Government Securities of the nominal value of Rs. 6,25,21,700 held under Section 19 of the Act . . . . . 5,00,05,000

GRAND TOTAL . . . . . 14,10,87,830

## SEPARATE REVENUE.

## ASSESSED TAXES.

## INCOME TAX.

*The 16th June, 1886.*

**No. 1422.**—In exercise of the powers conferred by Section 38 of Act II of 1886, the Governor-General in Council is pleased to declare that the Provident Fund of the Oudh and Rohilkund Railway Company shall be deemed to be a "Service Fund" within the meaning of Rule 13 of the Notification of the Government of India, Department of Finance and Commerce, No 593, dated the 5th February, 1886.

## SEPARATE REVENUE.

## ASSESSED TAXES.

*The 14th June, 1886.*

**No. 1393.**—In exercise of the powers conferred by Section 38 of Act II of 1886, the Governor-General in Council is pleased to rule—

- (1) Contributions made by the employes of the Bombay Port Trust to the Provident Fund established for their benefit, to whom clause (g) of Section 5 of Act II of 1886 does not apply, shall be exempt from liability to assessment under that Act on the same conditions and to the same extent as sums deducted from salary under the authority or with the permission of the Government are exempt under the said clause.
- (2) The Provident Fund of the Bombay Port Trust shall be deemed to be a "Service Fund" within the meaning of Rule 13 of the Notification of the Government of India in the Department of Finance and Commerce, No. 593, dated the 5th February, 1886.

D. M. BARBOUR,

*Secretary to the Government of India.*

## MILITARY DEPARTMENT.

*Simla, the 18th June, 1886.*

## APPOINTMENTS.

**No. 305.**—The following addition is made to G. G. O. No. 432 of 1884.—

IX.—The removal of officers to the unemployed supernumerary list will necessitate their removal from the appointments named in the foregoing clauses.

**No. 395.**—In continuation of G. G. O. No. 188 of 1886, the following appointments are made to the Staff of the Field Force in Upper Burma:—

Major C. H. Sheppard, Madras S. C., Wing Officer, 11th Regiment, Madras Infantry, to be Deputy Judge Advocate.

Captain T. P. Cather, R.E., to be Director of Transport.

**No. 397.**—BRIGADE STAFF—

Major W. G. C. Halkett, Bengal S. C., Wing Commander, 30th Bengal Infantry, to be a Brigade-Major on the Establishment, *vice* Major W. V. Ellis, appointed an Assistant Adjutant-General. Dated 31st May, 1886.

**No. 398.**—COMMISSARIAT DEPARTMENT—

Captain E. E. MacMahon, Sub-Assistant Commissary-General for Transport, 2nd Class, and officiating Assistant Commissary-General for Transport, 4th Class, to be Sub-Assistant Commissary-General for Transport, 1st Class;

Lieutenant E. H. V. Haldane, officiating as Sub-Assistant Commissary-General for Transport, 2nd Class, to be Sub-Assistant Commissary-General for Transport, 2nd Class, —

with effect from 23rd May, 1886, *vice* Major C. Egan, Sub-Assistant Commissary-General for Transport, 1st Class, resigned.

**No. 399.**—HYDERABAD CONTINGENT—*1st Cavalry.*

Surgeon A. T. L. Patch, M.B., Indian Medical Service, Madras Establishment, to officiate as Medical Officer, *vice* Brigade-Surgeon G. D. Riddell, appointed Principal Medical Officer at Saakin. Dated 10th March, 1886

**No. 400.**—PUNJAB FRONTIER FORCE—*3rd Punjab Cavalry.*

Surgeon S. F. Bigger, M.B., to be Medical Officer, *vice* Surgeon J. G. Hancock, transferred to the 5th Punjab Cavalry. Dated 15th April, 1886.

*5th Punjab Cavalry.*

Surgeon J. G. Hancock, Medical Officer, 3rd Punjab Cavalry, to be Medical Officer, *vice* Surgeon-Major C. P. Costello, appointed Medical Storekeeper, Meeran Meer. Dated 15th April, 1886.

*6th Punjab Infantry.*

Lieutenant H. G. Burton, Somersetshire Light Infantry, officiating Wing Officer, on probation, 16th Madras Infantry, to be officiating Wing Officer, on probation. Dated 30th May, 1886.

**No. 401.—STAFF CORPS—**

Lieutenant the Hon'ble H. D. Napier, King's Own Borderers, has been appointed on probation to the Bengal Staff Corps, with effect from the 19th May, 1886, and has been posted to a Corps under the Government of India.

**FURLOUGH AND LEAVE.**

**No. 402.**—The under-mentioned officers have been granted extensions of furlough by the Secretary of State for India.—

Captain H. J. W. Jerome, R.E., (p. a.) for six months.

Surgeon-Major T. Moloney, M.D., (m. c.) for six months.

**LONDON GAZETTE.**

**No. 403.**—The following extract is published for general information:—

*"London Gazette," dated the 14th May, 1886, page 2335.*

"INDIA OFFICE;

14th May, 1886.

The Queen has approved of the following Promotions among the Officers of the Staff Corps and Indian Military Forces made by the Governments in India:—

**BENGAL STAFF CORPS.***To be Majors.*

Captain and Brevet-Major Leslie Trevor Bishop. Dated 2nd March, 1886.

Captain Lewis Archibald Charles Cook. Dated 2nd March, 1886.

Captain and Brevet-Major George Lloyd Reilly Richardson. Dated 23rd March, 1886.

**BENGAL CAVALRY.***To be Lieutenant-Colonel.*

Major Frederick Wood Macmullen. Dated 20th March, 1886.

**BENGAL INFANTRY.***To be Lieutenant-Colonels.*

Major Charles Lewis Prendergast. Dated 4th March, 1886.

Major and Colonel Revell Eardley-Wilmot. Dated 4th March, 1886.

Major Henry Lachlan Young. Dated 4th March, 1886."

\* \* \* \*

**PROMOTIONS.**

**No. 404.**—The following promotions are made, subject to Her Majesty's approval:—

*To be Colonels in the Army.*

Lieutenant-Colonel George Gordon Young, Bengal S. C.,—13th June, 1886.

Lieutenant-Colonel Edward Charles Garstin, Bengal S. C.,—13th June, 1886.

Lieutenant-Colonel Ayrton Pullan, Bengal S. C.,—14th June, 1886.

Lieutenant-Colonel Robert Blackall Graham, Bengal S. C.,—14th June, 1886.

Lieutenant-Colonel Edward James Watson, Madras S. C.,—14th June, 1886.

Lieutenant-Colonel James FitzGerald, Bengal S. C.,—16th June, 1886.

**BENGAL STAFF CORPS.***To be Captain.*

Lieutenant Hugh Frederick Lyons-Montgomery,—13th June, 1886.

**No. 405.—COLONEL'S ALLOWANCE—**

Colonel Bendyshe Walton, C.I.E., Bengal S. C., is admitted to the Colonel's allowance,—16th June, 1886.

**No. 406.—NATIVE ARMY—***10th Bengal Lancers.*

Duffadar Azim Khan to be Jemadar, *vice* Jemadar Ahmed Khan, promoted;

Duffadar Kashi Nand to be Jemadar, *vice* Jemadar Sedú Singh, transferred to the 16th Bengal Cavalry,—

with effect from the 18th September, 1885.

*15th Bengal Cavalry.*

Jemadar Abdúlláh Khán to be Ressaidar, *vice* Ressaidar Háfiz Muhammad Nawáz Khan, promoted;

Kot-Duffadar Ghúlám Hasan Khán to be Jemadar, *vice* Jemadar Muhammad Yúsaf Khán, promoted,—

with effect from the 18th September, 1885.

*16th Bengal Cavalry.*

Jemadar Hem Ráj to be Ressaidar to fill an existing vacancy, with effect from the 18th June, 1886.

**No. 407.—PUBLIC WORKS DEPARTMENT—**

Sergeant James Battman to be Sub-Conductor, with effect from the 19th March, 1886, *vice* Sub-Conductor J. Adams, retired.

**REWARDS.**

**No. 408.**—The following promotion for services during the late operations at Suakin is made, with effect from this date, under the provisions of clause 48, India Army Circulars, 1884:—

*Subordinate Medical Department.*

Second Grade Senior Apothecary William Wade to be First Grade Senior Apothecary.

E. H. H. COLLEN, *Lieut.-Colonel,*

*Offg. Secretary to the Government of India.*

## MILITARY DEPARTMENT.

## NOTIFICATION.

Simla, the 18th June, 1886.

Under clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned commissioned officers, on the dates specified, were received in the Military Department between the 5th and the 18th June, 1886:

Corps.	Rank and Names.	Date of Death.	Place of Death.	Testate or Intestate.	Remarks.
Royal Artillery	The Hon'ble Major-General T. E. Hughes, C.I.E.	24th May, 1886	Simla	...	
Bombay Staff Corps (attached to Malwa Bheel Corps).	Lieutenant P. A. Watson	28th May, 1886	Sirdarpur	...	

E. H. H. COLLEN, *Lieut.-Colonel*,  
Offg. Secretary to the Government of India.

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

Simla, the 14th June, 1886.

**No. 152.**—Mr. W. C. Furnivall, Chief Engineer, 2nd Class, is permitted to retire from the service, with effect from the 19th May, 1886, under the terms of Finance Department Resolution No. 449, dated 18th April, 1884.

The 17th June, 1886.

**No. 153.**—Mr. A. Campbell, Executive Engineer, 1st Grade, North-Western Provinces and

**No. 156.**—The following promotions are made in the Superior Accounts Establishment, with effect from the 7th May, 1886:

Oudh, retired from the service, with effect from the 11th May, 1886, under Section 110 (1) of the Civil Pension Code.

**No. 154.**—Mr. W. F. O'Donoghue, Examiner, 4th Class, 2nd Grade, sub. *pro tem.*, Supernumerary, reverted to Examiner, 4th Class, 3rd Grade, sub. *pro tem.*, with effect from the 1st May, 1886, when he ceased to be Joint Auditor of the Accounts of the Southern Mahratta Railway Company.

**No. 155.**—The services of Mr. E. S. Farrant, Executive Engineer, 3rd Grade, Punjab, are temporarily placed at the disposal of the Foreign Department.

Names.	From	To
Lieutenant-Colonel P. Lambert, R.E.	Examiner, 1st Class, sub. <i>pro tem.</i>	Examiner, 1st Class, permanent.
Major W. I. LeBreton, B.S.C.	Examiner, 2nd Class, sub. <i>pro tem.</i>	Examiner, 2nd Class, permanent.
Major J. A. Trevor, R.E.	Examiner, 2nd Class, temporary	Examiner, 2nd Class, permanent.
Major F. G. Oldham, R.E.	Examiner, 3rd Class, sub. <i>pro tem.</i>	Examiner, 3rd Class, permanent.
Mr. R. K. Williams	Examiner, 3rd Class, sub. <i>pro tem.</i>	Examiner, 3rd Class, permanent.
Mr. C. C. Hatold	Examiner, 4th Class, 1st Grade, sub. <i>pro tem.</i>	Examiner, 4th Class, 1st Grade, permanent.
Major J. S. Biscoe, S.C.	Examiner, 4th Class, 1st Grade, sub. <i>pro tem.</i>	Examiner, 4th Class, 1st Grade, permanent.
Mr. G. H. D. Walker, B.A.	Examiner, 4th Class, 1st Grade, sub. <i>pro tem.</i>	Examiner, 4th Class, 1st Grade, permanent.
Mr. F. R. Hutchinson	Examiner, 4th Class, 1st Grade, sub. <i>pro tem.</i>	Examiner, 4th Class, 1st Grade, permanent.
Mr. F. L. Brown	Examiner, 4th Class, 2nd Grade, permanent.	Examiner, 4th Class, 1st Grade, permanent.
Mr. H. Stuart	Examiner, 4th Class, 2nd Grade, sub. <i>pro tem.</i>	Examiner, 4th Class, 2nd Grade, permanent.
Mr. F. E. Godfrey	Examiner, 4th Class, 2nd Grade, sub. <i>pro tem.</i>	Examiner, 4th Class, 2nd Grade, permanent.
Mr. W. G. Bayly, B.A.	Examiner, 4th Class, 2nd Grade, sub. <i>pro tem.</i>	Examiner, 4th Class, 2nd Grade, permanent.
Major H. R. LeM. Carey, S.C.	Examiner, 4th Class, 2nd Grade, sub. <i>pro tem.</i>	Examiner, 4th Class, 2nd Grade, permanent.
Mr. J. B. Braddon	Examiner, 4th Class, 2nd Grade, sub. <i>pro tem.</i>	Examiner, 4th Class, 2nd Grade, permanent.
Mr. S. M. Johnson	Examiner, 4th Class, 3rd Grade, permanent.	Examiner, 4th Class, 2nd Grade, permanent.
Captain C. R. Hoskyn, R.E.	Examiner, 4th Class, 3rd Grade, sub. <i>pro tem.</i>	Examiner, 4th Class, 3rd Grade, permanent.
Mr. W. F. O'Donoghue	Examiner, 4th Class, 3rd Grade, sub. <i>pro tem.</i>	Examiner, 4th Class, 3rd Grade, permanent.

Names.	From	To
Mr. W. F. Barrow	... Examiner, 4th Class, 3rd Grade, sub. <i>pro tem.</i>	Examiner, 4th Class, 3rd Grade, permanent.
Mr. A. T. Goodfellow	... Examiner, 4th Class, 3rd Grade, sub. <i>pro tem.</i>	Examiner, 4th Class, 3rd Grade, permanent.
Pandit Prem Nath	... Examiner, 4th Class, 3rd Grade, sub. <i>pro tem.</i>	Examiner, 4th Class, 3rd Grade, permanent.
Mr. A. Grant	... Deputy Examiner, 1st Grade, sub. <i>pro tem.</i>	Deputy Examiner, 1st Grade, permanent.
Mr. W. Ogden	... Deputy Examiner, 1st Grade, sub. <i>pro tem.</i>	Deputy Examiner, 1st Grade, permanent.
Mr. E. H. Johns	... Deputy Examiner, 1st Grade, sub. <i>pro tem.</i>	Deputy Examiner, 1st Grade, permanent.
Mr. R. A. English	... Deputy Examiner, 1st Grade, sub. <i>pro tem.</i>	Deputy Examiner, 1st Grade, permanent.
Mr. A. G. Harrison	... Deputy Examiner, 1st Grade, sub. <i>pro tem.</i>	Deputy Examiner, 1st Grade, permanent.
Mr. J. S. Partridge	... Deputy Examiner, 1st Grade, sub. <i>pro tem.</i>	Deputy Examiner, 1st Grade, permanent.
Mr. H. Rainier	... Deputy Examiner, 1st Grade, sub. <i>pro tem.</i>	Deputy Examiner, 1st Grade, permanent.
Mr. S. K. L. Yeats	... Deputy Examiner, 2nd Grade, sub. <i>pro tem.</i>	Deputy Examiner, 2nd Grade, permanent.
Mr. R. C. F. Volkers	... Deputy Examiner, 2nd Grade, sub. <i>pro tem.</i>	Deputy Examiner, 2nd Grade, permanent.
Mr. W. E. Curry	... Deputy Examiner, 2nd Grade, sub. <i>pro tem.</i>	Deputy Examiner, 2nd Grade, permanent.
Mr. W. C. Hickie	... Deputy Examiner, 2nd Grade, sub. <i>pro tem.</i>	Deputy Examiner, 2nd Grade, permanent.
Mr. G. H. LeMaistre	... Deputy Examiner, 2nd Grade, sub. <i>pro tem.</i>	Deputy Examiner, 2nd Grade, permanent.
Mr. F. M. Woodroffe	... Deputy Examiner, 2nd Grade, sub. <i>pro tem.</i>	Deputy Examiner, 2nd Grade, permanent.
Mr. J. J. Lenehan	... Deputy Examiner, 2nd Grade, temporary rank	Deputy Examiner, 2nd Grade, permanent.
Mr. E. J. Neuville	... Deputy Examiner, 2nd Grade, officiating.	Deputy Examiner, 2nd Grade, permanent.
Mr. C. E. Ross	... Assistant Examiner, 1st Grade, sub. <i>pro tem.</i>	Assistant Examiner, 1st Grade, permanent.

*The 18th June, 1886.*

**No. 157.**—Major C. W. I. Harrison, R.E., Superintending Engineer, 2nd Class, sub. *pro tempore*, is temporarily transferred from the North-Western Provinces and Oudh to Bengal, and appointed to officiate as Chief Engineer and Joint Secretary to that Government, during the absence of Colonel J. M. McNeile, R.E., on furlough, or until further orders.

Mr. A. J. Hughes, Superintending Engineer, 3rd Class, *temporary rank*, is temporarily transferred from Bengal to North-Western Provinces and Oudh, *vice* Major Harrison, R.E.

**No. 159.**—Mr. W. A. Lesmond, Executive Engineer, 3rd Grade, State Railways, is appointed to officiate as Engineer-in-Chief of the Assam-Bihar State Railway, during the absence on privilege leave of Mr. F. B. Walker, or until further orders.

**No. 160.**—The services of Mr. P. Duncan, Executive Engineer, 3rd Grade, State Railways, are placed at the disposal of the Indian Midland Railway Company, with effect from the 15th February, 1886.

#### TELEGRAPH.

*The 18th June, 1886.*

**No. 158.**—The following officiating appointments are made in the Indian Telegraph Department, with effect from the dates specified.

Names.	From	To	Dates.
Mr. W. F. Melhuish	... Superintendent, 2nd Grade	Officiating Superintendent, 1st Grade.	26th May, 1886.
Mr. M. R. Trower	... Superintendent, 3rd Grade	Officiating Superintendent, 2nd Grade.	26th May, 1886.
Mr. E. A. Boyd	... Superintendent, 5th Grade, and officiating Superintendent, 4th Grade.	Officiating Superintendent, 3rd Grade.	26th May, 1886.
Mr. W. R. Philipps	... Assistant Superintendent, 1st Grade, and officiating Superintendent, 5th Grade.	Officiating Superintendent, 4th Grade.	26th May, 1886.
Mr. T. R. G. Cadiz	... Assistant Superintendent, 1st Grade.	Officiating Superintendent, 5th Grade.	9th May, 1886.
Sir W. M. N. Young, <i>Bart.</i>	... Assistant Superintendent, 1st Grade.	Officiating Superintendent, 5th Grade.	26th May, 1886.

W. S. TREVOR, *Colonel,*  
Secretary to the Government of India.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JUNE 19, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th June, 1886, and is hereby promulgated for General information :—

#### ACT NO. XIV OF 1886.

*An Act to amend the North-Western Provinces Rent Act, 1881.*

11 of 1881. WHEREAS it is expedient to amend the North-Western Provinces Rent Act, 1881; It is hereby enacted as follows :—

1. This Act may be called the North-Western Provinces Rent Act, 1886; and it shall come into force at once.

11 of 1881. 2. For the last paragraph of section 95 of the North-Western Provinces Rent Act, 1881, the following shall be substituted, namely :—

11 of 1870. "For the purposes of the Court-fees Act, 1870, the amount of fee payable in the cases next hereinafter mentioned shall be computed as follows :—

"(i) in applications under clause (c), and in appeals from orders passed on applications under that clause, as in a suit for possession of the land to which the application or appeal relates;

"(ii) in applications under clauses (l), (n), (o) and (p), and in appeals from orders passed on applications under clauses (d), (e), (f), (l), (n), (o), (p), (q) and (s), according to the rent of the land to

which the application or appeal relates payable for the year next before the date of presenting the application, or, if in any case the fee cannot be so computed, then according to the annual letting value of the land as estimated by the applicant or appellant, as the case may be;

"(iii) in applications under clause (m), and in appeals from orders passed on applications under clauses (j), (m) and (l), according to the amount claimed in the application or in the petition of appeal, as the case may be."

New sections inserted after section 100 of same Act.

3. After section 100 of the same Act the following sections shall be inserted, namely :—

"100A. The Board may, on cause shown to its Power of Board to satisfaction, transfer any transfer business. suit, application or appeal, or class of suits, applications or appeals, from any Court of Revenue to any other Court of Revenue competent as regards the nature of the case or class of cases to deal therewith under the provisions of this Act.

"100B. (1) The Commissioner of a Division Commissioners may may, with the sanction of transfer appeals. the Local Government, transfer any appeal or class of appeals pending before himself to any Collector of a district within his Division.

"(2) The order passed by a Collector on an appeal transferred to him by the Commissioner under sub-section (1) shall be subject to appeal and revision in the same manner as if it had been passed by the Commissioner, and not otherwise.

"(3) The Local Government may by order recall any appeal transferred to a Collector under



sub-section (1), and refer it for disposal to the Commissioner of the Division by whom it was transferred."

4. For the last paragraph of section 169 of the same Act the following shall be substituted, namely :—

"The provisions of sections 74 to 78 (both inclusive) and section 80 shall, so far as they can be made applicable, apply to the sale of the property as if the terms 'distress,' 'distrainted property' and 'distrainted' included respectively the execution of a writ against moveable property, moveable property taken in execution of a writ and a judgment-creditor."

5. In section 189 of the same Act, after the words "one hundred rupees, or" the following shall be inserted, namely :—

"in which the rent payable by the tenant has been a matter in issue and has been determined, or"

6. In the same Act the last twelve words of section 193, 196 and section 196, the last twelve words of clause (a) of both sections 193 and 196, and the last six words of section 197, are repealed.

7. In section 194 of the same Act the word "other" is repealed; and in clause (b) of the same section, for the word and figures "section 99" the words and figures "sections 99 and 100" shall be substituted.

Substitution of new section for section 195 of same Act.

8. For section 195 of the same Act the following shall be substituted, namely :—

"195. The orders of an Assistant Collector of the first class on applications mentioned in section 98 shall be final."

9. In section 198 of the same Act, for the word and figures "section 100" the words and figures "sections 99 and 100" shall be substituted.

10. In section 199 of the same Act, after the words "The Board may" the words "notwithstanding anything hereinbefore contained" shall be inserted.

11. In section 211, after clause (d) the following shall be inserted, namely :—

"(e) as to the transfer of appeals to Collectors under section 100B."

12. Nothing in this Act shall confer a right to appeal from any decision passed before the coming into force of this Act from which an appeal would not have lain if this Act had not been passed.

S. HARVEY JAMES,

*Offg. Secretary to the Government of India.*

The following Report of the Select Committee on the Bill to amend the North-Western Provinces Rent Act, 1881, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th May, 1886 :—

#### LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Select Committee to which the Bill to amend the North-Western Provinces Rent Act, 1881, was referred, have the honour to report that the Government of the North-Western Provinces and Oudh, while approving the Bill as introduced, has recommended the addition to it of a clause making the provisions of section 80 of the Act of 1881 applicable to sales of moveable property in execution of decrees under that Act.

2. We approve the Bill, and have added to it the clause proposed by the Local Government.

3. The Bill has been published as follows :—

*In English.*

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	20th and 27th February, and 6th March, 1886.
North-Western Provinces and Oudh Government Gazette	27th February, and 6th and 13th March, 1886.

4. The Bill has not in our opinion been so altered as to require re-publication, and we recommend that it be passed as amended by us.

C. P. ILBERT.

S. C. BAYLEY.

A. COLVIN.

W. W. HUNTER.

*The 20th May, 1886.*

S. HARVEY JAMES,

*Offg. Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th June, 1886, and is hereby promulgated for general information :—

## ACT NO. XV OF 1886

*Act to amend the North-Western Provinces Land-revenue Act, 1873.*

WHEREAS it is expedient to amend the North-Western Provinces Land-revenue Act, 1873, in manner hereinafter appearing; It is hereby enacted as follows :—

New section inserted after section 11. 1. After section 11 the following section shall be inserted, namely :—

“11A. (1) The Local Government may, from time to time, with the previous sanction of the Governor General in Council, appoint an Additional Commissioner in a Division.

“(2) An Additional Commissioner shall hold his office during the pleasure of the Local Government.

“(3) An Additional Commissioner shall exercise such powers, and discharge such duties, of the Commissioner of the Division under this Act, or under any other law for the time being in force, as the Local Government may, from time to time, prescribe, but only in such cases as the Commissioner of the Division may direct.

“(4) This Act and every other law for the time being applicable to the Commissioner of the Division shall apply to the Additional Commissioner, when exercising any powers or discharging any duties under sub-section (3), as if he were the Commissioner of the Division.”

S. HARVEY JAMES,

*Offg. Secretary to the Government of India.*

The following Report of the Select Committee on the Bill to amend the North-Western Provinces Land-revenue Act, 1873, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th May, 1886 :—

## LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Select Committee to which the Bill to amend the North-Western Provinces Land-revenue Act, 1873, was referred, have the honour to report that the Bill has been accepted by the Government of the North-Western Provinces and Oudh, and is approved by us.

2. The Bill has been published as follows :—

*In English.*

<i>Gazette.</i>	<i>Date.</i>
Gazette of India ... ..	20th and 27th February, and 6th March, 1886.
North-Western Provinces and Oudh Government Gazette ... ..	27th February, and 6th and 13th March, 1886.

3. We recommend that the Bill be passed without alteration.

C. P. ILBERT.  
S. C. BAYLEY.  
A. COLVIN.  
W. W. HUNTER.

*The 20th May, 1886.*

S. HARVEY JAMES

*Offg. Secretary to the Government of India.*





# The Gazette of India.

PUBLISHED BY AUTHORITY.

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SIMLA, SATURDAY, JUNE 19, 1886.

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 Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations,  
or published under Rule 22.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was referred to a Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th June, 1886 :—

NO. 7 OF 1886.

*A Bill to consolidate and amend the law relating  
to rent in Oudh.*

NOTE.—The 'marginal quotations' refer to portions of sections of the Oudh Rent Act omitted from the Bill.

WHEREAS it is expedient to consolidate and  
amend the law relating to  
rent in Oudh and to other  
matters connected therewith; It is hereby enacted  
as follows :—

#### CHAPTER I.

##### PRELIMINARY.

1. This Act may be cited as the Oudh Rent  
Short title and extent. Act, and shall extend only  
to Oudh.

2. *Act XIX of 1868 is hereby repealed, but  
Repeal of Act XIX of all notifications published  
1868. and rules made under the  
repealed Act shall, so far as they are consistent  
with the present Act, be deemed to have been pub-  
lished and made hereunder.*

3. In this Act, unless there be something re-  
Interpretation-clause. pugnant in the subject or  
context,—

"Oudh" means the territories under the ad-  
"Oudh." ministration of the Chief  
Commissioner of Oudh at  
the time of the passing of this Act :

"Court" means any judicial officer presiding  
"Court." in a Court of Revenue for  
the disposal of matters under  
this Act :

*The Oudh Rent Bill.**(Chapter I.—Preliminary.—Section 3.)*

“Suit.” “suit” means a suit under this Act :

“Assistant Commissioner” includes an Extra Assistant Commissioner :

“Assistant Commissioner.”

“land” applies only to land assessed to the land-revenue, and includes land whereof the revenue has been assigned by Government ; it also includes the ungathered produce of land, whether spontaneous or otherwise, and whether growing in earth or water :

“revenue” means the money payable to the Government on account of land :

“rent” means the money, or the portion of the produce of land, payable on account of the use or occupation of land, or of any right in land, or on account of the use of water for irrigation :

“proprietor” does not include an under-proprietor. Where there are two private rights of property, one superior and the other subordinate, in the same land, “proprietor” means the holder of the superior right only :

“Proprietary right.” “proprietary right” means a proprietor’s right in land :

“under-proprietor” means any person possessing a heritable and transferable right of property in land for which he is liable to pay rent :

“Under-proprietary right.” “under-proprietary right” means an under-proprietor’s right in land :

“tenant” means any person, not being an under-proprietor, who is liable to pay rent. *In the following sections of this Act, 7, 10, 13, 14, 15, 18, 19, 26, 28, 39, 40, 41, 42, 43, 43 (A), 83, 101, 111 and 113, but in no others, the expression “tenant” shall be held to include a thikadār or person to whom the collection of rents in a village or portion of a village has been leased by the landlord :*

“landlord” means any person to whom an under-proprietor or tenant is liable to pay rent :

“representative” means an heir or any other person taking by operation of law or by will a beneficial interest in the property of a deceased person. It includes the guardian of a minor and the legal curator of a lunatic or idiot : and

“lambardār” means any person who has executed an engagement for the payment of the revenue to Government, or for the payment to a landlord of the rent due from under-proprietors holding a sub-settlement :

“prescribed” means prescribed from time to time by the Local Government by rules made under

this Act.

*The Oudh Rent Bill.*

*(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 4-7.)*

[Act VIII, 1885, section 178]

4. *Nothing in any contract made between a landlord and a tenant before or after the passing of this Act shall entitle a landlord to eject a tenant or enhance his rent otherwise than in accordance with the provisions of this Act.*

*Nothing in any contract made between a landlord and a tenant after the passing of this Act shall take away or limit the right of a tenant, as provided by this Act, to make improvements and claim compensation for them:*

*Provided that nothing in this section shall affect the terms or conditions of a lease granted bonâ fide for the reclamation of waste land.*

## CHAPTER II.

OF CERTAIN RIGHTS AND LIABILITIES OF LANDLORDS, UNDER-PROPRIETORS AND TENANTS.

*Right of Occupancy.*

5. *Tenants who have lost all proprietary right, whether superior or subordinate, in the lands which they hold or cultivate, shall, so long as they pay the rent payable for the same according to the provisions of this Act, have a right of occupancy under the following rule:—*

*Every such tenant who, within thirty years next before the thirteenth day of February, 1856, has been, either by himself, or by himself and some other person from whom he has inherited, in possession as proprietor in a village or estate, shall be deemed to possess a heritable but not a transferable right of occupancy in the land which he cultivated or held in such village or estate on the twenty-fourth day of August, 1866: provided that such land has not come into his occupation, or the occupation of the person from whom he has inherited, for the first time since the said thirteenth day of February, 1856: provided also that no such tenant shall have a right of occupancy in any village or estate in which he or any co-sharer with him possesses any under-proprietary right.*

*Nothing contained in the former part of this section shall affect the terms of any agreement in writing hereafter entered into between a landlord and tenant.*

5. (A). *Nothing contained in section 5 shall be deemed to restrict the power of the landlord to confer on any persons other than those therein mentioned a right of occupancy in the lands which they hold or cultivate.*

6. *If a tenant having a right of occupancy be ejected, in accordance with the provisions of section 37, from the land in which he possesses such right, he shall thereupon lose his right of occupancy in such land.*

*Tenants' Right to Pattas.*

7. *Every tenant is entitled to receive from his landlord a patta or memorandum of the terms of the holding, signed by him*

*The Oudh Rent Bill.*

(Chapter II.—Of certain Rights and Liabilities of Landholders, Under-  
proprietors and Tenants.—Sections 8-13.)

or his authorized agent, and containing the following particulars:—

the quantity of land and, where the fields comprised in the *patta* have been numbered in a Government survey, the number of each field:

the term for which the *tenancy is to run*:

the amount of rent payable:

the instalments in which and the times at which the same is to be paid:

and, if the rent is payable in kind, the proportion of produce to be delivered, and the time, manner and place of delivery.

[any special conditions of the lease:]

8. Tenants having a right of occupancy are entitled to receive *pattas* having right of occupancy is entitled. at rates of rent determined in accordance with the provisions contained in sections 32, 33 and 34.

9. Tenants not having a right of occupancy are entitled to *pattis* for *patta* to which tenant not having right of occupancy is entitled. the terms and at the rates prescribed in Chapter IV (B) of this Act.

*Landlords' Right to Counterparts.*

10. Every landlord who grants a *patta* is landlord entitled to receive from the tenant a counterpart executed by him.

II. Vide section 43 (A).

*Arrears of Revenue or Rent.*

12. Any instalment of revenue or rent which is not paid on or before the day when the same becomes due, whether under a written agreement or according to law or local usage, shall be deemed to be, for the purposes of this Act, an arrear of revenue or rent, as the case may be:

Provided that, unless the proprietor and under-proprietor shall have otherwise agreed in writing, the rent payable to the former by the latter shall be held to become due one month before the date fixed for the payment of the revenue on account of the village in which the land in respect of which such rent is payable is situate, and to be payable in the same number of instalments as the said revenue; and the amount of each instalment of such rent shall bear the same proportion to the whole of such rent payable for the year as the amount of each instalment of such revenue bears to the whole of such revenue payable for the year.

*Receipts.*

13. Receipts for rent and acknowledgments of the tender of rent shall specify the year or years on account of which it has been paid or tendered; and any refusal to make such specification shall be held to be a withholding of a receipt or acknowledgment.

If such receipt or acknowledgment is withheld from any under-proprietor or tenant without sufficient cause, he may recover compensation from the landlord, not exceeding the amount so paid or tendered.



*The Oudh Rent Bill.*

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 14-15.)

*Deposit of Revenue or Rent in Court without Suit.*

[having a right of occupancy, or holding under an unexpired lease or under an agreement or decree]

14. If any co-sharer, under-proprietor, or tenant <sup>Power to pay into Court, without suit</sup> shall, at the place where the revenue or rent of the land held or cultivated by him is usually payable, tender to the person authorized to receive the same payment of the full amount of such revenue or rent due in respect of such land, and if such amount is not accepted and a receipt in full forthwith granted, it shall be lawful for the co-sharer, under-proprietor or tenant, without any suit having been instituted against him, to deposit such amount in Court to the credit of the person authorized to receive it.

Such deposit shall, so far as regards the co-sharer, under-proprietor or tenant, and all person-claiming through or under him, operate as a payment then made to the lambardár or landlord of the amount so deposited.

15. The Court shall receive such deposits on <sup>Procedure on making</sup> the written application of and withdrawing such <sup>the co-sharer, under-proprietor or tenant, or his recognized agent;</sup> the application shall bear a stamp of eight annas, and on such co-sharer, under-proprietor tenant or agent making a declaration in the form set forth in Schedule A hereto annexed, or as near thereto as circumstances will admit, the Court shall give him a receipt for the deposit.

Such declaration shall be verified in the manner prescribed for the verification of plaints in the Code of Civil Procedure, and the provisions of sections 52 of the said Code shall apply to the person making the verification.

Upon receiving the money so deposited, the Court shall issue to the person to whose credit it has been deposited a notice in the form set forth in Schedule B hereto annexed.

Such notice <sup>Service of notice.</sup> shall be served by the proper officer, without the payment of any fee, upon the person to whom it is addressed, or upon his recognized agent.

In the absence of any such agent, it may be served by putting up a copy of the same at the court-house, and another copy at the ordinary place of residence, within the jurisdiction of the Court, of such person, or, if there be no such place, at the place where the revenue or rent is usually paid to the lambardár or landlord, as the case may be, for the land in respect of which the money has been deposited.

If the person on whom such notice is served, or his recognized agent, appears and applies that the money in deposit be paid to him, it shall immediately be paid accordingly.

*The Oudh Rent Bill.**(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 16-19.)*

**16.** Whenever a deposit has been made under Limitation of suits for the provisions of this Act, balance of revenue or no suit shall be brought rent. against the depositor or his representative on account of any revenue or rent which accrued due in respect of the land last hereinbefore mentioned prior to the date of the deposit, unless such suit is instituted within six months from the date of the service of the notice mentioned in section 15.

**17.** If, at the time of passing the decision in Compensation for any such suit, the Court is non-acceptance of revenue satisfied that the full amount due or rent of revenue or rent due at the time of the deposit was tendered to, and was not accepted by, the lambardār or landlord or his recognized agent, as the case may be, or that a receipt or acknowledgment was withheld for such amount without sufficient cause, the Court may award to such depositor compensation from the lambardār or landlord, not exceeding the amount so paid or tendered.

If the Court be satisfied that the amount of the deposit was less than the amount of revenue or rent due, the Court shall pay the amount of the deposit to the lambardār or landlord, and shall make a decree for the balance due by the depositor.

*Illegal Enforcement of Payment of Rent.*

**18.** If payment of rent or of any sum in excess of the rent legally claimable Compensation to under-proprietor or tenant is illegally enforced, and for illegal enforcement any under-proprietor or tenant institutes a suit to recover compensation for such enforcement, the Court may award to him compensation, not exceeding the sum of rupees two hundred, in addition to any amount for which it makes a decree in respect of such payment.

An award of compensation under the former part of this section shall not bar any prosecution to which the person enforcing such payment may be liable under any law for the time being in force.

*Abatement of Rent.*

**19.** No suit for an abatement of rent shall be brought by any under-proprietor or tenant, except on the ground that the area of the land has been diminished by deluvion, or on some ground specified in any lease, agreement or decree, under which he holds:

Provided that, if the under-proprietor hold a sub-settlement in a revenue-paying estate, no such abatement shall be allowed to the under-proprietor, unless a remission of revenue has been allowed on the same ground and by competent authority in the same estate.

*The Oudh Rent Bill.*

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 20-21 (A).)

35 and 36]

[provide that if the under-proprietor hold a sub-settlement, or if the tenant hold a lease for a term of not less than five years, or have a right of occupancy in a revenue-paying estate, no such remission shall be allowed to him, unless a remission of revenue shall have been allowed on the same ground and by competent authority in the same estate]

[or unless it has been let to any other person by such landlord or agent]

*Remission of Rent.*

20. Notwithstanding anything contained in section 19 [ ] the Court, in making a decree for an arrear of rent, may allow such remission from the rent payable by any under-proprietor or tenant as appears equitable, if the area of the land in his occupation has been *materially* diminished by diluvion or otherwise, or if the produce of such land has been diminished by drought or hail, or other calamity beyond his control, to such an extent that the full amount of rent payable by him cannot, in the opinion of the Court, be equitably decreed.

*Relinquishment of Land.*

21. Every tenant shall continue liable for the rent of the land in his holding, unless on or before the fifteenth of March in any year he gives notice *in writing* to the landlord or his recognised agent of his desire to relinquish such land, and relinquishes it accordingly [ ].

If the landlord or his recognised agent refuse to receive such notice *or to sign and deliver a receipt for the same*, the tenant may, *before the latest date prescribed for giving such notice*, apply to the tahsildar or proper officer, and written notice of such desire shall thereafter be served on such landlord or agent, and the tenant shall pay the costs of service.

The notice shall, if practicable, be served personally on the landlord or agent; but if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the *chakpal* or other conspicuous place in the village wherein the land is situate.

21. (A). *If a tenant voluntarily abandons his holding without informing his landlord and without arranging for the cultivation of the holding, it shall be lawful for the landlord at any time after the fifteenth of May to enter on the holding. Before a landlord enters under this section, he shall file a notice in the prescribed form with the supervisor-kauāngo, stating that he has treated the holding as abandoned and is about to enter on it accordingly.*

*When a landlord enters under this section, the tenant shall be entitled to institute a suit under section 83, clause 10, of this Act, to recover occupancy of the holding; and the Court shall, on being satisfied that the tenant did not voluntarily abandon his holding, order recovery of possession on such terms, if any, with respect*

Act V III, 1885, section 87.

*The Oudh Rent Bill.*

*(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 22-25.)*

*to compensation to persons injured and payment of arrears of rent as to the Court may seem just.*

*Compensations for Tenants' Improvements.*

**22.** If any tenant, or the person from whom he has inherited, make any improvements on the land in his occupation as are hereinafter mentioned, neither he nor his representative shall be ejected from the same land, unless and until he or his representative, as the case may be, has received compensation for the [ ] improvements made on the land by him, or the person from whom he has inherited, or whom he represents [ ].

[outlay, in money or labour, or both, expended in making such]  
[within thirty years next before the date of such enhancement or ejection]

**23.** Except as provided in the next following section, no tenant shall be entitled to claim compensation for an improvement made subsequently to the passing of this Act without the written consent of the landlord.

**24.** If in any case the tenant apply to the landlord for his written consent to his making an improvement on his holding, and the landlord withhold or refuse to grant it, it shall be lawful for the tenant to apply to the Deputy Commissioner for sanction to make the improvement. The Deputy Commissioner, after taking into consideration any objections which the landlord may have to urge, either on the ground that—

(a) the improvement is too costly or is unsuitable to the nature of the tenant's holding, or that

(b) he is prepared to make such improvement himself,

shall grant sanction on such conditions as he may consider fair and equitable or refuse the application. No appeal shall lie against an order passed by the Deputy Commissioner under this section.

**25.** The word "improvements," as used in this Act, means works by which the annual letting value of the land has been, and at the time of demanding compensation continues to be, increased, and comprises—

**1st.**—The construction of works for the storage of water, for the supply of water for agricultural purposes, for drainage, and for protection against floods; the construction of wells; the reclaiming and clearing of waste lands and jungles, and other works of a like nature.

**2nd.**—The renewal or reconstruction of any of the foregoing works, or such alterations therein or additions thereto as are not required for maintaining the same, and which increase durably their value.

*The Oudh Rent Bill.**(Chapter III.—Commutation and Payment of Rent in kind.—Sections 25A-28.)*

25 (A). In estimating the  
 Principle on which compensation is to be made to which a  
 tenant is entitled in respect of an improvement required  
 for the holding.

- (a) to the amount by which the value, or the produce, of the holding, or the value of that produce, is increased by the improvement;
- (b) to the condition of the improvement and the probable duration of its effects;
- (c) to the labour and capital required for the making of such an improvement;
- (d) to any reduction in remission of rent or any other advantage given by the landlord to the tenant in consideration of the improvement; and
- (e) in the case of a reclamation, or of the conversion of un irrigated into irrigated land, to the length of time during which the tenant has had the benefit of the improvement.

Act VIII, 1886, section 53

Date, clause 2

25. (B) When a Court has assessed the amount of the compensation to be made to a tenant under the provisions of the last preceding section, it may, if both landlord and tenant desire that the compensation assessed, instead of being paid wholly in money, shall be made wholly or partly in some other way, proceed to give judgment according to the terms agreed upon by the parties.

26. A landlord shall be entitled to make any improvement to the holding of a tenant under the provisions of the last section 25 on the condition that the holder of a tenant not having a right of occupancy with or without the consent of the landlord.

A landlord who proposes to make an improvement shall, if the tenant is to be constructed in the holding of a tenant, give notice to the tenant through the talukdar.

Survey and Measurement.

27. Every landlord, his agents and surveyors, may at all reasonable times enter and measure every portion of any land comprised in his estate for the purpose of surveying and measuring the same.

## CHAPTER III

## COMMUTATION AND PAYMENT OF RENT IN KIND

28. In any district in which a settlement of revenue is in progress, it shall be in the discretion of any officer employed in making or revising such settlement, in any case

*The Oudh Rent Bill.**( Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 30-32.)*

in which the rent of a tenant having a right of occupancy is paid in kind, or by the estimated value of a portion of the crop, to commute, on the application either of the landlord or the tenant, such rent into a rent in money.

**30.** Wherever rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other procedure of a similar nature, requiring the presence both of the tenant and landlord either personally or by a recognized agent, if either party neglect to be present at the proper period, or if a dispute arise between the parties regarding such division, estimate or appraisement, either party may present an application to the Court on a paper bearing a stamp or eight annas, requesting that a proper officer be deputed to make the division, estimate or appraisement.

**31.** On receiving such application, the Court shall issue a written notice to the other party to attend on the date and at the place specified in the notice, and shall depute an officer before whom the division, estimate or appraisement shall be made.

The award of such officer in respect of such division, estimate or appraisement shall be final, unless, within one month from the date thereof, either party institutes a suit to set it aside.

[The amount of rent thus fixed shall be binding upon the parties concerned.]

[All decisions already passed by any such officer, commuting rents in kind or by valuation to rents in money, shall, subject to the same appeal as is given by this Act in respect of decisions passed in suits, be binding on the parties concerned.]

**[29.]** The Chief Commissioner of Oudh may extend the provisions of section 28, and declare officers to hear and decide cases therein, to any district or portion of a district in which a settlement of revenue is not in progress ;

and may declare that officers are empowered to hear and decide cases under this section ;

and may make rules for the guidance of officers acting under this section and section 28, and, from time to time, [with the like sanction] alter and add to the rules so made :

Provided that such rules, alterations and additions are consistent with this Act.]

## CHAPTER IV

## ENHANCEMENT AND FIXING RATES OF RENT.

*A.—Tenants with Right of Occupancy.*

**32.** No tenant having a right of occupancy in any land shall, in case of dispute as to the rent to be paid in respect of such land, be liable to an enhancement of the rent, except in pursuance of a decree made under this Act on one of the following grounds (that is to say) :—

*1st ground.*—That the rate of rent paid by him is below the rate of rent usually paid, by the same class of tenants having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

*Rule.*—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding such rate.

*2nd ground.*—That the rate of rent paid by him is more than 12½ per cent. below the rate of rent usually paid, by tenants of the same class not having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

*The Oudh Rent Bill.*

*(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 33-35A)*

*Rule.*—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding such rate, less 1 per cent.

*3rd ground.*—That the quantity of land held by him exceeds the quantity for which he has previously paid rent.

*Rule.*—In this case the Court shall decree rent for the land in excess, at rates to be fixed by the first or the second of the rules contained in this section, as the case may be.

Nothing contained in the previous part of this section shall affect the terms of any agreement in writing hereafter entered into between a landlord and tenant.

33 After a decision has been passed in accordance with section 32 no suit shall lie for re-enhancement of such rent until the expiration of five years from the date of such decision, except on the said 3rd ground, or, in the case referred to in section 34, until by re-assessment within the said term of five years the revenue of such land has been increased.

34. On such re-assessment, if the rent of such tenant cannot be enhanced under section 32 by reason of the absence of the grounds therein mentioned, the landlord may institute a suit to enhance the rent to a sum not exceeding double the average amount of the revenue imposed at such re-assessment upon land of a similar description and with similar advantages held by tenants of the same class in the same village.

*B—Other Tenants.*

35. Every tenant, not being a tenant with a right of occupancy, shall be entitled to retain possession of the holding occupied by him at the time of the passing of this Act at the rent then payable by him for a period of seven years from the date of the last change in his rent or of the last alteration in the area of the holding.

35. (A). Every such tenant hereafter admitted to the occupation of a holding shall be entitled to enjoy the same for a period of seven years from the date of his admission at a rent agreed upon with the landlord in accordance with the provisions of this Act, and every tenant, not being a tenant with a right of occupancy, in the area of whose holding or in the amount of whose rent any charge shall be made by the landlord subsequently to the passing of this Act, shall be deemed to be admitted to the occupation of a holding within the meaning of this section.

*Explanation.*—Holding means a parcel or parcels of land held by a tenant and forming the subject of a



(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 36-36 C.)

4th—That seven years have not elapsed since the date of the last change in the rent or duration of the term of the holding by the landlord.

*The Oudh Rent Bill.**(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 36D-36J.)*

5th — That the notice has not been served in the manner prescribed in section 36 B.

36 (D). If the objection of the tenant is found by the Court to be invalid, or, if no suit has been instituted to contest the notice within a period of thirty days from the day on which it was served, on the expiration of such period, the tenant shall, if he retain possession of the land after the fifteenth day of May next following the date of service of the notice, be held liable for the enhanced rent.

36 (E). If the tenant accepts the enhanced rent claimed by the notice, or remains in possession of the land under the terms of the preceding section, he shall be entitled to hold the land at such rent for a further period of seven years.

36 (F). If the tenant refuses to accept the enhancement claimed and recovers the holding, he shall be entitled to recover by separate suit from the landlord compensation for any improvements made by him on the holding.

36 (G). Except in the cases mentioned in the next following section, the rent of a tenant who occupies any land the value of which has determined according to the provisions of this Act shall not exceed the maximum rate of rent, or six and a quarter per cent, of the value of the land immediately preceding

36 (H).—The rent of a tenant admitted to the possession of a holding shall not exceed the maximum rate of rent, or six and a quarter per cent, of the value of the land immediately preceding the admission of the tenant to the possession of the holding, if the tenant has taken possession of the land at a price not exceeding the value of the land immediately preceding the admission of the tenant to the possession of the holding.

36 (I). The rent of a tenant who has taken possession of a holding at a price exceeding the value of the land immediately preceding the admission of the tenant to the possession of the holding shall not exceed the maximum rate of rent, or six and a quarter per cent, of the value of the land immediately preceding the admission of the tenant to the possession of the holding, if the tenant has taken possession of the land at a price not exceeding the value of the land immediately preceding the admission of the tenant to the possession of the holding.

36 (J). Notwithstanding anything contained in the preceding sections, the Government may, by order, direct that the limit of enhancement of rent shall not exceed the maximum rate of rent, or six and a quarter per cent, of the value of the land immediately preceding the admission of the tenant to the possession of the holding.

*The Oudh Rent Bill.**(Chapter V.—Ejectment.—Sections 36K-38A.)*

to time, within periods of not less than seven years, the limits of the enhancement to which tenants, not having rights of occupancy, are liable.

**36 (K).** Nothing in the preceding sections shall bar the right of a landlord to an enhancement of rent on the ground that the productive powers of the land held by the tenant have been increased by an improvement effected by, or at the expense of, the landlord during the currency of the tenancy.

Where an enhancement is claimed on the ground of such an improvement, the Court in determining the amount of such enhancement shall have regard to—

- firstly—the increase in the productive powers of the land caused, or likely to be caused, by the improvement;
- secondly—to the cost of the improvement;
- thirdly—to the cost of the cultivation required for the utilisation of the improvement.

## CHAPTER V.

## EJECTMENT.

*Tenants with Right of Occupancy.*

**37.** No tenant having a right of occupancy, or holding under an unexpired lease, or special agreement, or decree of Court, shall be ejected otherwise than in execution of a decree for ejectment:

[Act XIX, 1868, section 11.]

Provided that, if the tenant have a right of occupancy in the land from which the landlord desires to eject him, the decree shall not be made, unless, at the date of the decree, a decree against such tenant for an arrear of rent in respect of such land has remained unsatisfied for fifteen days or upwards.

*Other Tenants.*

**38.** A tenant not having a right of occupancy, and not holding under an unexpired lease, or an agreement, or a decree of Court, may be ejected in accordance with the provisions of this Act, first, in execution of a decree for [ ] ejectment under section 43A or by application under section 43; or, second, by notice given by his landlord in the manner described in the next following sections.

[Act XIX, 1868, section 12.]

[arrears of rent or for]

**38(A).** A landlord who desires to eject a tenant on the cessation of his tenancy may serve a notice of ejectment on such tenant, but shall

*The Oudh Rent Bill.**(Chapter V.—Ejectment.—Sections 39-40.)*

*deposit with the notice in the hands of the officer authorized to serve the notice a sum equal to the rent payable by the tenant for the year immediately preceding as compensation for disturbance.*

*In the case of a tenant paying rent in kind the amount of compensation to be deposited under this section shall be a sum equal to the average annual value of the produce paid as rent during the preceding three years.*

*Provided that no such compensation shall be payable to a tenant in respect of so much of his holding as he has sub-let without the consent of his landlord, or in the cases provided for by sections 36 (1), 43 and 43 (A).*

[Act XIX, 1868, section 43.]

**39.** The notice mentioned in section 38 A shall

be written in Hindi and in English, and shall specify the land in which the tenant is to be ejected; and it shall be a condition that he must either (a) if he wishes to oppose the ejectment, institute a suit for that purpose within thirty days of the date of the service of the notice, or (b) vacate the land on or before the fifteenth of November following.

On the application of the landlord to the Magistrate or officer authorised to serve such notice, the notice shall be served by such officer on or before the fifteenth day of November, and the landlord shall pay the costs of service.

The notice shall, if practicable, be served personally on the tenant. But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the village *chakrat* or other conspicuous place in the village wherein the land is situate.

[Act XIX, 1868, section 37.]

**40.** A tenant on whom a notice has been

served under section 39 may contest his liability to be ejected from the land specified therein on any of the following grounds:—

*1st*—That he holds a lease or agreement, or a decree of Court, under the terms of which he is not liable to such ejectment.

*2nd*—That he has a right of occupancy in the land.

*3rd*—If he be a tenant not having a right of occupancy, that notice of ejectment has not been served upon him in manner provided by section 39.

*4th*—That seven years have not elapsed since the date of the last change of rent or alteration of the area of the holding.

*5th*—That he is entitled to compensation for disturbance, and that the landlord has not deposited the sum required by this Act.

*The Oudh Rent Bill.**(Chapter V.—Ejectment.—Sections 40A-43.)*

*Explanation.*—A *thikedar* is not entitled to contest a notice of ejectment on any ground other than that he holds a lease under the terms of which he is not liable to ejectment.

**40 (A).** If the tenant has any claim for compensation for improvements effected by him on the holding, he shall file with his plaint a statement of the claim and of the grounds on which it is based.

**40 (B).** If the Court finds the objections of the tenant to be invalid, it shall determine the amount of the compensation, if any, due for improvements, and shall declare the ejectment to be conditional on payment of that amount into Court.

**41.** If the tenant on whom such notice of ejectment has been served fails, if notice is not contested, to comply with the terms of the notice, to institute a suit to establish his liability to be ejected, his tenancy of the land in respect of which the notice has been served shall be held to cease on the 31st day of May next following, unless, after the service, the landlord has expressly authorised him to continue to occupy the land.

[Act XIX, 1868, section 41.]

**42.** If no such suit is instituted, and if the tenant has failed to pay the amount of the compensation, if any, due for improvements, the Court may, if it is satisfied that notice of ejectment was duly served on such person, and that he has failed to pay the amount of the compensation, if any, due for improvements, which may be claimed, it shall give such assistance as may be required.

[Ditto, section 15.]

Provided that nothing done by the Court under the previous part of this section shall affect the right of any tenant to institute a suit to establish his liability to be ejected, and to recover compensation for the same.

[under the provisions of section 11]

**43.** If a landlord desires to evict a tenant, and if the tenant has failed to pay the amount of the compensation, if any, due for improvements, the Court may, if it is satisfied that notice of ejectment was duly served on such person, and that he has failed to pay the amount of the compensation, if any, due for improvements, which may be claimed, it shall give such assistance as may be required.

[Act XIX, 1881, section 35.]

If the amount be not so paid, the Deputy

*The Oudh Rent Bill.**(Chapter V.—Ejectment.—Sections 43A-46 A.)*

[Act VIII, 1895, section 25.]

*Commissioner shall, unless good cause be shown to the contrary, eject the tenant.*

**43 (A).** *A decree for ejectment may be passed against a tenant on the ground—*

*(a) that he has used the land comprised in his holding in a manner which renders it unfit for the purposes of his tenancy; or,*

*(b) where the rent is payable in kind, that his cultivation has diminished to a point which by the custom of the locality involves the forfeiture of the holding.*

*The tenant shall continue liable for the rent of the land until the decree is executed.*

*General.*

[except a sub-lessor]

[Act XIX, 1868, section 38.]

[unless, while his rent is in arrear, he has failed to cultivate the land in his possession in accordance with the terms on which he holds it]

[Act XIX, 1868, section 39.]

**44.** No tenant [ ] shall in any case, whether in execution of a decree or otherwise, be ejected from the land in his occupancy, except between the first day of April and the fifteenth day of June in any year after the passing of this Act [ ].

**45.** A *thikadār* liable to be ejected under the provisions of this Act may be ejected at any time during his tenancy.

**46.** Any tenant ejected in accordance with the provisions of this Act shall be entitled to receive from the landlord the value of any growing crops or other ungathered products of the earth belonging to such tenant, and being on the land at the time of his ejectment:

Provided that, if the land shall have been sown or planted by the tenant after the service on him of the notice mentioned in section 39, he shall not be so entitled, unless, after such service, the landlord has expressly authorised him to continue to occupy the land.

*Sir lands.*

**46 (A).** *The rights conferred upon tenants by sections 24, 35, 35(A), 36, 36(E), 36(F), 36(G), 36(I) and 38(A) shall not accrue to cultivators of any of the following lands:—*

*(a) Land which for the seven years immediately preceding the passing of this Act has been continuously dealt with as sir in the distribution of proprietary profits and charges. This condition shall be presumed, until the contrary is proved, where land was recorded as sir at settlement and has been continuously so recorded since:*

*(b) Land which for the seven years immediately preceding the passing of this Act has been continuously cultivated*

*The Oudh Rent Bill.**(Chapter VI.—Distress for Arrears of Rent.—Sections 46B-50.)*

*by the proprietor himself or by his servants or by hired labour.*

**46 (B).** *A person holding land as a thikadár or mortgagee shall not, while so holding, acquire any of the rights enumerated in the preceding section in any of the land comprised in his thika or mortgage.*

*Explanation.—A person having such rights in land does not lose them by subsequently taking a thika or mortgage in which his holding is comprised*

## CHAPTER VI.

## DISTRESS FOR ARREARS OF RENT.

**47.** When an arrear of rent is due from any tenant, the landlord may recover of arrears of rent by distress. *distrain the produce of the land in respect of which the arrear is due, subject to the rules contained in the following sections:*

Provided that, when a tenant has given security for the payment of his rent, the produce of the land in respect of which such rent is payable shall not be liable to distress so long as the security is in force.

**48.** Distress shall not be made for any arrear which has been due for a longer period than one year; nor for the recovery of any sum in excess of the rent payable in the last preceding year for the land in respect of which the arrear is due, unless the tenant has agreed in writing to pay such excess, or unless he has been declared to be liable for the same by a decree of Court.

**49.** The power of distress vested by section 47 in landlords may be exercised by managers under the Court of Wards, managing agents and tahsildárs of estates held under khám management, and other persons lawfully entrusted with the charge of land, and also by the agents employed by landlords or any such persons as aforesaid in the collection of rent, if expressly authorised by power-of-attorney to distress:

Provided that, if any such agent, purporting to act in the exercise of the said power, commits an act which, under the provisions of this chapter, is illegal, the person employing such agent shall be liable, as well as the agent, to be sued for compensation for any injury caused by such act.

**50.** Any person empowered to distress property under section 47 or section 49 may employ a servant or other person to make the distress; but in every such case he shall give to such servant or person a written authority for the same, and the distress shall be made in the name and on the responsibility of the person giving such authority.



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**51.** Standing crops and other ungathered produce of the earth, and crops or other products when reaped or gathered and deposited in any threshing-floor or place for treading out grain or the like, whether in the field or within a homestead, may be distrained by persons invested with powers of distress under this Act.

But no such crops or products, other than the produce of the land in respect of which an arrear of rent is due, or of land held under the same agreement as the land in respect of which the arrear is due, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to distress under this Act.

**52.** Before or at the time when any distress is made under this Act, the distainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made.

The demand and account shall, if practicable, be served personally on the defaulter, but if he cannot be found, they shall be affixed at his usual place of residence, and shall thereupon be deemed to be duly served upon him.

**53.** Unless the amount of the demand is immediately paid or tendered, the distainer may distrain property as aforesaid of value as nearly as may be equal to the amount of the arrear with the costs of the distress; and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or if he be absent, affix it at his usual place of residence.

**54.** Standing crops and other ungathered produce of the earth may, notwithstanding the distress, be reaped or gathered by the tenant, and may be stored in such granaries or other places as are commonly used by him for the purpose.

If the tenant neglect to do so, the distainer may cause the said crops or products to be reaped or gathered, and in such case shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

In either case the distrained property shall be placed in the charge of some proper person appointed by the distainer for the purpose.

If the crops or products do not, from their nature, admit of being stored, the distress shall be made (if at all) at least twenty days before the time when the crops or products or any part thereof would ordinarily be fit for cutting or gathering.

*The Oudh Rent Bill.**(Chapter VI.—Distress from Arrears of Rent.—Sections 55-59.)*

**55.** If a distrainer is opposed or apprehends resistance, and desires to obtain the assistance of a public officer, he may apply to the Court, and the Court may, if it think necessary, depute an officer to assist the distrainer in making the distress.

**56.** If at any time after property has been distrained as aforesaid, and before the sale thereof as hereinafter provided, the owner tender payment of the arrear demanded and of the costs of the distress, the distrainer shall receive the same and give a receipt therefor, and shall forthwith withdraw the distress.

**57.** Within five days from the time of storing any distrained crops or products, or, if such crops or products do not from their nature admit of being stored, within five days from the time of making the distress, the distrainer shall apply for sale of the same to the proper officer authorized to sell property in satisfaction of decrees of the Court within whose jurisdiction the distrained property is situate.

**58.** The application shall be in writing; it shall contain a list or description of the property distrained, and it shall state the name of the defaulter, his place of residence, the amount due and the place in which the distrained property is deposited.

Together with the application, the distrainer shall deliver to the proper officer the sum payable for the service of a notice upon the defaulter as hereinafter provided.

**59.** Immediately on receipt of the application, the proper officer shall send a copy of it to the Court, and shall serve a notice in the form contained in Schedule C hereto annexed, or to the like effect, on the person whose property has been distrained, requiring him either to pay the amount demanded, or within fifteen days from the receipt of the notice to institute a suit to contest the demand.

The officer shall at the same time send to the Court, for the purpose of being put up at the court-house, a proclamation fixing a day for the sale of the distrained property, not less than twenty days from the date of the proclamation; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited.

The proclamation shall contain a description of the property, and shall specify the demand for which it is sold, and the place where the sale is to be held.

*The Oudh Rent Bill.**(Chapter VI.—Distress for Arrears of Rent.—Sections 60-64.)*

60. If a suit is instituted in pursuance of the  
 before said notice, the Court  
 shall send to the proper  
 officer, or, if so requested  
 by the owner of the distrained property, shall  
 deliver to him, a certificate of the institution of  
 the suit.

On such certificate being received by, or pre-  
 sented to, the proper officer, he shall suspend  
 the proceedings in the sale.

It shall not be lawful for the owner of the property  
 distrained to do any act which will cause damage  
 to the property or to the arrears of rent.

61. Any person who, after the certificate has been dis-  
 seminated, shall do any act which will cause damage  
 to the property or to the arrears of rent, shall be  
 liable to a fine not exceeding one hundred rupees.

When notice has been given to the Court, the  
 owner of the property shall not be allowed to remove the same.

62. The person for whom the property is  
 distrained shall, on the receipt of the certificate, be  
 bound to pay to the proper officer, or to the Court, and  
 to the owner of the property, the amount of the  
 arrears of rent.

63. The person who, after the certificate has been dis-  
 seminated, shall do any act which will cause damage  
 to the property or to the arrears of rent, shall be  
 liable to a fine not exceeding one hundred rupees.  
 Any person who, after the certificate has been dis-  
 seminated, shall do any act which will cause damage  
 to the property or to the arrears of rent, shall be  
 liable to a fine not exceeding one hundred rupees.

When notice has been given to the Court, the  
 owner of the property shall not be allowed to remove the same.

Upon such certificate being presented to the  
 proper officer, or to the Court, the property shall  
 be released from distress.

63. On the expiration of the period fixed in  
 the notice, the proper officer, or the Court, if  
 the arrears of rent have not been paid, shall  
 proceed to sell the property, or such part thereof  
 as may be necessary, in the manner hereinafter  
 provided. He shall, unless the said de-  
 mand, with such costs of the distress as are  
 allowed by him, be discharged in full, proceed,  
 with the sanction of the Court, to sell the prop-  
 erty, or such part thereof as may be necessary.

64. The sale shall be held at the place where  
 the property is situated, or at the nearest  
 ganj, bazar or other place of public resort, if the

*The Oudh Rent Bill.**( Chapter VI.—Distress for Arrears of Rent.—Sections 65-69.)*

proper officer thinks that it is likely to sell there to better advantage.

The property shall be sold by public auction in one or more lots as the officer holding the sale thinks advisable; and if the demand, with the costs of distress and sale, be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

**65.** If, on the property being put up for sale, a price which the officer holding the sale shall think fair be not offered, and if the owner of the property or his recognized agent apply to have the sale postponed until the next day, or (if a market be held at the place of sale) until the next market-day, the sale shall be postponed until such day, and shall be then completed at whatever price may be offered.

**66.** The price of every lot shall be paid in ready money at the time of sale, or as soon thereafter as the officer holding the sale thinks fit; and in default of such payment the property shall be put up again and re-sold.

When the purchase-money has been paid in full, the officer holding the sale shall give the purchaser a certificate stating the property purchased by him and the price paid therefor.

**67.** The officer holding the sale shall deduct from the proceeds one anna for every rupee and fraction of a rupee on account of the expenses attending the sale.

He shall then pay to the distrainer the expenses incurred by him on account of the distress and of the notice and proclamation of sale provided in section 59, to such amount as, after a statement of the statement of expenses made by the distrainer the officer thinks proper to allow.

The remainder shall be applied to the discharge of the debt for which the distress was made, and the surplus (if any) shall be delivered to the person whose property has been sold.

**68.** Officers holding sales of property under this Act, and all persons employed by, or subordinate to, such officers, are forbidden to purchase, either directly or indirectly, property sold by such officers.

**69.** The officer mentioned in section 57 shall bring to the notice of the Court any illegal act which shall come to his knowledge as having been committed by any person in making a distress under this Act.

If in any case, on proceeding to hold a sale under this Act, such officer finds that the owner has not received due notice of the distress and

*The Oudh Rent Bill.**(Chapter VI.—Distress for Arrears of Rent.—Sections 70-72.)*

intended sale, he shall postpone the sale and report the case to the Court, and the Court shall direct the issue of another notice and proclamation of sale under section 59, or make such other order as it thinks proper.

**70.** When such officer has gone to any place for the purpose of holding a sale, and no sale takes place, either for the reason stated in section 69, or because the distrainer's demand has been previously satisfied, the said charge on account of expenses attending the sale shall be leviable by the officer, and shall be calculated on the value of the distrained property, as estimated by him, unless the distrainer's demand has been satisfied before the day fixed for the sale and notice of such satisfaction has been given by him to the officer.

If the distrainer's demand be not satisfied on the day fixed for the sale, the charge shall be paid by the owner of the property, and may be recovered by sale of such portion thereof as may be necessary.

In every other case the charge shall be paid by the distrainer, and may be recovered under the warrant of the Court by attachment and sale of his property.

Provided that in no case shall an amount exceeding ten rupees be recoverable under this section.

**71.** When a suit has been instituted to contest a distrainer's demand, and the property has not been released on security, if the demand or any portion of it shall be adjudged to be due, the Court shall issue an order to the proper officer authorizing the sale of the property.

On the application of the distrainer (which shall be made within five days from the receipt of such order by such officer), such officer shall publish a second proclamation in the manner prescribed in section 59, fixing another day for the sale of the distrained property, not less than five nor more than ten days from the date of the proclamation; and, unless the amount adjudged to be due with cost of distress be paid immediately, shall proceed to sell the property in the manner hereinbefore provided.

**72.** In all suits instituted to contest a distrainer's demand the defendant must prove the arrear in the same manner as if he had himself brought a suit for the amount under the foregoing provisions of this Act.

If the demand or any part thereof is found to be due, the Court shall make a decree for the amount in favour of the distrainer.

Such amount may be recovered by sale of the distrained property as provided in section 71,

*The Oudh Rent Bill.**(Chapter VII. — Distress for Arrears of Rent.—Sections 73-77.)*

and if the distress has not been withdrawn, and if any balance remain due after such sale, by execution of the decree against the person and any other property of the defaulter, or, if the distrained property have been released on security, by execution of the decree against the person and property of the defaulter, and, if his surety has been made a party to the suit, against the person and property of such surety.

73. If the distress is adjudged to be vexatious or groundless, the Court, on application of the landlord claiming the release of the distrained property, may award compensation to the plaintiff as it thinks fit, not exceeding twice the value of the property distrained.

74. If any person claiming any property as his own property, which has been distrained, or any person claiming any arrears of rent due from any person, the defendant may institute a suit against the defendant and such other person to try his right to the property, in the same manner and under the same rules as to institute a suit claiming the same, and the defendant, notwithstanding the suit, may institute a suit to contest the demand.

75. When any such suit is instituted, the property may be released upon payment of security for its value, as may be given to the satisfaction of the Court.

If the claim is dismissed, the Court shall make an order in favour of the defendant, for the sale of the property, or the recovery of its value, or the case may be.

If the claim is upheld, the Court shall order compensation for the release of the distrained property, and may award such compensation as it thinks fit, not exceeding twice the value of the property distrained.

76. No claim to any produce of land liable to landlord's prior distress under this Act, and claim to distrainable land at the time of the produce in possession of a defaulting tenant, whether such claim be in respect of a previous sale, mortgage or otherwise, shall bar the landlord's prior claim, nor shall any attachment in execution of a decree of any Civil Court prevail against such claim.

77. Whenever property has been distrained for an arrear of rent, and a stranger claiming to be landlord and to have right of distress to be made a party, a suit has been instituted to contest the demand, and the right to distrain for such

*The Oudh Rent Bill.**(Chapter VI.—Distress for Arrears of Rent.—Sections 78-80.)*

arrear is claimed by or on behalf of any person other than the distrainer on the ground of such other person being actually and in good faith in the receipt and enjoyment of the rent of the land, such other person shall be made by a party to the suit, and the question of the actual receipt and enjoyment of the rent by him before and up to the commencement of the suit shall be inquired into, and the suit shall be decided according to the result of such inquiry :

Provided that the decision of the Court shall not affect the right of any person having a title to the rent of land to establish such title in a Court of competent jurisdiction, by suit instituted within one year from the date of the decision.

78. Any person whose property has been distrained for the recovery of a demand not justly due or of a demand due or alleged to be due from some other person, and who is prevented by any sufficient cause from bringing a suit to contest the demand or try the right to the property, as the case may be, within the period allowed by sections 59 and 71, and whose property is in consequence brought to sale, may institute a suit to recover compensation for any injury which he has sustained from the distress or sale.

79. If any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, distrains or sells any property for the recovery of an arrear of rent alleged to be due, otherwise than according to the provisions of this Act,

or if any distrained property is lost, damaged or destroyed, by reason of the distrainer not having taken proper precaution for the due keeping and preservation thereof,

or if the distress is not immediately withdrawn when any provision of this Act requires such withdrawal,

the owner of the property may institute a suit to recover compensation for any injury which he has thereby sustained.

80. If any person not empowered by this Act to distrain or sell, nor duly authorized for that purpose by a person so empowered, purports to distrain or sell any property under this Act, the owner of such property may institute a suit to recover compensation from the person so distraining or selling for any injury which the plaintiff has sustained from the distress or sale.

Such suit shall not affect the defendant's liability to be prosecuted under any law for the time being in force.



*The Oudh Rent Bill.**(Chapter VII.—Jurisdiction of the Courts.—Sections 81-83.)*

**81.** If any person resists a distress of property duly made under this Act, or forcibly or clandestinely removes any detained property, the Court, upon complaint being made within ten days from the date of such resistance or removal, shall cause the person accused to be arrested and brought before the Court with all convenient speed, and the Court shall proceed forthwith to try the case.

If the case cannot be at once heard and determined, the Court may, if it think fit, require the party arrested to give security for his person, whenever the same may be required, and, in default of such security, may commit him to the civil jail until the case is tried.

**82.** If such resistance or removal of property be proved, the Court may order the offender to pay a fine not exceeding one hundred rupees, together with all costs and expenses incurred in the case or in making the distress, and, in default of payment, may order him to be imprisoned in the civil jail until payment is made. Provided that no such imprisonment shall continue for more than six months.

## CHAPTER VII

## JURISDICTION OF THE COURTS.

*Suits cognate hereto*

**83.** No Courts other than Courts of Revenue shall take cognizance of the following descriptions of suits, and such suits shall be heard and determined in the said Courts of Revenue in the manner provided in this Act and not otherwise:—

*A.—Suits by a Landlord.*

(1.)—For the delivery by a tenant of the crop or a *palta* under section 10;

(2.)—For recovery of rent;

(3.)—For the abatement of the rent of a tenant;

(4.)—For the ejection of a tenant [

[having a right of occupancy]

(5.)—Suits by landlords against patwāris or agents employed by landlords in the management of land or the collection of revenue or rent, or against the surties of such patwāris or agents for money received or accounts kept by such patwāris or agents in the course of such employment, or for papers in their possession, or for the rendering and settlement of accounts.

[or for cancelling any lease on account of the non-payment of arrears of rent or on account of a breach of the conditions of such lease]

*B.—Suits by an Under-Proprietor or a Tenant.*

(6.)—For establishing a right of occupancy;

*The Oudh Rent Bill.**(Chapter VII.—Jurisdiction of the Courts.—Section 53.)*

(7.)—For the delivery by a landlord of a *fatta*;

(8.)—For contesting a notice of ejectment;

(9.)—For compensation—

on account of illegal enforcement of payment of rent, or of any sum in excess of rent, due, or on account of the refusal of receipts or acknowledgments for rent paid or tendered,

or on account of illegal ejectment,

or on account of the value of standing crops under section 16,

or on account of loss arising for the making of improvements under section 26;

(10.)—For the recovery of the occupancy of any land of which an under-proprietor or tenant has been dispossessed or from which he has been illegally ejected by the landlord;

(11.)—For contesting the exercise of the power of distraint conferred on landlords and others by this Act, or any acts purporting to be done in exercise of the said power, or for compensation for illegal distraint;

(12.)—For abatement for rent in accordance with the provisions of section 19;

(13.)—For the recovery of compensation for improvements in accordance with the provisions of section 22

*(—Suits regarding the Division or Appraisement of Produce.)*

(14.)—Suits under section 51, regarding the division, estimate or appraisement of the produce of land.

*D.—Suits by and against Lambardárs, Co-sharers and Muafidárs*

(15.)—Suits by a sharer against a lambardár or co-sharer for share of the profits of an estate or any part thereof, or for the rendering and settlement of accounts in respect of such profits;

(16.)—Suits by a lambardár or pattidár who is entitled to collect the rents of the *patti*, for arrears of revenue or rent payable through him by the co-sharers whom he represents, and by a lambardár for village-expenses and other dues for which the co-sharers may be responsible to him, or against a joint lambardár for compensation for revenue or rent paid by such lambardár on account of such joint lambardár;

(17.)—Suits by co-sharers against lambardárs, or by proprietors or lessees against muafidárs or assignees of revenue, for compensation on account of exaction in excess of revenue or rent, or on account of the refusal of receipts or acknowledgments for revenue or rent paid or tendered;

(18.)—Suits by muafidárs or assignees of revenue for arrears of revenue.

*The Oudh Rent Bill.**(Chapter VII.—Jurisdiction of the Courts.—Sections 84-91.)**Grades of Courts.*

**84.** For the purposes of this Act, the Courts of Revenue shall consist of six grades of Courts, namely—

- (1.)—The Court of the Assistant Collector of the second class;
- (2.)—The Court of the Assistant Collector of the first class;
- (3.)—The Court of the Deputy Collector;
- (4.)—The Court of the Collector;
- (5.)—The Court of the Commissioner;
- (6.)—The Court of the Judicial Commissioner.

**85.** The Chief Commissioner of Oudh shall have power to declare to which of the first three grades any Assistant Commissioner shall belong, and to invest any Tahsildar with the powers of any of the same grades.

**86.** The Deputy Commissioner shall exercise the powers of a Collector under this Act.

**87.** The Chief Commissioner of Oudh may invest any officer employed in making or revising settlements of revenue with all or any of the powers of a Collector, or Deputy Collector, or Assistant Collector, under this Act.

**88.** The Court of the Assistant Collector of the second class shall have power to try and determine suits of the descriptions mentioned in clauses (1), (2), (7), (12), (15), (16), (17) and (18) of section 83, of which the subject-matter does not exceed one hundred rupees in value or amount.

**89.** The Court of the Assistant Collector of the first class shall have power to try and determine suits of the descriptions referred to in the last preceding section, of which the subject-matter does not exceed five hundred rupees in value or amount.

**90.** The Court of the Deputy Collector shall have power to try and determine suits of every description of which the subject-matter does not exceed five thousand rupees in value or amount.

**91.** The Court of the Collector shall have power to try and determine suits of every description and of any amount, and to hear appeals from the decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure as applied by this Act) from the

*The Oudh Rent Bill.**(Chapter VII.—Jurisdiction of the Courts.—Sections 92-95.)*

orders of the Assistant Collectors, and, in suits under clauses (2), (5), (9), (11), (14), (15), (16), (17) and (18) of section 83, from such decisions and orders of the Deputy Collectors.

Whenever the state of the public business requires it, the Chief Commissioner may invest any Deputy Collector with the powers of a Collector for the trial and determination of suits and appeals under this Act, other than appeals from the decisions of such Deputy Collector, *and with the powers of a Deputy Commissioner to hear applications under sections 24 and 43*, and may invest any Collector with all or any of the powers of a Commissioner under this Act.

**92.** The Court of the Commissioner shall have power to hear and determine appeals from decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) **XIV of 1882.** from the orders of the Collectors and Deputy Collectors, except as otherwise provided in sections 91 and 95 [ ].

[and 102]

**93.** The Court of the Judicial Commissioner shall have power to hear and determine appeals from the decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) **XIV of 1882.** from the orders of the Commissioners, and also *second* appeals, as provided in the said Code, from the decisions passed in *first* appeal by the Collectors and by the Commissioners.

*Appeals.*

**94.** The memorandum of appeal, prepared in the form and containing the particulars mentioned in the Code of Civil Procedure, **XIV of 1882.** shall be presented to the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause, to the satisfaction of such Court, for not having presented the memorandum within such period; that is to say, thirty days if the appeal lie to the Collector, six weeks if the appeal lie to the Commissioner, and ninety days if the appeal lie to the Judicial Commissioner.

The period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made.

*Second* appeals shall be presented in the Court of the Judicial Commissioner within the period hereinbefore fixed for the presentation of *first* appeals.

**95.** In suits under clauses (2), (5), (9), (11), (14), (15), (16), (17) and (18) of section 83, and in appeals from decisions in such suits tried and decided by a Commissioner or Col-  
No appeals, except in certain cases, from Collector's decree for money below one hundred rupees.

*The Oudh Rent Bill.**(Chapter VII.—Jurisdiction of the Courts.—Sections 96-99.)*

lector, if the amount sued for does not exceed one hundred rupees, the judgment shall be final, except as hereinafter provided, unless in any such suit a question of right to enhance or otherwise vary the rent of a tenant, or any question relating to a title to land or to some interest in land, as between parties having conflicting claims thereto, has been determined by the judgment.

In such case the judgment shall be open to appeal in the manner provided in this Act.

*Distribution of Business.*

**96.** The Deputy Commissioner may direct the Deputy Commissioner business in the Courts subordinate to him, whether or not they hold their sittings in the same place, to be distributed among such Courts in such way as he shall think fit.

*Transfer of Suits and Appeals.*

**97.** The Commissioner or the Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him, and try such suit himself, or refer it for trial to any other such Court competent to try the same.

The Commissioner may also withdraw any appeal instituted in the Court of any Collector subordinate to him, and try the appeal himself, or refer it for trial to the Court of any other Collector in his Division.

**98.** The Judicial Commissioner may order that any suit or appeal which shall be instituted in or presented to any Court subordinate to him shall be transferred to any other such Court competent to try or hear the subject-matter of the same.

*Miscellaneous.*

**99.** In the performance of their duties under this Act, the Collectors shall be subject to the direction and control of the Commissioners and of the Chief Commissioner; and the Deputy Collectors and Assistant Collectors shall be subject to the direction and control of the Deputy Commissioners to whom they are respectively subordinate:

Provided that nothing in this section shall empower the Chief Commissioner or any Commissioner or Deputy Commissioner to interfere in any way not authorized by this Act with any decision or order in a suit.

*The Oudh Rent Bill.**(Chapter VIII.—Limitation of Suits.—Sections 100-106.)*

**100.** All suits which, under the provisions of this Act, may be brought by or against landlords, may be brought by or against managing agents or talsildárs of khám estates, whether such estates are the property of Government or not.

**101.** No sharer in a joint estate, under-proprietary or other tenure, in which a division of land has not been made among the sharers, shall exercise any of the powers conferred by this Act in regard to the recovery of arrears of rent, enhancement of rent, ejectment of tenants, or distress, otherwise than through a manager authorized to collect the rents on behalf of all the sharers.

In pattidári estates or tenures such powers shall be exercised only through a lambardár, or through the pattidár who is entitled to collect the rents of the patti.

**102.** Any person in possession of land occupied without consent of the landlord shall be liable for the rent of such land at the rate payable in the previous year, or, if no rent was payable in the previous year, at such rate as the Court may determine to be fair and equitable, and he shall not in respect of such land have any of the statutory privileges conferred by this Act.

**103.** The Courts may sit for the hearing and determining suits and appeals, and for disposing of other business under this Act, in any place within the local limits of their respective jurisdictions :

Provided that every hearing and decision shall be in open Court, and that the parties to the suit, or their authorized agents, shall have had due notice to attend at such place.

## CHAPTER VIII.

## LIMITATION OF SUITS.

**104.** Except as herein otherwise provided, and subject to the provisions as to legal disability contained in any law for the limitation of suits for the time being in force in Oudh, all suits under this Act shall be instituted within one year from the date of the accruing of the cause of action.

**105.** Suits for the delivery of pottas or the counterparts of pottas may be instituted at any time during the tenancy.

**106.** Suits for the recovery of arrears of rent of revenue or of a share of profits shall, except in the case mentioned in

*The Oudh Rent Bill.**(Chapter IX.—Procedure.—Sections 107-110.)*

section 16, be instituted within three years from the date on which the arrear or share of profit claimed shall have become due.

**107.** Suits for the recovery of money in the hands of an agent, or for the settlement of accounts or delivery of papers by an agent, may be brought at any time during the continuance of the agency or within one year after its determination, or, in the case of claims legally cognizable at the date of the passing of this Act, within one year after such date.

Suits against agents for money, or delivery of accounts or papers.

**108.** Suits regarding distress under section 74, 75, 79 or 80, and suits regarding the division, estimate or appraisement of the produce of land, shall be commenced within three months from the date of the accruing of the cause of action.

Suits regarding distress, division of produce, &c.

## CHAPTER IX.

## PROCEDURE.

IV of 1882. **109.** The provisions of the Code of Civil Procedure as in force in Oudh shall, so far as they are not inconsistent with the provisions herein contained, apply to all suits, appeals and proceedings under this Act.

Civil Procedure Code to be the procedure under this Act.

**110.** In addition to the particulars required by section 50 of the said Code to be specified in the plaint, the plaint shall contain the following particulars:—

Particulars to be added to plaint.

*1st.*—The name of the village or estate, and of the parganā in which the land to which the suit relates is situate;

*2nd.*—If the suit be for recovery of an arrear of rent, or for the enhancement or abatement of rent, or for the ejectment of a tenant, or for contesting a notice of enhancement of rent, or for contesting a notice for the ejectment of a tenant or for the recovery of the occupancy or possession of any land, the plaint shall specify the extent, situation and designation of the land to which the suit relates and, where fields have been marked in a Government survey, the number (if it be possible to give it) of each field;

*3rd.*—If the suit be for recovery of an arrear of rent or revenue, the plaint shall specify the yearly rent or revenue of the land, the amount (if any) received on account of the year or years for which the claim is made, the amount in arrear and the time in respect of which it is alleged to be due;

*4th.*—If the suit be for the delivery of a *patta* or the counterpart of a *patta*, the plaint shall specify all the particulars mentioned in section 7.



*The Oudh Rent Bill.**(Chapter IX.—Procedure.—Sections 111-117.)*

**111.** When in any suit between a landlord

Third person claim- and an under-proprietor or  
ment to be made a tenant the right to receive  
party. the rent of the land is  
claimed by a third person, on the ground that  
he, or a person through whom he claims, has  
actually and in good faith received and enjoyed  
such rent up to the time of the commencement  
of the suit, such third person shall be made a  
party to the suit, and the question of the actual  
receipt and enjoyment of the rent by him or  
the person through whom he claims shall be  
inquired into, and the suit shall be decided accord-  
ing to the result of such inquiry :

Provided always that the decision of the  
Court shall not affect the right of any party  
having a legal right to the rent of such land to  
establish his title thereto in a Court of compe-  
tent jurisdiction.

Summons to defend. **112.** In all suits under  
not to be for final dis- clauses (1), (2), (7), (10)  
posal and (11) of section 83 of  
this Act, the summons to the defendant shall be  
for the final disposal of the suit.

**113.** In a suit to recover an arrear of rent, no  
set-off shall be allowed  
Set off in suits for against the claim, except  
arrears of rent. such amount as may be due  
to the defendant on an unexecuted decree under  
this Act against the plaintiff.

**114.** In any suit under this Act involving a  
claim to money, the defen-  
dant may, at any stage of  
the suit, deposit in Court  
such sum of money as he considers a satisfaction  
in full of the plaintiff's claim, together with the  
costs incurred by the plaintiff up to the time of  
such deposit.

Notice of the deposit shall be given to the  
plaintiff, and the amount deposited shall be paid  
to him on his application.

No interest shall be allowed to a plaintiff on  
any sum paid by the defendant into Court from  
the date of such payment, whether such sum be  
in full of the plaintiff's claim or fall short thereof.

**115.** In any case in which the defendant de-  
posits less than the amount  
Procedure for let- claimed by the plaintiff,  
more store defendant nothing in section 114 shall  
pay less than amount bar the plaintiff from pro-  
claimed ceeding in the suit for the recovery of the balance.

**[116.** If a tenant not having a right of

Dismissal of suit for occupancy institute  
lease or counterpart, in a suit against a land-  
absence of written evi- lord for the delivery  
dence of agreement. of a lease, or a land-

lord institute a suit against a tenant not  
having a right of occupancy for the deli-  
very of the counterpart of a lease, and  
the parties do not agree in respect of the  
particulars which such lease or counter-  
part is to contain, the Court shall dismiss  
the suit, unless evidence in writing is  
produced which shall satisfy the Court  
that an agreement has been entered into  
between the parties in accordance with  
which such lease or counterpart ought to  
be delivered.]

**117.** The local inquiry described in section  
392 of the Code of Civil

Collector may make Procedure may also, if he XIV of 1882  
local inquiry. think fit, be made by the

Collector in person or other officer presiding in the  
Court, and the provisions of the said Code regard-  
ing local inquiries shall apply to such inquiries  
made by such Collector or other officer.

In such cases the Collector or other officer as  
aforesaid, after completing the inquiry, shall

*The Oudh Rent Bill.**(Chapter IX.—Procedure.—Sections 118-123.)*

record on the proceedings such observations as he thinks fit, and the observations so recorded shall be received as evidence in the suit.

• •

*As to Decrees.*

**118.** No process of execution shall be issued Time within which on a decree under this Act execution may be had. *when the application for the issue of such process is made after the lapse of three years from the date of such decree, unless the decree be for a sum exceeding five hundred rupees, in which case the period within which execution may be had shall be regulated by the law in force as to the period allowed for the execution of decrees of the Civil Courts.*

**119.** When a decree for money is made in any Immediate execution suit under this Act, the of decree. Court may, on the oral application of the party in whose favour the decree is passed, direct immediate execution thereof in the manner described in section 254 of the *Code of Civil Procedure*.

XIV of 1882.

**120.** When a decree in favour of the plaintiff Decree for enhance- is made in a suit for an en- ment to state date from hancement of rent, the which it is to take ef- Court shall declare the date fect. from which such enhance- ment shall take effect.

**121.** If the decree be for the delivery of Enforcement of de- papers or accounts, it may cree for delivery of be enforced by the impri- papers or accounts. sonment in the civil jail of the party against whom it is made or by the attachment of his property, or by both imprison- ment and attachment.

The imprisonment and attachment may be continued until he complies with the terms of the decree :

Provided that no person shall be imprisoned under this section for a longer period than six months.

**122.** A decree for the delivery of a *patta* or of Decrees for lease or the counterpart of a *patta* counterpart to specify shall specify all the parti- particulars. culars mentioned in section 7, and such other particulars *in accordance with the provisions of this Act* as to the Court seem fit.

**123.** If the decree be for the delivery of a Court after decree *patta* or the counterpart of a *patta*, and the party or- may grant lease or a *patta*, and the party or- counterpart, in case of dered to deliver such *patta* defendant's refusal. or counterpart neglects or refuses so to do, the Court may grant a *patta* or counterpart in conformity with the terms of the decree, and such *patta* or counterpart shall have the same effect as if delivered by the party against whom the decree was passed.

*The Oudh Rent Bill.**(Chapter X.—General.—Sections 124-129.)*

**124.** If the decree be for money, no process in execution shall issue against the immovable property of the judgment-debtor, other than attachment of such property, unless satisfaction of the decree cannot be obtained against his moveable property.

**125.** If the decree be for an arrear of rent due in respect of an under-proprietary right, the interest of the judgment-debtor in such right may, subject to the provisions of this Act, be sold in execution of the decree.

[Provided that no such sale shall be allowed unless it appear to the Deputy Commissioner that satisfaction of the decree cannot be made in the manner referred to in sections 243 and 244 of the Code of Civil Procedure.

If it appear to the Court that such satisfaction can be made, the Court may exercise the powers given to it by the said section 243, although no application has been made by the judgment-debtor.

The Deputy Commissioner may be appointed manager of the property under the same section. When he has been so appointed, he may exercise, for the satisfaction of the decree against the judgment-debtor, all the powers which, under any law in force in Oudh, he might have exercised for the recovery of an arrear of revenue due by such judgment-debtor to the Government.]

**126.** No beneficial lease or other incumbrance hereafter created on his estate by any under-proprietor shall be valid, in the event of the sale of his rights and interests in execution of a decree for arrears of rent, unless such incumbrance has been registered, under any rule or law for the time being in force in Oudh, within four months after the creation thereof, and not less than thirty days before the date of attachment of such rights and interests.

**127.** When an under-proprietor creates any such incumbrance and fails to pay to the proprietor all or any part of the rent subsequently accruing in respect of the land subject to the incumbrance, the incumbrancer shall be liable to pay to the proprietor the whole or such part as aforesaid of the said rent, unless the proprietor has agreed in writing to waive any claim which he might otherwise have made on the incumbrancer under this section.

**128.** When land is sold in execution of a decree under this Act, and the land or any lot thereof has been knocked down to a stranger, any co-sharer, other than the judgment-debtor, may, before sunset on the day of sale, claim to take the land or lot, as the case may be, at the sum at which it was so knocked down.

If the land be an under-proprietary tenure, a like claim may also be made by the proprietor.

Any claim made under this section shall be allowed: Provided that, if a claim to the same land or lot be made by a proprietor as well as by a co-sharer, the claim of the co-sharer shall be preferred: Provided also that no claim shall be allowed unless the claimant fulfil all the conditions of the sale binding on a purchaser.

## CHAPTER X.

## GENERAL.

**129.** *The Local Government, on being satisfied that any estate is suffering from grave mismanagement, may exercise the powers reserved to the Local Government to an extent which has,*

*The Oudh Rent Bill.**(Chapter X.—General.—Sections 130-132.—Schedule A.)*

since the first of January, 1886, materially deteriorated the condition of the tenancy, or diminished the area of cultivation, may, with the previous sanction of the Governor General in Council, appoint an officer for the revision of the rents of the estate and their authoritative settlement for a period not exceeding two years.

11 of 1877. **130.** Notwithstanding anything contained in the Indian Registration Act, 1877, pattas granted for any term not exceeding seven years by landlords to tenants to whom sections 35 and 35(A) of this Act apply shall be deemed good and valid without the same being registered.

**131.** The provisions of sections 4, 35, 35(A), 36, 36(A), 36(B), 36(C), 36(D), 36(E), 36(F), 36(G), 36(H), and 38(A) shall not extend to the areas specified in Schedule D attached to this Act, but the Local Government may hereafter, from time to time, by notification published in the official Gazette, extend the provisions, or any of them, to any area hereby excluded.

**132.** The Local Government may, from time to time, make rules consistent with this Act for the guidance of all persons in matters connected with the enforcement of this Act.

[Act XII, 1881, section 211.]

All such rules shall be published in the official Gazette, and shall thereupon have the force of law.

## SCHEDULE A.\*

(See section 15.)

I, A. B., of \_\_\_\_\_, &c., solemnly declare that I did personally or by my agent C. D. on the \_\_\_\_\_ day of \_\_\_\_\_ tender payment to E. F. at \_\_\_\_\_ (the place where the rent of the lands at \_\_\_\_\_ held [or cultivated] by me under or from or jointly with] the said E. F. is usually payable) of the sum of rupees \_\_\_\_\_ as and for the whole amount due from me in respect of the rent of the said lands from the month of \_\_\_\_\_ to the month of \_\_\_\_\_ both inclusive. I further declare that the said E. F. refused to accept the said sum so tendered [or to give me a receipt in full, forthwith, for the sum so tendered]. And I declare that, to the best of my belief, the sum of rupees \_\_\_\_\_ so tendered, and which I now desire to pay into Court, is the full amount which I owe the said E. F. on account of the rent of the said lands from the month of \_\_\_\_\_ to the month of \_\_\_\_\_ both inclusive, and that I owe the said E. F. no further sum on account of the rent of the said lands.

I, \_\_\_\_\_ the person named in the above declaration, do declare that what is stated therein is true to the best of my information and belief.

If this declaration is made by an agent, it must be altered accordingly.

*The Oudh Rent Bill.**(Schedule B.—Schedule C.—Schedule D.)*

## SCHEDULE B.\*

*(See section 15.)*

Court of the                      of                      . Dated the  
day of                      18                      .

To *E.F.*, of                      , &c.

With reference to the within declaration, you are hereby informed that the sum of rupees                      therein mentioned is now in deposit in this Court, and that the above sum will be paid to you or your duly authorized agent on application. And take notice that if you have any further claim or demand whatsoever to make against the said *A. B.* in respect of the rent of the said lands, you must institute a suit in Court for the establishment of such claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

## SCHEDULE C.

*(See section 59.)*

Office of                      , officer appointed to sell distrained property.

*A. B.* — *Distrainer.*

Whereas the said *A. B.* has applied to have the distrained property specified below sold for the recovery of                      alleged to be due to him as arrears of rent, you hereby are required either to pay the said sum to the said *A. B.* or to institute a suit before the Court to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this                      day of                      188                      .

## SCHEDULE D.

*(See section 131.)*


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\* This is to be by endorsement on a copy of the declaration under Schedule A made by the person paying the money into Court.

## STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill, which has been prepared by the Government of the North-Western Provinces and Oudh, is to secure to tenants in Oudh some protection against arbitrary eviction from their holdings and enhancement of their rents, and to place on a clear footing their right to make improvements on their holdings and to receive compensation for improvements so made. Under the law as it stands they are absolutely unprotected against enhancement and eviction, provided that the landlord observes certain easy formalities in raising rents or in issuing his notices of ejection. Every field in a tenant's holding can be shifted on the close of each agricultural year at the will of his landlord, and there is no limit to the rise of rents.

The Census Statistics show that the pressure of the population on the land in Oudh is very great, being 170 to the square mile, and the large number of notices of ejection annually issued and their steady increase from 23,600 in 1876 to 90,200 in 1882 afford reason for believing that they are used as instruments for the undue enhancement of rent. Enquiry has shown that this belief is not unfounded, and that the effect of the existing law on a population dependent mainly on agriculture for its subsistence must lead at no distant date to the deterioration of agricultural industry and the impoverishment and degradation of the bulk of the people.

It is not proposed to introduce a system of heritable occupancy-right acquired by prescription, such as prevails in the North-Western Provinces, but to accept contract as the basis on which transactions between landlord and tenant are to be regulated. The tenant, however, who has no other means of subsistence open to him, is no match for the landlord in a thickly populated agricultural province, and with a view to place the parties on more equal terms the Bill imposes the following restrictions on free contract between them.

Sitting tenants may hold the land they at present occupy at the rent now paid from the date of the last change in their rent or in the area of the holdings.

The enhancement of rent permissible at the expiry of each statutory period is to be limited to  $6\frac{1}{4}$  per cent, or one anna in the rupee, on the current rental; the sitting tenant to have the equity of renewal at rent within that limit.

At the end of that period it is proposed to allow the landlord to enhance the rent of the sitting tenant to such sum as he and the tenant may agree upon within a limit of one anna in the rupee, or  $6\frac{1}{4}$  per cent, on the rent previously paid.

At any time after the expiration of the statutory period a landlord who has not made terms with the sitting tenant may proceed either by notice of enhancement or by notice of ejection at his discretion. If he proceeds by notice of enhancement the enhancement must be within the limit above given. If the tenant accepts, a new period begins. If the tenant refuses the proposed enhancement, the holding will become vacant, but no higher rent can be recovered from the next tenant than  $6\frac{1}{4}$  per cent. above the old rent on the same holding. If the landlord proceeds by ejection, leaving the tenant no option of re-entry, compensation for disturbance will be given up to one year's rent at the rate last paid, and the limitation of  $6\frac{1}{4}$  per cent. will apply to the rent recoverable from the next tenant. In both cases tenants will be entitled to receive before dispossession any compensation due to them for improvements. The right of renewal is to be personal to the tenant in occupancy. On the death of a tenant in occupancy his heir will be entitled to hold on, on the same terms, to the expiration of the statutory period enjoyable by his predecessor, but must then surrender the holding to the landlord on payment of the compensation for improvements found to be due to him.

The provisions are experimental, and power is therefore given to the Local Government from time to time, within periods of not less than seven years in any district or part of a district, to vary the limit of enhancement. Although there has been a considerable rise of prices in the past fifteen years, the rise may not continue at the same rate, and in that case the limit of  $6\frac{1}{4}$  per cent. might be unfair to the tenant. In other cases the limitation might conceivably operate to the prejudice of the landlord.

The sanction in the taluqdar's sanad—that he will promote the agricultural prosperity of his estate—is so vaguely worded as to leave the Government and the taluqdar alike uncertain as to the grounds on which Government should interfere between him and his tenantry. To put the matter beyond doubt power is given to Government to step in when it is satisfied that an estate is suffering from grave mis-management, which has since the present year materially deteriorated the condition of the tenantry or diminished the area of the cultivation. The exercise of this power is subject to the previous sanction of the Governor General in Council, and the consequences of it are not the forfeiture of the estate, but an authoritative settlement of rents for ten years.

A similar power of settling rents was conferred in the Bengal Tenancy Act of 1885, the Local Government being authorized to interfere in the interests of public order or of the local welfare.

The detailed reasons for the alterations in the present Act necessary to carry out these proposals will be found in the annexed letter from the Local Government.

*The 29th January, 1886.*

J. W. QUINTON.

No. <sup>177</sup><sub>21041</sub> R. of 1886.

From

J. WOODBURN, Esq., SECRETARY TO GOVT, N.-W. P. AND OUDH,

IN THE OUDH REVENUE DEPARTMENT,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

REVENUE AND AGRICULTURAL DEPARTMENT.

*Dated Allahabad, the 15th January, 1886.*

In compliance with the request conveyed in your letter No. <sup>822</sup><sub>1675</sub> (Revenue), dated the 9th ultimo, I am directed to submit a draft Bill to amend the Oudh Rent Law.

2. The general principles on which the Lieutenant-Governor and Chief Commissioner proposes to amend the Rent Law in Oudh are fully detailed and explained in the letters of this Government, No. 3939 of the 21st December, 1883, and No. 723 of the 12th May, 1884. In this letter submitting the draft Bill it seems sufficient to explain the reasons which have led to the various minor alterations of the present Rent Act.

3. The Bill takes the form of a revised edition of the existing Act. It is very probable that in phraseology and arrangement Act XIX of 1868 might be greatly improved; but it is only in Chapters IV and V that any material change is needed to give effect to the several proposals which have been made by the Lieutenant-Governor. And since the Act is well understood by and familiar to the Rent Courts and the people, it appears advisable to make no more alterations of it than are necessary to a clear and correct statement of the principles which are hereafter to govern the relations of landlord and tenant. But the opportunity has been taken to remove any difficulties that have been found by the Courts in interpreting certain other parts of the existing law. Additions to existing sections of the Act and all new sections are printed in italics; and any portions of existing sections which it is proposed to omit have been printed marginally in brackets.

4. I am now to proceed to a specific statement of the alterations made in the Act.

5. Section 2 repeals Act XIX of 1868, but maintains such notifications and rules made under it as are consistent with the new Act.

6. In section 3 a clause has been added to the definition of "rent," to make it quite clear that the word covers the rent of an under-proprietor who may not be personally in the use or occupation of the land in his tenure. A clause has been added to the definition of "tenant," to show what portions of the Act are applicable to a *thikadār*. A collector of rents should acquire none of the statutory privileges of a cultivating tenant, but is a tenant of the lessor for many purposes. A definition of "prescribed" has been inserted, which is taken from the Bengal Tenancy Act, 1885.

7. Section 4 is substituted for the corresponding section of the present Act. It is necessary to provide that no contract before or after the passing of the Act shall deprive a tenant of that protection against enhancement and ejectment which it is the special object of the new law to give. The Lieutenant-Governor has decided, after careful consideration of the point, not to recommend that the new law shall be so framed as to prohibit the execution of any special agreement which shall give a tenant a longer occupancy than the statutory period of seven years; but it is essential that agreements for any shorter term shall be barred, and I am to ask that this point may receive particular attention when the draft is examined. The proposal that the occupation of a holding may be settled between landlord and tenant for a longer period than seven years by agreement, but that no contract shall defeat the statutory limit of enhancement. He is unwilling to interfere more than is absolutely necessary with any existing contracts; and where the terms of any *pattas* at present in force exclude the tenant from making improvements or claiming compensation for such as he may have already made, he would set the contract aside. So far as the Lieutenant-Governor's information goes, the number of such contracts is not great, while in many such cases it may be presumed that the improvements will have been made upon special terms and conditions.

8. As regards clearing leases the Lieutenant-Governor is of opinion that they must be left to be arranged by landlord and tenant without interference by the State. The conditions under which they are taken vary considerably in different parts of the country, and are in fact effectively controlled by local circumstances and local custom. A proviso has accordingly been added to this section, the terms of which have been taken from the first proviso to section 178 of the Bengal Tenancy Act.



9. Section 5 (A), empowering a landlord to confer occupancy-rights, has been inserted in accordance with the wish of His Excellency the Governor General in Council, as conveyed in paragraph 15 of your letter No. 252R., dated 12th April, 1884.

10. In section 7 of the present Act the word "lease" is used for the written memorandum of the terms of a tenant's holding. It is scarcely applicable to the record of the terms of a holding conferred by Statute, and the Lieutenant-Governor would prefer to use the word "patta." It is again inconsistent with a statutory tenure that the record of it should contain any conditions except those imposed by the Statute, and the clause of the present section 7, authorising the entry in the patta of any special conditions of the lease, should be omitted.

11. Section 11 of the present Act authorises the cancelment of a lease by decree. It seems desirable that the whole of the provisions in regard to the determination of tenancies should be placed together, and this section, with the material alterations which will be subsequently explained, has been transferred to the chapter on ejectments as 43(A).

12. Section 20 of the Rent Act contains the provincial rule regarding the remission of rent, where it is proved to the Rent Court that from unforeseen calamity the tenant is unable to pay the entire demand. A proviso is attached to the section, which prevents a tenant with a five years' lease from claiming the benefits of this section. If this proviso were retained under the amended Act, which is to give all tenants a statutory occupancy for seven years, the effect would be to nullify the section altogether. The question is, therefore, whether the entire section should be struck out, whereby the Courts would lose their power of making allowances in rent-decrees for inevitable calamities, or whether the section shall stand without its proviso, whereby remissions of rent would cease to be in any case dependent on remissions of revenue. The latter course appears to the Lieutenant-Governor to be on the whole likely to be better for the interests of both landlord and tenant. If, as the Lieutenant-Governor believes, it is not expedient to withdraw from the Courts all power to take account of serious calamities in decreeing arrears of rent, in that case to provide that this power shall only be used when revenue has been remitted is to shackle it with an awkward and hardly logical condition. The corresponding provisions of the rent law in the North-Western Provinces are contained in section 23 of Act XII of 1881 and the rules which have been prepared under it. When the crops have been injured by hail or drought in a village of the North-Western Provinces, the Collector has to apply for a remission of revenue before he can move in the matter of rents; and when that is obtained he enforces a remission of rents, equivalent to double the remission of revenue, by a process which is not always very well adjusted or duly proportioned. There is by law no similar rule in Oudh. Neither in the Revenue nor in the Rent Acts is any authority given to the Deputy Commissioner to carry on, distribute and enforce among the rents of the tenantry the remission which has been made in the landlord's revenue. It is true that under circular orders, issued administratively (of which an extract is given in the footnote), Deputy Commissioners have insisted on remissions of rent as a consequence of remissions of revenue; and the Lieutenant-Governor is not prepared at once to cancel those instructions. Nevertheless, when it comes to framing legal provisions, he would prefer to leave, at any rate experimentally, the adjustment of rent abatements between landlord and tenant as much as possible to the parties concerned, subject only to a Judge's discretion in extraordinary cases. The fact of the revenue remission is perfectly well known, and any tenant who is pressed to pay upon crops that have been seriously damaged has only to demur to the demand and let his claim to relaxation of the rent be considered by the Rent Court. So long as a tenant was liable to summary and arbitrary ejectment, undue pressure for the payment of rent could no doubt be made; but now that all tenants will be protected in the occupation of their holdings, the Lieutenant-Governor considers that with an appeal to the Rent Court, such as is given by section 20, they may be left to make their own arrangements with their landlords on such occasions as those contemplated by the section.

13. The proviso in section 20 is to some extent based on a distrust of the Courts, since they might exercise the power without sufficient cause, and hamper the landlord by remissions of rent for which he has received no compensating remission of revenue. The landlord, however, has always the remedy of appeal from a decree which he considers unfair, and if the case can be supposed possible of calamity so considerable as to justify large remissions of rent by the Court, although no previous remission of revenue had been given, no Deputy Commissioner would refuse to recommend a corresponding remission of revenue. There is again the risk that the Courts might force remissions of revenue by giving remissions of rent; but it must be assumed that the Courts will proceed with due care and upon sufficient evidence in remitting rents, while in Oudh they are likely always to keep in view the effect of their decrees upon the revenue. Moreover, a landlord is certain to contest any unfair reduction of his rent-demand; for a remission of revenue is never sufficient to compensate him, and his appeal is to the Commissioner or Deputy Commissioner, who is directly concerned with the collection of revenue. The Lieutenant-Governor recommends,

Any landlord who receives a remission of Government revenue will be bound, in proportion to the extent of the remission, not to take, either through himself or through a lessee, and to restore if he has so taken, rent for the crop on account of which the remission is granted.—(From Circular Orders of 7th January, 1873.)

therefore, that the section be maintained with the omission of the proviso. The draft proposes to insert "materially" before "diminished", to indicate to the Courts that reindisation is not to be given for any but considerable loss.

14. Sections 35 and 36 of the present Act will be entirely superfluous, and the reference to them in section 20 may be excised.

15. In section 21 (relinquishment of the holding) the last clause of the first sentence may be omitted. The Lieutenant-Governor wishes to make a distinction between relinquishment and abandonment. If tenants are to have considerable security of tenure, it is right that the landlord should have fair notice of relinquishment of holding, that he may make suitable arrangements for a new tenant. The date for notice of relinquishment has not only been antedated to the 1st of March, and at this time let sets to another tenant considerably have been given. It has been prescribed that the notice shall be in writing.

16. A section has been drafted in regard to abandonment [21 (B)], adopted from section 87 of the Bengal Tenancy Act.

17. In the sections on compensation for tenants' improvements considerable changes have been made. Section 22 of the present Act directs that the tenant shall be entitled to compensation for improvements whenever his tenancy is enhanced. This provision has, so far as the Lieutenant-Governor can ascertain, remained dead letter. Under a system by which the adjustment of rent between landlord and tenant was left entirely to private contract, any enhancement of rent, so long as the tenant chose to stay, probably took into consideration the tenant's expenditure on the improvements of his holding. For the future at least no such provision can be made. The enhancement or decrease of a tenant's period of tenancy or a statutory enhancement and a statutory period would be or not the tenant has in the course of his existing period of tenancy effected an improvement which has added to its value. The clause in section 22, providing for compensation on enhancement, may therefore be retained.

18. The principle on which compensation is calculated under the present Act is solely that of the outlay of the tenant. The last sentence of the section bears right to compensation for improvements which were made more than thirty years before the date of claim, and in practice the procedure of the Courts is to make an estimate of the probable outlay, to assume that the improvement will last for thirty years, and award to the tenant the sum which in that proportion represents its unexpired value. Thus, if a well is believed to have cost Rs. 300 ten years ago, the Court will award to the tenant Rs. 200. The principle, by no means a just one, for the landlord is exposed to great expropriation by the tenant of his capital outlay, and where the improvements are of old standing these statements are difficult to check. The Lieutenant-Governor considers that the principles laid down in section 83 of the Bengal Tenancy Act are not only in themselves more fair but more simply and readily applied by the Courts, for it is seldom difficult in any village to ascertain the difference in letting value due to irrigation, and a well is the most common of all improvements in Oudh. A section has been accordingly introduced from the Bengal Act, section 20 (A), and the references to outlay and the period of construction omitted from section 22.

19. It is the recognized custom of the province that a tenant cannot make an improvement of a permanent character without the consent of the landlord. So long as the tenant held on a yearly tenancy at the will of the landlord, this consent was obtained on terms which were almost always very harsh. The Government, according to paragraph 147 of Colonel Havelock's report of 1871 (L. G. O. 277 of 1871), considered a large number of papers on the subject of the Tenancy in Oudh, and saw that the ordinary tenancy for seven years, which was the usual tenure, was not only very oppressive to the tenant, but the landlord's consent to improvements should not be more readily withheld. It has been proposed in the Bill that the tenant shall have the right of applying to the Deputy Commissioner, should the landlord refuse his consent, and that the Deputy Commissioner, after hearing the landlord's objections, shall pass such order as may be fair and equitable.

20. On the other hand, it is right, when enhancement is otherwise lawfully resorted to, that arrangements should be made for the resettlement of a tenant on enhanced holdings the produce of which has been increased by a landlord's improvement, and sections 23 and 26 (K) of the Bill have been drafted for the assistance of landlords in this matter.

21. Section 25 of the present Act is believed to have been of very little, if any, value. It has, however, been retained in section 20 (A) of the Bill in a shorter form, taken from the second clause of section 83 of the Bengal Tenancy Act.

22. Chapter III of the Oudh Act refers to commutation and payment of rents in kind. The Lieutenant-Governor proposes to omit the last two clauses of section 28 and the whole of section 29. The commutation of grain-rent is an exceedingly delicate and difficult business, while the prevailing opinion as to the advantages and disadvantages of commutation is apt to vary greatly, the authorities leaning sometimes on one side, sometimes on the other. It can hardly ever be expedient that the Government should interpose, during the currency of a settlement, to determine officially a question of this nature, which is essentially connected with local circumstances and conditions of agriculture that are best adjusted by mutual consent; and, since, in fact, the authoritative commutation of rents

is hardly known in Oudh, the Lieutenant-Governor would prefer to leave it, by law, to private arrangement between landlord and tenant, except when a settlement of revenue is in progress. The transition from rents in kind to cash-rent is gradually spreading with the improvement of agriculture, and the process should be left to its natural and spontaneous course.

23. Chapter IV of the Act deals with the enhancement and settlement of rent. So far as it concerns the right of tenants with a right of occupancy, they are left untouched. In the two sections, 35 and 36, of the Act are contained the whole of the provisions of the present law in regard to the rent of other tenants. To introduce the scheme sketched in paragraph 69 of my letter of 21st December, 1883, the sections numbered 35 to 36 (K) have been substituted for them in the Bill. They give every tenant a statutory right to occupy his holding for seven years, with a new period beginning from every change in rent or area by the landlord, and at the end of every period of tenancy they give him the preferential claim to continue in his holding at a rent that cannot be more than 6½ per cent. in excess of the previous rent, or, if he be ejected, to be paid compensation for disturbance. In short, the landlord cannot disturb the tenant for seven years, and if after that period he desires to eject he must pay compensation. In no case can enhancement of rent, whether upon the sitting tenant or his successor, exceed 6½ per cent. of the old rent; but if the sitting tenant will not agree to an enhancement thus limited he must quit without compensation. The new sections also provide that enhancement shall be by notice; they prescribe a procedure for contesting the notice; and detail the liabilities of the tenant, when he retains or vacates the holding, with or without objection to the notice (clauses 1, 2, and 4, paragraph 69, above quoted). The rights of a tenant are, however, to be personal, and provision has been made in sections 36 (I) and 36 (II) that the heir of a tenant who dies shall retain the holding only till the expiry of the statutory term current at the time of his death; and, subject to any claim by the heir to compensation for improvements, the landlord is left free to let the holding to any person at any rent which may be arranged (clause 6, paragraph 69). The new tenant under section 35 (A) then acquires statutory rights similar to those enjoyed by his predecessor.

24. In section 36 (J) power has been taken by the Local Government to vary the limit of enhancement at stated intervals (clause 3, paragraph 69).

25. In Chapter V of the Act are the provisions for ejectment and the determination of tenancies. In this there has again been much addition and, for the sake of clearness, some re-arrangement of the sections.

26. Section 37 of the Bill reproduces section 41 of the Act unchanged, and states that a tenant with a right of occupancy, and in certain other cases, may be evicted only by a decree for ejectment. Among these tenants is included, by the present Act, a tenant under a special agreement. A tenant evicted by decree is not entitled to the compensation for disturbance given to the statutory tenant of the Bill. The Lieutenant-Governor is of opinion that the section should continue to cover the case of a tenant under special agreement.

27. Section 38 of the Bill is with some alteration section 42 of the Act. It covers the case of all other tenants, and permits their eviction either by a decree for ejectment under section 43 (A) of the Bill, or by an application where decreed arrears of rent remain unpaid, or by the notice of ejectment prescribed by the present Act. The application for ejectment for arrears has been taken from section 35 of the North-Western Provinces Rent Act (XII of 1881), and is a simpler procedure, which the improved position of the tenant justifies, than the application in execution of decree allowed by the present Act.

28. If the landlord proceeds by notice he is required by section 38 (A) of the Bill to deposit the compensation for disturbance, which was part of the scheme of the letter of December, 1883 (paragraph 69, clause 1).

29. In section 39 of the Bill (43 of the Act), which describes the details to be given in the notice, the only important change is that the time of service is put much earlier in the year (15th of November instead of 15th April). Tenancies will now be of seven years' duration, and it is very desirable that notice should be given in sufficient time to admit of all claims on the ground of improvement or other objections being fully sifted and decided before the expiry of the year.

30. Section 40 of the Bill (section 37 of the Act) then details the grounds on which the notice of ejectment may be contested. To the grounds given in the Act have to be added those which the new provisions in the Bill require. The notice may have been issued before the seven years of the statutory tenancy have expired, or the compensation for disturbance may have been deposited only in part or not at all. In sections 40 (A) and 40 (B) of the Bill the tenant is required, if he has any claim to compensation for improvements, to give a specific statement of his claim, and the Court is to determine it before it allows eviction. From the ambiguous language of the Act there have been contradictory rulings in the Rent Courts of Oudh as to the liability of the tenant to eviction before receipt of compensation due to him for improvements. It was clearly the intention of section 22 that he should be compensated before he was removed, and this is definitely expressed in the Bill.

31. Sections 41 and 42 of the Bill represent sections 41 and 45 of the Act with such alterations as the provisions of the preceding sections or experience in the working of the

present Act require. In section 42 of the Bill a clause has been inserted, which was much wanted, enabling the Court to give assistance to the landlord, when needed, to evict a tenant who has contested a notice unsuccessfully. These sections contain the only provisions by which a landlord can remove a tenant of bad character, and no tenant is so likely to resist any action by the landlord himself. If assistance may be properly asked when the tenant has not contested the notice at all, it is more needed when the notice has been contested without valid ground of objection. The section in its present form follows the provision of section 40 of the North-Western Provinces Rent Act.

32. Section 43 of the Bill has been taken, as already explained, from the Rent Act of the North-Western Provinces.

33. Section 13(A) is the provision which the Lieutenant-Governor would substitute for section 11 of the Act, in regard to the terms on which a tenancy may be determined by a decree for ejectment. Section 11 bases it on a failure to perform or observe any of the stipulations of the lease or patta; but the patta of a statutory tenant will not contain any special stipulations, and when such a tenant defaults in his rent the landlord's process will be under section 43 of the Bill.

Even a statutory tenant, however, should be liable to ejectment if he uses his holding in a manner which renders it unfit for the purposes of his tenancy, and provision to that effect, taken from section 41 of the Bengal Tenancy Act, has been introduced in section 13(A) of the Bill. Moreover, many statutory tenants will hold on grain-rents; and as the amount of the landlord's receipts depends on the area the tenant cultivates, the landlord should be ensured against serious damage by the tenant's deliberate neglect to cultivate. In paragraph 77 of my letter of December, 1883, it was recommended that local custom should be left to decide what extent of failure in cultivation should be followed by forfeiture of the holding. This is the object of the second clause in section 13(A) of the Bill.

Tenants, however, "having a right of occupancy, or holding under an unexpired lease, or special agreement or decree of Court," are protected by section 41 of the Act (57 of the Bill) from eviction, except in execution of a decree for ejectment. The section specifies that a decree for ejectment against a tenant with a right of occupancy shall not be made unless at the date of the decree a decree against him for an arrear of rent has remained for fifteen days unsatisfied; but no definite explanation is given of the conditions under which ejectment may be made of the other classes of tenants specified in the section whether for failure in stipulations in the unexpired lease or special agreement, cessation of the effect of the decree of Court, or other ground for eviction. The Lieutenant-Governor presumes that it has been hitherto left to be decided under the general law whether the grounds for eviction in any such case are or are not sufficient, and that it is unnecessary to give any precise specification. This is, however, a matter on which the Legislative Department will advise.

34. In sections 44 and 45 of the Bill, corresponding to sections 38 and 39 of the Act, the period of the year it stated at which ejectment may take place. A sub-lessee is subjected to a special penalty in section 38(A) of the Bill, and there seems no reason for excepting him from the general rule that ejectment shall take place at the close of the agricultural year. As a statutory tenant he could only then be ejected, and for the same reason the last clause of section 38 of the Act should be omitted.

35. In section 39 of the Act the word *thikadár* has been substituted for sub-lessee.

36. Section 40 of the Act has been practically absorbed in section 13 of the Bill.

37. To this chapter of the Act two sections have been added in regard to *sír*-lands. The Lieutenant-Governor accepts the opinion that in the home-farms of the landlords no statutory rights should be recognised in the tenants who may from time to time be admitted to cultivate in them. The principle is recognised in the Tenancy Acts of the North-Western Provinces and Bengal. Whenever, however, statutory rights are recognised outside the private lands of the *zamindár*, it becomes necessary to define what these private lands are. Hitherto there has been in Oudh no special reason for entering as *sír* in the rent-rolls land which is not *sír*; for the change of law now proposed, which is to restrict the arbitrary powers of landlords over all holdings that are outside *sír*, has not been anticipated, and the revision of assessment is still sufficiently distant to make it more convenient for the collection of rent that land let to tenants shall be so recorded. From all that has been reported the village rent-rolls are in this respect, as indeed in most others, very fairly correct; and the Lieutenant-Governor is disposed, therefore, to make a less exacting definition of *sír* than that in force in the North-Western Provinces. The definition of *sír* which is given in section 16 (A) of the Bill is for these reasons less stringent in several particulars than that which is laid down in section 3 of the North-Western Provinces Rent Act. It has been proposed on some authority to adjust this definition on the principle of allowing land to fall into *sír* and again to fall back into ordinary tenancy land by fixing certain periods after which continuous cultivation by the landlord or by a tenant should determine the character of the cultivating occupancy. The rule of the North-Western Provinces is to fix a long period of continuous cultivation by the landlord, and then to make the lands so cultivated a permanent addition to his original *sír*, whether he continues to cultivate or lets to a tenant. The Bengal Act prevents any accession to the present *sír* unless it is recognised by village custom.

The Lieutenant-Governor would have been glad, nevertheless, to admit a proposal which is quite in keeping with the fluctuation of all agricultural enterprises, and the developments and depressions which circumstances frequently induce in agricultural families. No adjustment, however, has been discovered to refer to the recognition of land as *sir* and their restoration to the normal conditions of tenancy which the landlord will not be able so to manipulate as to exclude from the status of *provisors* an area of cultivated land considerably larger than that which he for the time being occupies. For the purposes of the landlord's enjoyment, nevertheless, there is no restriction in the development. When a tenant's holding falls in by his death, it is open to the landlord to occupy it himself instead of letting it to another tenant. Whether, therefore, he is a *sir* or not will merely operate in determining whether the landlord can subsequently let it without initiating the usual *tenancy* privileges in his tenant. After mature consideration the Lieutenant-Governor is of opinion that *sir* to the extent of all present requirements is provided by the definition as it stands in the Bill, that the *provisors* in the North-Western Provinces and Bikaner, be permanently excluded from the operation of the sections which regulate the ordinary holdings of tenants, but that for the temporary provision made by the Bill for a considerable number of years, the cultivation of land, devoted to, to remove permanently any lands from the general operation of the provisions.

38. The section 10 of the Bill has been added to in the case of *lessees* and *mortgages* who demand that their own land be left to their own personal cultivation. There are no lands which, on the expiry of the lease or the term of the mortgage, are paying no rent; and unless some express provision is made the *lessees* or *mortgagees* would apparently have not only the full rights of a tenant, but be entitled to sit rent-free.

39. In Chapter VI (Distress for Arrears of Rent) the Lieutenant-Governor proposes no change.

40. In Chapter VII (Jurisdiction of the Courts) the change are few.

41. In the proposed sections no substantial change has been made in the terms of section 9 of the North-Western Provinces and Bikaner Act, or in the jurisdiction of all Courts other than Courts of Revenue in the class of cases provided.

In clause 3 it seems unnecessary to limit a suit for enforcement to the case of an occupancy tenant. A *lessee* in whose land there may be a *lease* may be liable to a suit for enforcement.

The last part of clause 4 is unnecessary for reasons stated in an earlier part of this letter.

In clause 9 an addition is necessary from the terms of section 23 of the Bill.

In clause 10 an addition is required by section 24 (A) of the Bill.

42. In section 91 an addition is proposed authorising the Local Government to invest any officer of the revenue in a Deputy Collector with the powers of a Deputy Commissioner to hear applications by a tenant under section 24 to make improvements, or of a landlord under section 25 to eject a tenant for arrears of rent.

43. Section 102 of the Act gives summary power to Deputy Collectors to restore possession of lands on a *disturbance*. From orders under this section there is no appeal. Against the section there has been much complaint, and now that the position of the tenant will be comparatively secure it is preferable that the restoration should be by ordinary suit, subject to the usual appeal. For this section of the Act has been substantially a *provision* for the benefit of the landlord to recover a *land* for *land* which has been occupied by a tenant, and the effect of any such possession has been for many years a *provision* for the benefit of the government. The only course open to the landlord hitherto, when a tenant has occupied summarily to his *land*, has been to eject him, or to attack him by the ordinary process of a suit in the Civil Court for damages. If the *land* is to be held in the present year, the provision of sections 25 and 26 of the Act prevents the landlord from recovering any rent in the Rent Court.

44. Section 103 of the Act provides that in all suits under the Act the summons to the defendant shall be for the trial of the *land*. The suit is in many cases intricate, and will inevitably involve and concern a *provision* of a longer and more valuable character. It is proposed to limit this provision to specified classes of cases.

45. Section 116 of the Act is no longer consistent with the general provisions of the Bill, and shall be omitted.

46. Section 125 of the Act provides that sale of an under-proprietary tenure shall not be made if satisfaction of the *debt* can be made by management of the tenure under sections 213 and 214 of the Civil Procedure Code of 1859 (or the corresponding sections of the Code of 1882). Management of under-proprietary tenures by the Deputy Commissioner has for some time, however, been recognized as practically impossible. They are generally small; as they come under the Deputy Commissioner's charge, they are usually settled, and official management can be neither efficient nor economical. If the under-proprietor can give the Deputy Commissioner any anticipation that a private adjustment of

the judgment-debt can be effected by mortgage or otherwise, time can always be given under section 305 of the Code of 1852, and the Lieutenant-Governor's opinion on the whole is that all of the section, except the first sentence, may be without disadvantage omitted.

47. In a concluding chapter (X) of the Bill are entered four new sections.

48. Section 120 reserves to the Local Government authority, under the sanction of the Governor General in Council, to appoint an officer for the revision of rents in an estate in which from grave mismanagement the condition of the tenantry has been materially deteriorated or the area of the cultivation diminished. This formed the seventh clause of the scheme in paragraph 69 of the Letter of 21st December, 1883, and the reasons for the provision have been there sufficiently explained.

49. Under the present registration law all pottas for seven years, for however small a sum, must be registered. The inconvenience of an enforced registration throughout the country would be very serious, and the pottas of all tenants will be checked by the supervisor-lanangos, registration being to be unnecessary. The object of registration is practically effected by his verification, and registration will be difficult when the verification is made in the course of his verification. It is proposed, therefore, in section 130, to exempt pottas for the statutory period of seven years from the Registration Act.

50. In section 131 reference is made to a schedule in which will be entered certain tracts which the Lieutenant-Governor proposes to exclude from the general rule of a statutory right of a tenant to subdivide. It has been explained in paragraph 78 of the Letter of December, 1883, that in part of the Muzaffargarh and submontane districts the area is so exceptional, the circumstances are so peculiar, the reasons, and the rights so peculiar, as to each tract. With the exception of a few of the general proposals in the Bill, however, all of these tracts the population is sparse, and the tenants can command the Government. A list of the areas to be included will be forwarded subsequently.

51. In the last section (132) of the Bill power is taken to the Lieutenant-Governor to make any rule necessary under the Act and consistent with it. The terms of the section have been taken from the last clause of section 211 of the North-Western Provinces Rent Act.

S. HARVEY JAMES.

*Offg. Secy to the Govt. of India.*





## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT

## Second publication.

The following Bill was introduced in the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th June, 1886, and was referred to a Select Committee—

## NOTES ON THE

*A Bill to alter the constitution of the Indian Museum, and to confer certain powers on the Trustees thereof.*

WHEREAS it is expedient that the constitution of the body corporate known as the Trustees of the Indian Museum, and to amend the Law relating to the powers of the said Trustees, it is hereby enacted as follows—

1. (1) The Act may be called the Indian Museum Act, 1886, and

(2) It shall come into force at once.

2. Sections 3, 4 and 5 of the Indian Museum Act, 1876 are repealed.

3. For those sections the following shall be substituted, namely—

*Composition of the Trustees.*

3. The Trustees of the Indian Museum shall be—

- (a) the person for the time being holding the office of Accountant-General of Bengal;
- (b) five other persons to be appointed by the Governor-General in Council;
- (c) five other persons to be appointed by the Lieutenant-Governor of Bengal;
- (d) five other persons to be appointed by the Council of the Asiatic Society of Bengal; and
- (e) five other persons to be appointed by the Trustees;

and the said Trustees shall be a body corporate by the name of the Trustees of the Indian Museum, and shall have perpetual succession and a common seal.

4. All the powers of the said body corporate may be exercised so long and so often as there are nine members thereof.

5. If a trustee appointed under section 3 dies, or is absent from India for more than twelve consecutive months, or desires to be discharged, or refuses or becomes incapable to act,

or becomes Accountant-General of Bengal, then the authority which appointed the trustee may appoint a new trustee in his place.

4. (1) For the purposes of the Indian Museum Act, 1876, and now holding office as Trustees, shall be deemed to be persons appointed by the Governor-General in Council in section 5 of that Act as amended by this Act—

(a) the persons nominated by the Governor-General in Council under the Indian Museum Act, 1876, and now holding office as Trustees, shall be deemed to be persons appointed by the Governor-General in Council in section 5 of that Act as amended by this Act;

(b) the President of the Asiatic Society of Bengal and the other members of the Council of that Society nominated by that Council under the Indian Museum Act, 1876, and now holding office as Trustees, shall be deemed to be persons appointed by the Council of the Asiatic Society of Bengal under the said section; and

(c) the persons elected and appointed by the Trustees under the said Act, and now holding office as Trustees, shall be deemed to have been appointed by the Trustees under the said section.

5. The Secretary to the Government of India and the Superintendent of the Geological Survey of India shall be ex-officio members of the said body corporate.

5. Notwithstanding anything to the contrary contained in the Indian Museum Act, 1876—

(1) the Trustees of the Indian Museum, if they think fit, may, with the previous sanction of the Governor-General in Council, and subject in each case to such conditions as he may approve and to such rules as he may from time to time prescribe, assume the custody and administration of collections which are not the property of the Trustees for the purposes of their trusts in that Act mentioned, and keep and preserve the collections either in the Indian Museum or elsewhere; and

(2) in the event of the trust constituted by that Act being determined, the collections of which the Trustees have assumed the custody and administration under the foregoing part of this section shall not, by reason of their then being in the Indian Museum, become the property of the Government of India.

6. And whereas it is provided in the Indian Museum Act, 1876, that the Trustees of the Indian Museum shall have the exclusive possession, occupation and control, for the purposes of their trusts in that

Act mentioned, of the whole of the building called the Indian Museum, except certain portions thereof set apart for other purposes; and whereas the Trustees are by virtue of that provision in possession of the property described in the Schedule to this Act: It is hereby enacted as follows:—

6. The Trustees may, with the previous sanction of the Governor-General in Council, and subject to such conditions as he may approve, deliver possession of that property to such person as the Lieutenant-Governor of Bengal may appoint in that behalf.

#### THE SCHEDULE.

Land bounded on the north by a straight line drawn between the east and the west boundaries parallel to the main south wall of the Museum at a distance of twenty-five feet from the said wall, on the west and south-west by the Chowringhee Road and the walls of the premises known as No. 29 Chowringhee Road, on the south by Kyd Street, and on the east by the walls of the premises known as No. 15 Kyd Street and No. 1 Chowringhee Lane, measuring in all four acres, three rods and sixteen perches, together with all buildings, roads and tanks existing or erected thereon, and all easements appertaining thereto.

#### STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to give effect to an arrangement, made with the approval of the Government of India, whereby—

- (a) The Bengal Government is to be represented among the Trustees of the Indian Museum;
- (b) The Bengal Government is to be empowered to purchase, to acquire by gift or otherwise, and to dispose of the collections of the Indian Museum, and the Art and Art Gallery, and to transfer to that Government the land on which the Indian Museum and the Art and Art Gallery are situated;
- (c) The Bengal Government is to be empowered to acquire, to purchase, to acquire by gift or otherwise, and to dispose of the collections of the Indian Museum, and the Art and Art Gallery, and to transfer to that Government the land on which the Indian Museum and the Art and Art Gallery are situated.

Sections 3 and 4 provide for the representation of the Bengal Government among the Trustees, and section 5 and 6 empower the Trustees to assign the custody of the collections belonging to the Bengal Government, and to transfer to that Government the land on which the Indian Museum and Art Gallery are situated.

18th 25th May, 1886.

S. C. BAYLEY

S. HARVEY JAMES

Secretary to the Government of India

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[Second publication]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th June, 1886.—

No. 9 OF 1886.

## THE DEBTORS BILL, 1886.

## CONTENTS.

## SECTIONS.

1. Short title and commencement.
2. Extent.
3. Definition.
4. Enforcement of decree or order for money by imprisonment permissible in excepted cases only.
5. Discretionary powers of Courts in some excepted cases.
6. Power to make rules for guidance of Courts in other excepted cases.
7. Provisions as to imprisonment under Act.
8. Commitment of fraudulent debtors to Magistrate.
9. Special provisions with respect to arrest before judgment.
10. Saving of proceedings antecedent to commencement of Act.
11. Act to bind the Crown.
12. Powers exercisable from time to time.

*A Bill to amend the law relating to Imprisonment for Debt.*

WHEREAS it is expedient to amend the law relating to imprisonment for debt; It is hereby enacted as follows:—

1. This Act may be called the Debtors Act, 1886; and it shall come into force on the first day of January, 1888.

2. (1) This Act shall extend, in the first instance, only to the territories administered by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh.

(2) But any other Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, extend this Act, with effect on and from a day not less remote than one year from the date of the notification, to the whole or any specified part of the territories under its administration or to any class of debtors within the whole or any specified part of those territories.

## 3. In this Act the expression "Revenue Court"

Definition. means a Court having jurisdiction in suits for the rent, revenue or profits of land.

4. Notwithstanding anything in the Code of Civil Procedure or any other enactment, a person shall not be liable to arrest or imprisonment for default in compliance with a decree or order of a Civil or Revenue Court for payment of money except in the following cases:—

(a) where the order is for payment of a fine; [Act X, 1882, s. 180; Act XIV, 1882, ss. 170, 171 & 412.]

(b) where the defaulter is a trustee or person acting in a fiduciary capacity, and the decree or order requires him, as such, to pay any money which is in his possession or under his control, or any money for which he is accountable and of which he has not discharged himself; [32 & 33 Vic., c. 62, s. 4; Guardians and Wards Bill, 1886, s. 38.]

(c) where the Court is satisfied that, since incurring the liability in respect of which the decree or order was made, the defaulter has fraudulently transferred, concealed or removed any part of his property, or committed any other act of bad faith in relation thereto, with the object or effect of impeding the enforcement of the decree or order by the attachment and sale of his property; [Act XIV, 1882, s. 359.]

(d) where the Court is satisfied that the defaulter either has, or has had since the date of the decree or order, the means to pay the money, and has refused or without reasonable cause neglected, or refuses or neglects, to pay the same. [32 & 33 Vic., c. 62, s. 5.]

5. In any case coming within the exception specified in clause (b) of section 4 the Court may, after inquiry into the case, Discretionary powers of Courts in some excepted cases.

grant or refuse, either absolutely or on terms, any application for the arrest or imprisonment of the defaulter, or for his release from arrest or discharge from imprisonment.

[Act XIV.  
1882, s. 287;  
32 & 33 Vic.,  
c. 62, s. 5.]

6. (1) The High Court, with respect to Courts subordinate to it, and the Chief Controlling Revenue authority, with respect to Courts subordinate to it, may, with the approval of the Local Government and the sanction of the Governor General in Council, make rules for regulating the procedure to be observed in inquiries for determining whether the case of a defaulter for whose arrest or imprisonment application has been made is a case coming within the exceptions specified in clauses (c) and (d) of section 4, or within either of these exceptions.

(2) Rules may be made under this section—

(a) for the territories administered by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh, at any time after the passing of this Act, and

(b) for territories under the administration of any other Local Government, at any time after the publication of the notification extending this Act to those territories or to any class of districts therein;

but rules so made shall not take effect until the Act comes into force in the territories for which they have been made.

(3) An authority making rules under this section shall, before making the rules, prepare a draft of the proposed rules in such manner as the Governor General in Council, by notification in the Gazette of India, prescribes.

(4) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(5) The authority making the rules shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(6) A rule made under this section shall not take effect until it has been published in the local official Gazette.

(7) The publication in that Gazette of a rule purporting to be made under this section shall be conclusive proof that it has been duly made.

7. The operation of the enactment under which the defaulter is liable to

Provisions as to imprisonment under Act—any case coming within the exceptions specified in clauses

(b), (c) and (d) of section 4, or within any of those exceptions, or is entitled to release from the arrest or discharge from the imprisonment, shall be subject to the following provision, namely:—

(a) the defaulter may be imprisoned for such term, not exceeding six months, as the Court directs;

(b) no allowance for the subsistence of the defaulter, or for supplying him with clothing or bedding, shall be payable by the person on whose application the order for the imprisonment of the defaulter is made;

(c) during the term of his imprisonment the defaulter shall be maintained at the

expense of the Government, and be subject, as nearly as circumstances admit, to the discipline prescribed in the case of a criminal prisoner undergoing simple imprisonment;

(d) notwithstanding the payment of the money in respect of which the decree or order was made, or any arrangement for the payment thereof or proof of present inability to pay it, or any expression of intention to apply for a declaration of insolvency, or any request by the person on whose application the order for the arrest or imprisonment was made, the defaulter shall not be released from arrest, or, if he is in prison and the term of his imprisonment is not fulfilled, be discharged from prison, without the order of the Court;

(e) an appeal from the order for the imprisonment of the defaulter, and from an order refusing his release or discharge under clause (d) of this section, shall be—

(i) if the Court making the order is a Civil Court subordinate for the purposes of the Code of Civil Procedure to the District Court, then to the District Court,

(ii) if the Court making the order is any other Civil Court, then to the High Court, and

(iii) if the Court making the order is a Revenue Court, then to the authority to which appeals lie from orders of the Court relating to the execution of decrees, or, where those orders of the Court are final, to such authority as the Local Government may, by notification in the official Gazette, appoint in this behalf;

and the order passed on the appeal shall be final.

8. Where the Court is of opinion that the Commitment of fraudulent defaulter has been guilty of any offence under the Indian Penal Code or under any enactment for the time being in force for the punishment of fraudulent debtors, it may, if it thinks fit, instead of ordering his imprisonment under this Act, send him to a Magistrate to be dealt with according to law.

9. Notwithstanding anything in Chapter XXXIV of the Code of Civil Procedure, or any other enactment, a defendant in a suit for money only who has been arrested before judgment shall not, as such, either be required to give security for his appearance at any time after the day on which judgment is given, or, if he has been committed to prison, be detained in prison after that day:

Provided that, if judgment is given against the defendant, and the decree-holder applies, on the day on which judgment is given, for the enforcement of the decree by the imprisonment of the judgment-debtor, the Court may require the judgment-debtor to give such security as it thinks

Act XIV,  
1882, s. 312.  
Act XII,  
1881 s. 163.]

Act XIV,  
1882, s. 339;  
Act XII, 1881,  
s. 165 and  
166; & Act  
XXVI, 1870,  
s. 36.]

[L. R.,  
Ch. D.,  
1882, s.  
& 311, s.  
XII, 188-  
163.]

[Act XI  
1882, s.  
(29).]

XIV of 1

[Act XII  
1881, s. 1]

[Act XIV  
1882, s. 6  
Act XII, 1  
s. 169.]

[Act

1882, s. 1

Indian Pe  
punishment  
it may, if it  
thinks fit, in  
1886, s. 1

[32 & 33  
XXXIV of  
c. 62, s. 6  
XIV of 18

sufficient for his appearance at any time when called upon while the application is pending, and, if he fails to give the security, may commit him to prison, or place him in the custody of an officer of the Court, until the disposal of the application.

10. Nothing in this Act shall affect the liability Saving of proceedings to arrest and imprisonment of any person for whose arrest antecedent to commencement of Act, in execution of a decree or order a warrant has been issued by a Civil or

Revenue Court before this Act comes into force in the territory in which the Court is established.

11. The provisions of this Act shall bind the Act to bind the C. and Crown.

12. All powers conferred by this Act may be Powers exercisable from time to time as occasion requires.

## STATEMENT OF OBJECTS AND REASONS.

### *Imprisonment for Debt in India.*

A decree or order for the payment of money may be enforced in India by the imprisonment of the judgment-debtor (Act XIV of 1882, s. 251). The Court has a discretionary power to refuse execution at the same time against the person and property of the judgment-debtor (s. 230), but has no discretionary power to refuse execution either against person or against property at the option of the creditor. When an application for execution of a decree is presented, it must, if it is not barred by efflux of time and is otherwise in order, be admitted, and then the Court must order execution of the decree *according to the nature of the application* (s. 245). The Court cannot refuse to issue its warrant for the execution of the decree unless it sees cause to the contrary (s. 250), and "cause to the contrary," as interpreted by the Courts, means some cause which deprives the decree-holder of the right to execute, or to execute against the party against whom execution is sought, or to execute in the mode prayed for.

2. A judgment-debtor may, when arrested, obtain immediate release by payment of the debt; but if he does not, he must be brought at once before the Court (ss. 336-337).

3. The Local Government may by notification\* direct that whenever a judgment-debtor is arrested in execution of a decree for money, and brought before the Court, the Court shall inform him that he may apply, under Chapter XX of the Code, to be declared an insolvent, and that he will be discharged if he has not committed any act of bad faith regarding the subject of his application, and if he places all his property in possession of a receiver appointed by the Court (s. 336).

4. If the judgment-debtor expresses his intention so to apply, and furnishes sufficient security that he will appear when called on, and that he will, within one month, apply to be declared an insolvent, the Court is to release him from arrest. But if he fails so to apply, the Court may either direct the security to be realised, or commit him to prison in execution of the decree (s. 336).

5. A person is not to be imprisoned in execution of a decree for more than six months, or, if the debt does not exceed fifty rupees, for more than six weeks (s. 312).

6. Whilst he is in prison, a monthly allowance must be paid for his subsistence according to scales fixed by the Local Government. The allowance is to be supplied by the decree-holder, and is to be deemed costs in the suit (ss. 338 to 340).

7. He is to be discharged from prison—

- (a) on the amount mentioned in the warrant of committal being paid to the officer in charge of the prison, or
- (b) on the decree being otherwise fully satisfied, or
- (c) at the request of the person on whose application he has been imprisoned, or
- (d) on default in the payment of the allowance for his subsistence, or
- (e) on his being declared an insolvent, or
- (f) on the expiration of the term of his imprisonment (s. 341).

His discharge from prison does not discharge him from his debt, but he cannot be re-arrested under the same decree (s. 341).

8. By the Presidency Small Cause Courts Act, XV of 1882, the provisions of the Code of Civil Procedure are applied, with modifications and exceptions, to the procedure in the Small Cause Courts at Calcutta, Madras and Bombay. Among the provisions not so applied are those which relate to the release of an arrested judgment-debtor on his expressing an intention to apply for a declaration of insolvency. Chapter XX of the Code, relating to insolvent judgment-debtors, is also not applied to these Courts. (See s. 23 and sched. II.)

9. The Act, however, contains certain special provisions with respect to an arrested judgment-debtor. Under section 29 the Court may release him from arrest on his giving security for payment. And under section 30, if it appears to the Court that a judgment-debtor under its decree is unable, from sickness, poverty or other sufficient cause, to pay the amount of the decree, or of any instalment under the decree, the Court may, from time to time, for such time and on such terms as it thinks fit, suspend the execution of the decree, and release the debtor, or make such order as it thinks fit.

10. In the four districts of the Dekkhan to which the Dekkhan Agriculturists' Relief

\* "No agriculturist shall be arrested or imprisoned in execution of a decree for money passed whether before or after this Act comes into force."—(Act XVII of 1879, s. 21, as amended by Act XXII of 1882, s. 8.)

Acts apply arrest and imprisonment for debt have been abolished in the case of agriculturists.\* And certain special Acts for the relief of embarrassed landholders contain provisions protecting the debtor from arrest or imprisonment in respect of the debts

to which the Acts apply.

#### *Imprisonment for Debt in England.*

11. Imprisonment for debt was abolished in England by the Debtors Act of 1869 (32 & 33 Vic., c. 62), except in the following cases:—

- (1) default in payment of a penalty, or sum in the nature of a penalty, other than a penalty in respect of a contract;
- (2) default in payment of a sum recoverable summarily before a Justice or Justices of the Peace;
- (3) default by a trustee or person acting in a fiduciary capacity and ordered to pay by a Court of Equity any sum in his possession or under his control;
- (4) default by a solicitor in payment of costs, when ordered to pay costs for misconduct as such, or in payment of a sum of money, when ordered to pay the same in his character of an officer of the Court;
- (5) default in payment for the benefit of creditors of any portion of a salary or other income, in respect of the payment of which any Court having jurisdiction in bankruptcy is authorized to make an order;
- (6) default in payment of sums in respect of the payment of which orders may be made under the Act (that is, cases of contumacious refusal under section 5 of the Act, see para 14).

12. The term of imprisonment in these excepted cases must not exceed one year (s. 4).

13. In cases (3) and (4) the Court has power to enquire into the case, and at discretion to grant or refuse an order for arrest or imprisonment (41 & 42 Vic., c. 51, s. 1).

14. Under section 5 of the Act of 1869, a Court may commit to prison for a term not exceeding six weeks, or until payment of the sum due, any person who makes default in payment of any debt, or instalment of any debt, due from him in pursuance of any order or judgment of that or any other competent Court. But the power is not to be exercised unless it is proved to the satisfaction of the Court that the person making default has, or has had, since the date of the order or judgment, the means to pay the sum in respect of which he has made default, and has refused or neglected to pay it. "Proof of the means of the person making default may be given in such manner as the Court thinks just, and for the purposes of such proof the debtor and witnesses may be summoned and examined on oath, according to the prescribed rules." A summons under this section is usually called a judgment summons.

15. It will be observed that all the cases in which a debtor is liable to imprisonment under the Act of 1869 involve some degree of delinquency.† And it has been held by high authority‡ that the Act was distinctly intended for the purpose of punishing fraudulent or dishonest debtors.

16. Sums recoverable summarily before Justices, or, as they are called in modern statutory language, Courts of summary jurisdiction, are usually fines. But as ordinary civil debts are in some cases so recoverable, it has been provided by the Summary Jurisdiction Act, 1879 (42 & 43 Vic., c. 49, section 35) that an order of a Court of summary jurisdiction for the payment of a civil debt is not to be enforced by imprisonment, unless the case is such as would make the debtor liable to imprisonment under section 5 of the Debtors Act, 1869.

#### *Imprisonment for Debt in Scotland.*

17. In Scotland imprisonment for debt for sums under £5-6-8 was abolished in 1835 by 5 & 6 Wm. IV, c. 70, but alimentary debts (that is, debts for the support of the debtor's wife or children) were excepted from the operation of that Statute. In 1880 was passed the Debtors (Scotland) Act, 1880 (43 & 44 Vic., c. 34), which enacts, by section 4, that,

"with the exceptions hereinafter mentioned, no person shall, after the commencement of this Act, be apprehended or imprisoned on account of any civil debt.

"There shall be excepted from the operation of the above enactment—

- (1) taxes, fines or penalties due to Her Majesty, and rates and assessments lawfully imposed or to be imposed ;
- (2) sums decreed for aliment :

"Provided that no person shall be imprisoned in any case excepted from the operation of this section for a longer period than twelve months."

The same Act contains provisions for the relief of insolvent debtors and for the punishment of fraudulent debtors.

18. By the Civil Imprisonment (Scotland) Act, 1882 (45 & 46 Vic., c. 42), imprisonment for alimentary debts was abolished, except in cases where there is a wilful failure to obey the decree for the debt (ss. 3 and 4), and the maximum term of imprisonment for failure to pay rates or assessments was reduced to six weeks (s. 5).

*Imprisonment for Debt in Ireland.*

19. In Ireland the law as to imprisonment for debt is regulated by the Debtors Act (Ireland), 1872 (35 & 36 Vic., c. 57), as amended by 41 & 42 Vic., c. 54, and is practically identical with the English law.

*Proposals for amendment of Indian Law.*

20. On the 17th November, 1881, a circular was addressed by the Government of India to all Local Governments and Administrations, stating that the Government of India had under consideration the question of amending the provisions of the Code of Civil Procedure bearing upon the question of the arrest of *pardānashin* women in execution of the decrees of Civil Courts, but that before coming to any final conclusion on the subject the Governor General in Council thought it desirable to deal with the larger question of abolishing imprisonment for debt, and for this purpose to enquire whether sufficient reasons exist for the continued maintenance in India of the present system. Local Governments and Administrations were accordingly requested to favour the Government of India with a full expression of their opinion on the matter.

21. The replies to the circular disclosed much difference of opinion as regards the advisability of maintaining in India the present system of imprisonment for debt.

22. In favour of the maintenance under existing circumstances of the present system of imprisonment for debt were the Madras Government, the Madras High Court, the Bombay Government, the Bombay High Court, the Calcutta High Court, the Calcutta Chamber of Commerce and the Trades Association, Calcutta (unless a change were accompanied by the enactment of a stringent bankruptcy law), the British Indian Association, Calcutta, the Board of Revenue, North-Western Provinces, the Punjab Chief Court, the Chief Commissioner of the Central Provinces, the Chief Commissioner of Assam (provided the law were so altered as to permit the issue of process against the person only after all means of realising the decree by process against property have been exhausted), and the Chief Commissioner and the Judicial Commissioner of Coorg. The arguments which they advanced appear to be in the main the following :—

- (a) that the total abolition of imprisonment for debt in India would be premature, and would remove from the Statute Book the only check upon the fraudulent alienation of property by solvent but dishonest debtors ;

- (b) that legislation has proceeded quite far enough in relief of the judgment-debtor,

\* Sir C. Sargent, of the Bombay High Court, wrote :—

"The legal incidents of the undivided Hindu family, the minute distribution of property caused by the Muhammadan law of descent, and, though last not least, the practice of creating benami titles so common in this country, afford the dishonest debtor endless opportunities of baffling the efforts of the judgment-creditor to attach his property."

while there are in India special difficulties in executing a decree by attachment of property when the judgment-creditor is a member of an undivided\* family. Creditors are not, it is said, in the habit of proceeding to extremities unless the debtor has the means of liquidating a portion at least of the debt. The men who go to prison are

for the most part those who obstinately refuse to pay their debts, and cases of imprisonment for debt are not numerous ;

- (c) that the abolition of imprisonment for debt would deprive lenders of personal security, would thereby depreciate credit, and would involve an increase in the rate of interest, already very high. In the case of agriculturists this might seriously impair their ability to pay the land-revenue ;

- (d) that abolition of imprisonment for debt should only be attempted when the habits of secrecy, engendered by centuries of oppression, have partly worn away, and when transactions are open and the registration of deeds and bonds has become habitual. When the debtor's property can be easily traced and seized in execution of a decree, then it will be reasonable and right to withhold execution on the body of a pauper debtor except as a distinctly exceptional and penal measure in the case of fraud.



23. In support of the abolition of imprisonment for debt were the following authorities:—

- (a) the Advocate General of Bengal, who advocated the introduction of the English system, because there is no reason why the matter should not be regulated in India as in England, if proper exceptions and limitations, as contained in the English Debtors Act of 1869, are prescribed, and because the abolition of imprisonment for debt would not cause any public injury, while, on the other hand, the present system in most instances operates only as a means of oppression, to the total ruin of the party imprisoned and of his family;
- (b) the Bengal Government, which, while not prepared to resist the opinions of the local officers that abolition would at present be premature, thought that, if an alteration of the bankruptcy law were at any time undertaken, measures might then be adopted for the abolition of imprisonment for debt in cases where fraud is not established against the judgment-debtor;
- (c) the North-Western Provinces and Oudh Government, which regarded the existing practice of placing in the creditor's hands the power of selecting his own method of coercion as a relic of the old semi-barbarous debt laws which has now been eliminated from almost every civilized code of judicial procedure. The present system operates with severity against all debtors, honest and dishonest, indiscriminately. The power of subjecting a debtor to arrest and imprisonment should be entrusted *not* to the decree-holder, but to the Courts, and its exercise should be limited to cases where clear proof exists of fraudulent and contumacious attempts on the part of the judgment-debtor to defeat the operation of a decree. Imprisonment is especially hard on the cultivator and working-man, whom it deprives of their means of subsistence and of providing for their families;
- (d) the North-Western Provinces High Court, which advocated the abolition of imprisonment for debt, as it is doubtful whether "any useful purpose is served by the perpetuation in this country of that remnant of barbarism";
- (e) the Punjab Government, which believed that there is some reason to fear that, under the present system, creditors occasionally make use of the law to gratify vindictive feelings or personal spite, and to coerce debtors to sell their land and property at a price below its proper value or to relinquish their just rights. Discretionary power ought to be expressly allowed to the Civil Courts, imprisonment not being resorted to as an ordinary process of execution of a decree, unless the Court is satisfied that there has been fraud or wilful concealment of property;
- (f) the Chief Commissioner of British Burma, who pointed out that the imprisonment of debtors who are paupers, but who are not fraudulent, does no real good to any class, works directly and indirectly great harm to the poorer classes, and causes a distinct loss to the community at large. The practice of permitting such imprisonment has been gradually circumscribed among other civilized nations; among some nations it has absolutely ceased; and there is no reason why the way should not be paved for the disappearance of the system in India. Civil Courts should be allowed to grant execution against the body of judgment-debtors against whom there might be *prima facie* ground for presuming fraud or bad conduct, unless the presumption were rebutted by the judgment-debtor;
- (g) the Judicial Commissioner of British Burma and the Recorder of Rangoon, who were of opinion that imprisonment for debt should be abolished, except in case of fraud, which should be punished criminally. The Recorder recommended that the law as it now obtains in England should be applied to India;
- (h) the Resident at Hyderabad, who considered that the present system of imprisonment for debt is not wanted to compel payment, while it may be used to bring undue pressure to bear upon a debtor, especially in an agricultural country where interest in land is generally given as security for debts. He recommended that imprisonment for debt should be retained only to meet cases in which debtors abscond or endeavour to fraudulently evade meeting their obligations.

24. Thus, the preponderance of opinion was on the whole in favour of the maintenance of imprisonment for debt under the present condition of India, but a considerable and influential minority were in favour of its abolition.

25. The arguments on which the upholders of the present system rely fall into two classes: first, arguments which, if valid at all, are valid for England as well as for India; and, secondly, arguments based on the special circumstances and conditions of India.

26. To arguments of the first class belongs the assertion that "to remove from the Statute Book the penalty of arrest and imprisonment in execution of a decree for money would be to paralyze the commerce and trade of the country." The same objection was made in

\* See Lord Cottenham's speech in 1814 on the Creditors and Debtors Bill; Hansard, 71, page 153.

England, first to the abolition of arrest on mesne process,\* and afterwards to the abolition of arrest on final process. The power of arrest was removed, and neither commerce nor trade shewed any symptoms of paralysis.

27. Those who uphold imprisonment for debt, not as being generally expedient, but as being specially required for India, do so mainly on two grounds: first, the complexity and obscurity of Indian titles to property; and, secondly, the exceptional prevalence of fraud in India, and the exceptional difficulties of detecting it.

As to the first ground, it has been remarked that if it is wrong to allow a debtor to pledge his person as security for his debts, it is not the less wrong because, owing to the defect of Indian property law, he finds difficulty in giving a satisfactory security over his property.

In the argument based on the prevalence of, and difficulty of detecting fraud, there is undoubtedly much force, though it may be doubted whether the obstacles which can be placed in the way of a creditor realizing his debts are not as great in England as in India. But, however this may be, to make an honest, though needy, debtor liable to imprisonment, simply because fraudulent debtors are numerous and difficult to detect, appears to be as unjust as it would be to make homicide by misadventure punishable by death, simply because the crime of murder was rife and hard to prove.

28. There are in the opinion of the Government of India two principles which ought to be observed in every law of debtor and creditor. The Courts ought not to give effect to any pledge by a debtor either of his person or of the bare necessities of life. The debtor ought not to be allowed, by his own action, supplemented by the action of the Courts, either to deprive himself of his personal liberty, or to reduce himself to starvation. If he cannot obtain credit except on one or other of these securities, it is better that he should not obtain credit at all. Experience acquired in the Dekkhan goes to show that these principles are as applicable to India as to England. The Code of Civil Procedure recognises one of these principles by exempting from seizure for debt the debtor's bare means of subsistence. But this recognition is nullified by the refusal to adopt the principle of exempting the debtor's person from seizure. Of what use is it to reserve by law to the debtor the bare necessities of life, when he can be compelled to give them up by the threat of imprisonment? By those who advocate the retention of the present system, much reliance is placed on the very small proportion of actual imprisonments to warrants of arrest; and the inference drawn from this proportion is that the law, though harsh in theory, produces no hardships in practice. But there is reason to believe that, in the great majority of cases, exemption from arrest is purchased either by renewal of bonds on extortionate terms, or by surrender of property which the law has exempted from seizure, or by surrender of property which does not belong to the debtor at all, but to his relations or friends. In other words, the law enables a creditor to do indirectly what it forbids him to do directly.

29. It is said that the honest debtor has an easy way out of prison through the door of insolvency. But in the first place, the honest debtor ought not to be sent to prison at all; and in the next place, the door which is provided for his release is, for some reason or other, very rarely used. There is, or was until recently, a strong concurrence of opinion to the effect that the Insolvency Chapter of the Code of Civil Procedure is practically a dead letter. As to the causes of its failure,—whether it is to be accounted for by the preliminary proceedings being unnecessarily cumbrous or expensive, or by the difficulty of satisfying the Court under section 351 that the debtor has not been guilty of any kind of misconduct, or by ignorance of the law and of the modes of relief available to debtors,—opinions differ; but about the fact of failure there appears to be no difference.

30. Since 1883 the Government of India has received and published reports obtained from Her Majesty's representatives abroad on the systems of imprisonment for debt in force in the various countries to which they are accredited. Those reports showed that imprisonment for debt has been abolished in nearly all civilized countries.

31. Having regard to the state of the law in the United Kingdom, to those reports, to the success which has attended the abolition of imprisonment for debt in the case of agriculturists to whom the Dekkhan Agriculturists' Relief Acts apply, to some expressions to be found in the opinions of the authorities who considered the draft Bankruptcy Bill of 1885, and to the advocacy by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh, and by the Chief Justice and Judges of the High Court of Judicature for the North-Western Provinces, of the entire abolition of the process of arrest for debt, so far as it is a process that can be set in motion at the discretion of the creditor, and of the enforcement of the process being restricted to cases in which the Courts are satisfied that there have been fraudulent and contumacious attempts to defeat the operation of decrees, the Government of India has decided to introduce a Bill giving effect tentatively and, in the first instance, within a limited area to the policy which dictated the English Act of 1869, and is believed by several authorities of weight to be applicable to India.

#### *Provisions of Bill.*

32. *Sections 1 and 2.*—It is proposed that the measure shall apply in the first instance to the North-Western Provinces and Oudh, and be extendible to other Provinces, or to particular classes of debtors in other Provinces, by Local Governments with the previous sanction of the Governor General in Council.

From the opinions recorded by the Chief Commissioner and by Mr. MacEwen, the Officiating Recorder of Rangoon, on the draft Bankruptcy Bill of 1885, and by the Recorder, Judicial Commissioner and other authorities, European and Native, on the circular of 1881, there appears to be a strong feeling in Burma in favour of abolishing imprisonment for debt where the debtor has not been guilty of fraud. But it is considered desirable that the proposed Act should apply in the first instance to the territories under one Local Government, and that its effect there should be ascertained before the Act is extended to other parts of the country.

The date on which the Act is to come into force in the North-Western Provinces and Oudh is the 1st of January, 1888. If therefore the Bill is passed during the present year, decree-holders will have more than twelve months within which they may proceed against their judgment-debtors under the provisions of the Code of Civil Procedure. In England the period which elapsed between the passing and the coming into force of the Debtors Act 1869, was less than five months.

33. *Section 4.*—This section is based on section 4 of the Debtors Act, 1869, but applies only to arrest and imprisonment for default in compliance with decrees and orders of Civil and Revenue Courts. Clause (c) is specially designed to check those fraudulent alienations of property by solvent but dishonest debtors which are relied on by the opponents of any mitigation of the existing law as the main justification of imprisonment for debt.

34. *Section 5.*—This section, following the 41 & 42 Vic., c. 54, permits the Court to refuse, either absolutely or on terms, an application for the arrest or imprisonment, or for the release or discharge from arrest or imprisonment, of a defaulter who is a trustee or person acting in a fiduciary capacity and is required, as such, to pay any money which is in his possession or under his control, or any money for which he is accountable and of which he has not discharged himself.

The origin and object of this clause are stated as follows by Jessel, M. R., in *Morris v. Ingram* (L. R. 13 Ch. D. 343):—

"Then we come to the Amendment Act of 1878 which was passed to meet a special class of cases, and the history of that Act was this. An application was made before me for the imprisonment of a trustee who had been ordered to pay a sum of money. It was a very hard case, one of an unintentional breach of trust; and though the man was actually dying, I had no alternative but to make an order. Then I had various other cases before me which led me to regret that the Court had no discretion, for it not unfrequently happened that a person who came in strictness under the first class of offences \* was not guilty of any moral offence. Under those circumstances I thought it would be wise and prudent that a discretion should be given to the Courts to deal with exceptional cases, but not with the intention of repealing the existing Act. Mr. Marten, being a member of the Legislature, then adopted my suggestion, and procured this Amendment Act to be passed."

35. *Section 6.*—This section empowers the High Court and the Chief Controlling Revenue-authority to make rules for regulating the procedure to be followed in the Courts subordinate to them respectively in inquiries as to the liability of persons to arrest and imprisonment on the ground of fraud or contumacy.

36. *Section 7.*—This section modifies the operation of enactments authorising arrest and imprisonment for default in compliance with decrees and orders of Civil and Revenue Courts for payment of money.

Clause (a), following the Code of Civil Procedure, limits the term of imprisonment to six months, notwithstanding that section 163 of the North-Western Provinces Rent Act, 1881, authorises imprisonment in certain cases for so long a period as two years.

Clause (b) relieves the decree-holder of the liability to maintain his judgment-debtor while in prison. If imprisonment is retained, not as a mode of enforcing payment but simply as a punishment, it will hardly be possible to continue the liability. This liability existed under the old Insolvency Law in England, and the Act which imposed it was once described as giving the creditor "the power of imprisoning and tormenting his debtor at the

expense of 3s. 6d. per week."\* If it is abolished, great care should be taken that imprisonment is not inflicted except in cases of misconduct which deserve punishment.

Clause (c) requires that the defaulter, though in the civil jail, shall nevertheless be subject, as nearly as circumstances admit, to the discipline prescribed in the case of a criminal prisoner undergoing simple imprisonment. Where a person is ordered to pay a fine, the nature and term of his imprisonment will be regulated by the general law. This clause relates to the other cases in which a debtor is liable to imprisonment. Those cases, as before observed, all involve some degree of delinquency (L. R. 6 Ch. 157), and the imprisonment contemplated by the Bill, as by the English Act (L. R. 13 Ch. D. 343), is simple, that is, without hard labour. The effect of this clause will be to deprive the defaulter, as a civil prisoner, of the privilege of maintaining himself, and purchasing or receiving from private sources food, clothing, bedding, and other necessaries (Act XXVI of 1870, s. 34).

Clause (d) provides that, except where the arrest or imprisonment is for default in payment of a fine, the defaulter, when once arrested or imprisoned, shall not be released from

arrest, or discharged from prison, without the order of the Court. The Court may grant the order or refuse it. If it refuses the order, the defaulter may appeal.

Clause (c) so far modifies clause (29) of section 588 of the Code of Civil Procedure as to admit of an appeal being preferred from an order for imprisonment in execution of a decree.

37. *Section 8.*—This section follows section 359 of the Code of Civil Procedure in providing that where the Court is of opinion that the defaulter has been guilty of an offence against the Indian Penal Code or any special enactment for the punishment of fraudulent debtors, it may, instead of ordering his imprisonment in the civil jail, send him to a Magistrate to be dealt with according to law.

38. *Sections 9 and 10.*—These sections contain special provisions with respect to arrest before judgment, and save proceedings taken before the Act comes into force.

39. *Section 11.*—It has been decided *In re Hearens Smith* (L. R. 2 Ex. D. 17) that the English Debtors Act of 1869 does not apply to a case in which the defaulter is a debtor to the Crown. It is proposed that the Indian Act shall have the like effect as against the Crown where a decree or order for payment of money is made in its favour by a Civil or Revenue Court, as it will have against a subject.

40. The question of giving the Courts a discretionary power to refuse an order for the arrest and imprisonment of a judgment-debtor, or at least of a female judgment-debtor, will be considered when next the Code of Civil Procedure comes under revision.

C. P. ILBERT.

*The 9th June, 1886.*

S. HARVEY JAMES,

*Offg. Secretary to the Government of India.*



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[ Second publication. ]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th June, 1886.—

NO. 10 OF 1886.

*A Bill to declare certain allowances collectively known as Oudh Wasikas to be pensions within the meaning of the Pensions Act, 1871.*

WHEREAS, on the death of Her Highness the Bahu Begam, His Highness the Nawab Vazir of Oudh delivered to the British Government a sum of money with intent that the interest accruing thereon should, in compliance with the wishes of Her Highness the Bahu Begam as expressed in a Deed of Deposit executed by her in the year 1813, be applied by the British Government to the payment of certain pensions, which pensions are known as the Amanat Wasikas;

And whereas in the year 1813 the said Government guaranteed the payment of certain pensions to persons connected with the Khas Mahal of Her Highness the Bahu Begam, which pensions are known as the Zamanat Wasikas;

And whereas in the years 1814, 1825, 1829 and 1838 loans, known respectively as the 1st, 3rd, 5th and 6th Oudh loans, were made by the Rulers of Oudh to the Hon'ble the East India Company with intent that the interest accruing thereon should be applied by the said Government to the payment of certain pensions, which pensions are known as the Loan Wasikas;

And whereas the said Government reserved to itself the right of commuting the pensions to the

payment of which the Oudh loan was to be

And whereas the Amanat, Zamanat and Loan Wasikas have been regarded as pensions to which the Pensions Act, 1871, applies, and rules respecting them have been made and published under section 14 of that Act;

And whereas, since the making and publication of the rules, doubt has been expressed whether the said Wasikas are pensions within the meaning of the Pensions Act, 1871;

And whereas it is expedient to declare them to be pensions within the meaning of that Act;

It is hereby enacted as follows:—

1. This Act may be called the Oudh Wasikas Act, 1886.
2. The allowances respectively known as the Amanat Wasikas, the Zamanat Wasikas and the Loan Wasikas are, within the meaning of the Pensions Act, 1871, pensions conferred by a former Government and continued by the British Government on political considerations.
3. Notwithstanding anything in section 10 of the said Act the Local Government may, without the consent of the holder of a pension payable out of the interest accruing on the 5th Oudh loan, order the whole or any part of the pension to be commuted on the terms referred to in the fourth article of the treaty executed with respect to that loan on the first day of March, 1829, and ratified by the Governor General in Council on the eighth day of May in the same year.

## STATEMENT OF OBJECTS AND REASONS.

CERTAIN allowances, locally known as Amanat Wasikas, Zamanat Wasikas and Loan Wasikas, are paid by the British Government to the descendants of certain relatives and dependants of the Fa'lu Begam and the Vazirs and Kings of Oudh. Till the year 1850 no doubt was entertained that these allowances were pensions within the meaning of the Pensions Act, 1871. In that year it became desirable on financial grounds to commute one of the largest of them, and, a dispute having arisen as to the person entitled to receive the capital payment of the allowance, the Government had to consider whether it could safely pay the amount under cover of the Pensions Act to the person who appeared to be best entitled. The Hon'ble the Advocate General inclined to the opinion that a Wasika was a pension within the meaning of the Act, but thought there was a good deal to be said in favour of the opposite view. As the sum involved was so very large that the Government would not have been justified in incurring any risk in disposing of it, a special Bill was introduced into the Legislative Council and passed as the Taj Mahal's Pension Act, 1851.

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This step, which the Government was compelled to take for its own protection, necessarily suggested a doubt as to the applicability of the Pensions Act to Wasikas.

As it is expedient on political considerations that there should be no room for question as to the applicability of the Act to Wasikas, the Government has decided to introduce this Bill to remove the doubts created by the legislation of 1881.

*The 9th June, 1886.*

J. W. QUINTON.

S. HARVEY JAMES,

*Offg. Secretary to the Government of India.*





SUPPLEMENT TO

# The Gazette of India.

No. 25.]

SIMLA, SATURDAY, JUNE 19, 1886.

## OFFICIAL PAPERS.

*A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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### GOVERNMENT OF INDIA.

#### REVENUE AND AGRICULTURAL DEPARTMENT.

#### REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING 16th JUNE, 1886.

**GENERAL REMARKS.**—Rain has been general in the Madras Presidency, in the Southern portion of the Bombay Presidency, in Berar and Hyderabad, in Southern and Eastern Bengal, and in Assam. In Coorg the fall has been heavy. Slight rain has fallen in parts of the Central Provinces, the North-Western Provinces, Rajputana, and Central India.

In Madras the standing crops are generally in good condition and prospects are fair. Prospects are good in Mysore and Coorg.

*Kharif* preparations are in progress in Bombay, the Central Provinces, Berar and Hyderabad, and have commenced in the North-Western Provinces and Oudh and in Rajputana. In the Punjab the *rabi* harvest has been nearly finished.

Cultivation is progressing in Bengal and prospects are favourable, but more rain is wanted in many places for sowings. Prospects are generally good in Assam, but more rain is wanted in Cachar and Dibrugarh.

No report has been received from British Burma for the week under notice.

The public health continues fair.

Prices are steady, except in some districts of the Punjab and the Bangalore district of Mysore.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras —(June 16th)</b>		
Bellary . . .	Average 1'31	Standing wet crops generally good; harvest second crop paddy, yield about average. Cattle-disease in one taluk.
Kurnool . . .	Average last week since revised, 1'33; this week, '60.	Small-pox and cattle-disease in three taluks.
Ganjam . . .	Average last week since revised, 1'19; this week, '37.	Slight small-pox in six and cattle-disease in three taluks; slight cholera. Average number employed on Chaika canal last week 87, this week 50.
Kistna . . .	Average 1'71	River 14 feet water over amount. Slight fever and small-pox; cholera in five taluks and cattle-disease in one.
Chingleput (Madras) .	Average 2'04	Standing crops good; harvest wet and dry grains, outturn below average. Fever in one and cattle-disease in two taluks.
Coimbatore . . .	Average '24	Standing crops generally good, but <i>cholera</i> suffering from insects in parts of two taluks; harvest paddy and <i>coolum</i> , outturn paddy average, <i>cholera</i> about average. Small-pox in one village and fever in one taluk.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—contd.</b>		
Tanjore . . . .	Average last week since revised, 141; this week, 133.	Standing crops generally good.
Madura . . . .	Average last week since revised, 205; this week, 225.	Health of people and cattle generally good.
Malabar . . . .	Average 4.52	Harvest third crop paddy completed, outturn below average. Fever in one, slight small-pox in eight, and cholera in three taluks.
Travancore . . . .	3.79	Small-pox and fever in parts.
<b>Bombay—(June 16th)</b>		<i>General Remarks</i> —General prospects fair.
Kurrachee . . . .	Nil	River at Kotri on 14th, 11 feet 9 inches against 12 feet 7 inches on same date last year. <i>Kharif</i> transplanting commenced in four talukas, damage to <i>kharr</i> crops by turtles and <i>kooka</i> in Ghottari and Shabbandar talukas. Fever in nine and cattle-disease in two talukas; small-pox in three villages in districts, one fresh case, five recovered, three remaining sick. Prices:—wheat, red rice and <i>barri</i> in Kurrachee 26, 30 and 44, in Sakro 38 and 47, in Mirpur Boreo 24, 40 and 42, and in Sehwan 32, 40 and 40 pounds per rupee, respectively.
Hyderabad . . . .	Nil	Weather close and sultry. <i>Kharif</i> cultivation in progress and transplanting general. River at Kotri on 14th, 11 feet 9 inches against 12 feet 7 inches on same date last year. Fever in three, small-pox in two, and cattle-disease in two talukas. Wheat 26, <i>barri</i> 30, <i>barri</i> 33, white rice 10, and red rice 28 pounds per rupee.
Ahmedabad . . . .	Nil	Agricultural operations in progress. Public health good. Wheat 25 and <i>barri</i> 32 pounds per rupee.
Baroda . . . .	Nil	Small-pox and measles still continue in Naoan. Preparations for <i>barri</i> in progress. <i>Barri</i> 27, wheat 22, and rice 17 pounds per rupee.
Surat . . . .	Bardoli, 265; Pardi, 03; Mandvi, 150.	Preparations for agriculture going on. Fever and cough in Bardoli taluka. <i>Barri</i> 38 and <i>barri</i> 40 pounds per rupee.
Nasik . . . .	Rain throughout the district; maximum at Sinnar 3.07, minimum at Bardoli, 2.40.	Land being prepared for <i>barri</i> sowing in some places, and in other <i>barri</i> sowing in progress. Public health good throughout the district, cattle-disease in one village in Baglan taluka, 50, cloudy. Wheat 31½, <i>barri</i> 31, and rice 17½ pounds per rupee.
Colaba (Bombay) . . . .	Slight rain on 11th and 14th, .05.	Total rainfall to date 20.5, being 6.05 below average. Average abnormal temperature 2° warm from 9th to 12th and 3° warm from 13th to 15th; vapour in air normal; abnormal wind northerly; distant lightning on 9th and 10th, thunder and lightning on 11th.
Poona . . . .	Rain throughout the district; maximum at K'ch, 1.92; minimum at Purandhar, 20.	Sowing commenced in some parts of the district. Public health good; cattle-disease in Junnar and Bhamburda talukas. <i>Barri</i> 33 and <i>barri</i> 33 pounds in the district, in Poona <i>barri</i> 30 and <i>barri</i> 35 pounds per rupee.
Ahmednagar . . . .	Rahuri, 2.44; Nagpur, 2.10; Sanglis, 1.07; 2.04; Purna, 1.07; Akola, Shrigonda, Shreegan, Kargoon, Jamshed, and K'ch, from .55 to .94; N'war, 1.30.	Public health good. <i>Barri</i> —maximum 60 pounds, and minimum 39, <i>barri</i> —maximum 54 and minimum 48 pounds per rupee.
Sholapur . . . .	Sholapur, .97; Bar, 1.11; Modha, 1.01; Karmada, .33; Pundhar, .09; Sangola, .02; Mal, .08.	More rain required to commence sowing operations. <i>Barri</i> 58 and <i>barri</i> 42 pounds per rupee.
Dharwar . . . .	Rain at all stations, varying from 1.50 in Nagund to .50 in Gahar.	Rice sowing almost completed, sowing of early crops just begun in Ron taluka, elsewhere land being prepared. Public health good. Rice 23 and <i>barri</i> 50 pounds per rupee.
Kanara . . . .	Karwar, 4.40; Kumbhar, 2.07; H'vad, 75; Yellapur, .50.	Total rainfall 21.75. Sowing operations continue on coast and Ghari talukas. Rice plant healthy. Anthrax continues in Supapurha. Common rice at Karwar 14, district average 13½ seers per rupee.
Rajkot . . . .	Nil	Weather hot. Public health generally good. Wheat 33, <i>barri</i> 30, and <i>barri</i> 43 pounds per rupee.
<b>Bengal—(June 16th)</b>		<i>General Remarks</i> . Rain throughout the Deccan and Southern Mahratta Country and in parts of Guzerat. <i>Kharif</i> sowing operations in progress in most districts. Fever and cattle-disease in parts of eight and small-pox in parts of seven districts.
Chittagong . . . .	1.48	Weather seasonable. Sowing of <i>aus</i> paddy progressing. Prices stationary. Public health good.
Dacca . . . .	4.43	Sowing of <i>aman</i> paddy nearly finished; jute and <i>aus</i> paddy doing well. Prospects good. Public health good.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bengal—contd.</b>		
24-Pergunnahs (Calcutta).	Some rain	Prospects of early rice, jute, and sugarcane good; lands being prepared for <i>aman</i> rice. Public health good.
Moorshedabad . . .	Nil	Weather very hot. All prospects good. Price of rice stationary. Public health good.
Rungpore . . .	Nil	Weather oppressively hot. Rain wanted for ploughing of paddy land. Cholera in the interior; public health otherwise good.
Burdwan . . .	0.03	Prospects of crops good, but rain wanted in parts. Public health good.
Bhagalpur . . .	Nil	Prospects of crops good. Sporadic cholera in north. Prices easy.
Purneah . . .	0.75	All crops doing well. Rain would do much good. Farming operation a little backward in parts for want of rain. Public health good.
Patna . . .	Nil	<i>Bhadra</i> crop being sown in some places; <i>chenna</i> being harvested; sugarcane looks promising. Public health generally good.
Durbhunga . . .	Nil	Weather close and hot. Lands being prepared for <i>bhadra</i> crops, but rain urgently wanted. Prices stationary. General health good.
Hazaribagh . . .	Nil	Weather very hot. Sowings continuing; paddy germinating in places; sugarcane doing well. General health good.
Cuttack . . .	1.91	Weather hot, but cloudy. Rice being sown; lowland <i>sarad</i> growing well. Price of rice unchanged. Public health generally good, except a few cases of cholera in Kendrapara.
Midnapore . . .	0.25	Rain urgently needed for rice cultivation and indigo. Public health generally good.
Khoolna . . .	0.58	Weather hot. <i>Tas</i> sowing progressing; <i>aman</i> lands being ploughed. Public health good.
Dinapore . . .	0.11	Weather very hot, but very dry rain. Cultivation progressing well. Cholera reported from two thanas and cattle-disease from three thanas.
Pubna (Serajgunge) . . .	0.14	Weather very hot. Crops good. Public health good.
Gya . . .	Nil	Extreme heat. Crops doing well. Prices moderate. Public health good.
Chumparun . . .	Nil	Lands being prepared for <i>bhadra</i> sowings. Prices stationary. Some cases of small-pox and fever reported.
<b>General Remarks.</b> —Rain fell in some districts during week, and, except in Dacca, Calcutta, and Cuttack, was very high. Cultivation generally going on, but rain wanted in many places; <i>am</i> rice and jute mostly sown, and young plants doing well; prospects of sugarcane and indigo favourable. Prices of rice stationary. General health good.		
<b>N.-W. Provinces and Oudh —(June 16th)</b>		
Benares (June 14th)	Nil	Weather close and cloudy. Supplies ample. Prices slightly fluctuating. Health generally good.
Gorakhpore ( " " )	Nil	Weather very hot and close; clouds collecting. Prices stationary. Health fair.
Fyzabad ( " 15th)	Slight showers on 14th.	Intermittent, sky cloudy, with east wind. Prices steady. Health generally good.
Lucknow ( " 14th)	Nil	Heat excessive since the last three days. Sugarcane is being irrigated. Supplies sufficient. Prices highly rising. General health good, as well as condition of cattle.
Rae Bareilly ( " " )	Nil	Heat excessive; wind variable. Supplies ample. Prices stationary. Health of men and condition of cattle good.
Partabgarh ( " 15th)	Nil	Heat excessive. Indigo and sugarcane being irrigated. Prices all nearly stationary. No sickness.
Allahabad ( " " )	Sharp showers on the morning of 15th.	Weather close and sultry. Preparations for <i>kharrif</i> commencing. Markets fully supplied. Prices rising steadily. Health good.
Cawnpore ( " " )	Nil	Weather very oppressive. <i>Kharif</i> well advanced. Prices steady. Condition of people good; cattle-disease in Behar increasing.
Farakhabad ( " " )	Nil	Cattle-disease during past week; strong east wind today. Supplies plentiful. Health of people fair.
Sitapur ( " " )	Nil	Work changeable, but mostly from the east; weather very warm. Public health normal.
Barcelly ( " " )	Nil	Heat intense; hardly any wind and what there is, is easterly. Prices slightly rising. Public health normal.
Banda ( " 14th)	Nil	Weather cloudy; heat intense. Prices quite easy. Public health good; cattle-disease in two villages.
Ballia ( " 15th)	Nil	Weather close and excessively hot. Sugarcane irrigation commences. Supplies plentiful. Public health satisfactory.
Kumaon ( " " )	Storm and rain on 14th.	Weather hot, but cloudy. <i>Kharif</i> being weeded. Prices stationary. Fever and measles in district; cattle-disease in parts.
Agra ( " 14th)	Nil	Weather very sultry. Prices steady. Health good.
Jhansi ( " " )	40	Heat oppressive. Prices pretty steady. Slight small-pox and cattle-disease.
Meerut ( " 15th)	Storm, with some rain on 14th.	Weather reasonable; great heat; westerly winds. <i>Kharrif</i> sowing in progress, where rain has fallen. Supplies ample. Prices steady. Health good.
<b>General Remarks.</b> Weather excessively sultry; slight showers have fallen in some districts. Supplies are ample and prices generally steady. Public health good.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Punjab—(June 16th)</b>		
Hissar (June 15th)	<i>Nil</i>	Health fair. Prices slightly fluctuating.
Delhi	<i>Nil</i>	Health good. Prices almost stationary.
Umballa	<i>Nil</i>	Health fair. Prices rising.
Jullundur	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest good.
Ferozepore	<i>Nil</i>	Health good. Prices rising.
Amritsar	<i>Nil</i>	Health good. Prices stationary.
Sialkot	<i>Nil</i>	Health good. Prices stationary.
Lahore	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest below average.
Mooltan	<i>Nil</i>	Health good. Prices stationary.
Rawalpindi	<i>Nil</i>	Health good. Prices stationary. Prospects of current harvest below average.
Shahpur	<i>Nil</i>	Health good. Prices stationary.
Dera Ismail Khan	<i>Nil</i>	Health good. Prices stationary.
Peshawar	<i>Nil</i>	Health fair. Prices of wheat and gram rising. Prospects of current harvest below the average.
<i>General Remarks.</i> —No rain has fallen, except in the Rawalpindi district. General health good, but small-pox is prevalent in the city of Dera Ismail Khan. Prices rising in the Umballa, Ferozepore, and Peshawar districts, slightly fluctuating in the Hissar district, elsewhere stationary. <i>Rabi</i> harvest operations nearly finished.		
<b>Central Provinces—(June 16th)</b>		
Nagpur	106	Weather cloudy. <i>Kharif</i> preparations continue. Health good. Prices steady.
Jubbulpore	111	<i>Kharif</i> ploughing in hand. Health good. Prices steady.
Saugor (June 15th)	<i>Nil</i>	Ploughing for <i>kharif</i> commenced. Prices steady. Health fair.
Seoni	188	Weather cloudy and hot. <i>Kharif</i> ploughings in progress. Cattle-disease in place. Prices steady.
Hoshangabad	Showers on 14th	Weather cloudy and close. Small-pox and cattle-disease in places. Prices steady.
Khandwa	194	Land being prepared for <i>kharif</i> . Health fair. Wheat 18, <i>juari</i> 30 and rice 12 seers per rupee.
Raipur	<i>Nil</i>	Weather cloudy and hot. Ploughing continues. Cholera and cattle-disease abating. Prices stationary.
Sambalpur (June 12th)	103	Weather cloudy and close. Rice being sown; sugarcane doing well. Cholera in parts. Prices rising.
<i>General Remarks.</i> —Weather cloudy and hot, with slight rain. <i>Kharif</i> sowings commencing in some districts. Cholera decreasing in Raipur. Prices rising in Sambalpur, elsewhere steady.		
<b>Assam—(June 16th)</b>		
Gauhati	29 during the week ending 15th instant.	Weather hot. Cholera diminishing both in Sadr station and districts; cattle-disease still prevalent. Prospects of crops good.
Sylhet	<i>Nil</i>	No change since last report.
Cachar	141	Weather warm; rain much wanted. Ploughing for <i>am</i> and <i>asra</i> crops continue. Common rice 14 seers per rupee. Prospects of rice not satisfactory. Fourteen deaths from cholera from Karigora and nine from Hailkandi reported.
Dibrugarh	110	Weather very hot, rain wanted badly for <i>sali</i> crops in Sadr subdivision, but flood in Rangavadi and Subansiri in North Lakhimpur. Cholera disappearing.
<b>Mysore and Coorg—(June 16th)</b>		
Bangalore	Civil and Military stations, 274; Bangalore district, 136; Mysore, 126; Kolar, 108; Tumkur, 385; rain has been general throughout the State.	Crops generally in good condition; prospects of season favourable. Public health good. No material change in prices, except in the Bangalore district, where they have slightly risen.
Mysore	896	Season favourable for ploughing and sowing rice crops. Health fairly good. Prices stationary.
Mercara		
<b>Berar and Hyderabad—</b>		
Amraoti (June 16th)	137	Weather cloudy and hot. <i>Kharif</i> preparations in progress. Wheat 22 and <i>juari</i> 16 seers per rupee.
Akola	112	Weather cloudy. Preparations for <i>kharif</i> sowings busily pushed on.
Hyderabad	Average 136	Total rainfall since 1st January 853. Ground being prepared for sowing of <i>kharif</i> crops; <i>tibi</i> crops continue to be reaped in one taluka. General health fair. Prices—wheat 15, coarse rice 11, white <i>juar</i> 21, yellow <i>juar</i> 22, and <i>tur</i> 14½ seers per current sicca rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central India States—(June 16th)</b>		
Indore . . . . .	1.55	Total rainfall 8.23. Weather hot. Health good.
Gwalior . . . . .	<i>Nil</i>	Health good. Weather cloudy and stormy; heat very great.
Satna . . . . .	<i>Nil</i>	Weather very hot. Health good.
Neemuch . . . . .	<i>Nil</i>	Scarcity of water continues. Weather cloudy. Health good.
Goona . . . . .	.20	Four deaths from small-pox in Goona city, otherwise health good.
Agar . . . . .	.15	More rain required. Health and prospects good.
Nowgong . . . . .	.11	Total rainfall .60. Heat increasing. Prices rising. Health good.
Bhopawar (Manpur) . . . . .		No report received.
<b>Jodhpurana—(June 11th)</b>		
Abu (June 11th)	Slight rain	Weather cloudy and close since yesterday; just now monsoon-set.
Sirohi ( " 13th)	<i>Nil</i>	Tanks full, wells good. Health good. Sowing of rain crops commenced. Weather cool and fine.
Marwar ( " 11th)	<i>Nil</i>	More rain six months' water in Jodhpur city tanks. Health good.
Kherwara ( " 13th)	<i>Nil</i>	Wells lower. Prices rising.
Meywar ( " 10th)	<i>Nil</i>	Tanks west of Kherwara full, other very low. Ploughing commenced. Health good. Single small-pox in district. Prices steady.
Pertabgarh ( " 12th)	.07	Weather fine and clear.
Haroon ( " " )	Death 119, Tonk, 19, Sagar, putrapur, various weeks, 171.	Tanks and wells low. Health very good. Prices falling. Weather variable.
Jhallawar ( " 11th)	.87 at Jhallapalan	Sowing in progress. Health good.
Kotah ( " 10th)	.25	Health good. Weather cloudy and close.
Amere ( " 13th)	<i>Nil</i>	Weather cloudy. Health very increasing. Ploughing continues.
Jaypore ( " " )	.20	Weather hot. Health bad.
Uwar ( " " )	Slight rain in parts	Small-pox and fever in districts. Weather hot. Prices steady.
Bikanir ( " 12th)	Rain drops	Good rain in some districts. Small-pox and fever prevalent. Prices stationary. Weather hot and windy.
<b>Nepal—(June 10th)</b>		
Katmandu . . . . .	<i>Nil</i>	Want of rain felt in the case of rice and other crops lately sown.

No. 102 Met.  
12—6

*Extract from the Proceedings of the Government of India, in the Revenue and Agricultural Department (Meteorology),—dated Simla, 10th June, 1886.*

Read the following:—

#### Summary of the Weather Reports for May, 1886.

Pressure was more or less above the average during the first week, after which a period of depression set in, lasting for a few days, when the barometer again rose and remained slightly above the average till the 24th. In the last week, however, the pressure again fell below the normal.

On the mean of the whole month, the pressure was slightly above the average in the North-Western Provinces, Assam, Bengal, and Orissa, and below it elsewhere. The rainfall returns show that rain fell in one part or another of Ceylon, Madras, and Burma throughout the month. In Bombay there was no rain till the 16th, and then only a few drops at Sholapore; but on the 20th there was a rather heavy fall at Karwar, and a few showers at two or three stations on the coast to the north, which were repeated till the close of the month. The winds on the Malabar Coast were generally westerly, but light.

In Northern India such rain as occurred was sporadic, and fell at intervals of several days, generally in local storms. The total rainfall of the month was below the average in the Eastern Punjab, Assam, Cachar, Burma, Khandesh, and Berar, and there was little or no rain in Sind and Guzerat. Everywhere else there was either an average quantity or an excess.

This excess was greatest in Ceylon and the Karnatic, more, especially in the last province, where the total fall was about three times the average

amount. This was to a great extent due to the heavy rain, accompanying the cyclonic storm, which crossed the Madras Coast from the Bay of Bengal on the morning of the 24th, and passed across the peninsula during that and the following day.

The temperature of Northern India was changeable; but, on the whole, the mean temperature of the month differed little from the average, being slightly below it in the North-Western Provinces, Bengal, Pegu, and Madras, and above it elsewhere. The greatest excess was about  $1^{\circ}$  in Sind. South-east winds were more frequent than usual in the Upper Provinces. On the Central Indian plateau and in the western half of the peninsula, the winds were, on the whole, westerly, and on the coasts of the Bay of Bengal southerly. The humidity of the air was generally below the average in the Punjab and above in Southern India.

The following table shows the amount of rain and the difference from the average in the month of May 1886, according to districts, as far as is indicated by the telegraphic reports:—

Districts.				Average rainfall in May.	Difference from the average in May 1886	Remarks.
Punjab, West	...	...	...	1.30	+0.03	
Ditto East	...	...	...	1.82	—0.43	
North-Western Provinces, Trans-Gangetic	...	...	...	1.57	+1.10	
Ditto ditto Cis-Gangetic	...	...	...	0.43	+0.17	
Behar	...	...	...	1.36	+0.17	
Northern Bengal	...	...	...	7.14	+2.37	
Assam, Cachar	...	...	...	11.32	—4.50	
Lower Bengal, Chutia Nagpur	...	...	...	5.75	+1.25	
Orissa, Northern Circars	...	...	...	2.79	+0.77	
Central Provinces, South	...	...	...	0.65	+0.03	
Berar, Khandesh	...	...	...	0.42	—0.14	
Rajputana, Central India, Saugor, and Nerbudda	...	...	...	0.62	+0.53	
Sind and Cutch	...	...	...	0.11	—0.11	
Gazerat	...	...	...	0.21	—0.16	
Konkan	...	...	...	0.97	+1.50	
Deccan, Hyderabad	...	...	...	1.80	+0.06	
Malabar	...	...	...	7.31	+2.46	
Mysore, Bellary	...	...	...	3.78	+1.74	
Karnatic	...	...	...	2.37	+4.56	
British Burmah	...	...	...	10.62	—0.48	
Ceylon	...	...	...	12.68	+9.46	

SIMLA ;  
The 5th June, 1886. }

RUCHI RAM SAHNI,  
2nd Asst. Meteorological Reporter to the Govt. of India.

**RESOLUTION.**—Resolved, that the papers be published in the Supplement to the *Gazette of India*.

No. 103 Met.  
9-6

*Extract from the Proceedings of the Government of India in the Revenue and Agricultural Department (Meteorology), dated Simla, 18th June, 1886.*

Read the following :—

Preliminary Report on the Meteorology of the year 1885, prepared in the Meteorological Office, Government of India.

*January.*—The cool weather which characterized the closing months of 1884 continued during January over the greater part of North-Western India (comprising the Punjab, the Meerut and Bareilly divisions of the North-Western Provinces, Rajputana, Sind, and Guzerat), in Cachar and North Bengal, the south of the peninsula, British Burma, and Ceylon. Within these regions temperature was generally from 1° to 2° below the average. All across the central parts of the country, in a broad band extending from the Bombay coast to Lower Bengal and the western part of the North-Western Provinces, temperature exceeded the normal, the excess in parts of the Central Provinces and Orissa being from 2° to 2½°. Apparently the highest day temperature (93°) was registered in Bellary; the lowest night temperature (35°) on the plains at Mooltan.

Pressure was above the average throughout the whole of the Indian area; less so on the hills than on the plains, and less in Northern India than in the south of the peninsula.

North-westerly winds prevailed with their usual persistence down the Gangetic plain; but in Bengal they were less steady than usual, and at Saugor Island there were frequent southerly winds. On the Arakan coast the normal northerly winds prevailed, but further inland they were strong easterly components. In the central part of the country and on the Circar coast there was an abnormal excess of south-easterly and southerly winds. In Western India the usual northerly winds prevailed, and in the Southern Carnatic north-easterly winds.

This was a damp month over the greater part of India. In the Eastern peninsula, and at some stations in Assam and Bengal, as well as in Ceylon and a few places in the south of the peninsula, there was a deficiency in the relative humidity of the atmosphere, but in all other regions there was an excess. This excess was most marked over the central parts of the country.

On the whole, the skies were more clouded than usual. The excess was greatest in North-Western India, and decreased eastwards and southwards, so that in parts of Eastern India and the peninsula there was greater serenity than usual.

Generally over North-Western India this was a wet month. In the Punjab the rainfall was everywhere in excess. In Rajputana the variations were irregular, while in Central India, except at Bhopal and in Bundelkhand, the total rainfall of the month was below the average. In the Central Provinces and the North-Western Provinces, the anomalies in the month's rainfall were also irregular; in general they were small, but at the hill and sub-montane stations of the North-Western Provinces there was a large excess. The heavy rain of North-Western India did not extend into Bengal, so that, with a few local exceptions, there was a general deficiency. In Assam the variations were small and irregular. Sind shared the heavy precipitation of the Punjab; but the main part of the Bombay Presidency, together with the Berars, Hyderabad, and the peninsula generally, was either rainless or nearly so. In Ceylon and the Bay islands the rainfall was also deficient, as was also the case at all stations in the Eastern peninsula, except Tavoy and Mergui.

*February.*—This was a cool month throughout almost the whole of India, the only exceptions to the general deficiency of temperature being a few stations in the peninsula and Ceylon. The excess of temperature noticed in



the central parts of the country during January had disappeared, and the relative depression was as great there as elsewhere. At Loh the mean temperature was  $9^{\circ}$  below the average, on the hills of the North-Western Himalaya from  $3\frac{1}{2}^{\circ}$  to  $4\frac{1}{2}^{\circ}$  below it, and at several stations on the plateau of North-Western and Central India the depression below the normal was equally great. With few exceptions, the absolute maxima at the different stations were only a few degrees higher than in January, while the absolute minima were in many cases lower in this than in the preceding month.

The excess of pressure, noticed in the previous month, continued during February in parts of the Punjab and Sind, and at a few places in the North-Western Provinces; but elsewhere there was a deficiency greatest in the Central Provinces and the Deccan. It was also greater on the hills than on the plains.

In February the wind circulation was less abnormal than in January. North-westerly winds blew steadily down the Gangetic plain and into Bengal. In Arakan the wind was north-westerly, while, at the inland stations, easterly winds were very frequent. On the west coast of the Bay, the wind was more southerly than usual, and south-easterly to easterly winds extending inland to the Deccan prevailed generally. In Sind and Guzerat the wind was north-north-east, and down the west coast north to west-north-west.

The relative humidity of the atmosphere remained excessive in the Punjab and neighbouring parts of the North-Western Provinces, Lower Bengal, several places in the Central Provinces, and the peninsula; but the regions within which the relative humidity was deficient had extended since the previous month, and now included the whole of Eastern India, Behar, and the western divisions of the North-Western Provinces, Rajputana, Sind, the Konkan coasts, the south of the peninsula, and Ceylon. The variations from the normal were generally smaller than in January.

In Bengal, parts of Central India, and over both peninsulas the sky was abnormally cloudy; elsewhere the amount of cloud was less than usual.

In the Punjab and Rajputana, and indeed throughout almost the whole of Northern India, there was a decided deficiency in the rainfall. In the maritime half of the Gangetic delta, however, there was an excess; and this excess extended into Chutia Nagpur, Orissa, the Central Provinces, and the Berars, as well as southward into Ganjam. Assam, like most other parts of Northern India, had a deficiency. In the whole of the Bombay Presidency, Hyderabad, the Madras Presidency (south of Ganjam), and Mysore and Coorg the month's rainfall was either *nil* or deficient. In Ceylon the variations were irregular, but, on the whole, the month's supply was short; while in Burma the anomalies were equally irregular, but the general results showed a slight excess. In the Bay islands the rainfall was again short of the average.

*March.*—In March temperature rose above the average over almost the whole of Northern India, but the excess in the majority of cases was less than  $1^{\circ}$ ; while in the central parts of the country, the peninsula, Ceylon, and a large part of British Burma, the abnormal coolness noticed in the preceding months continued. The extreme day temperatures were in almost all cases considerably higher than those of the preceding month; but the night temperatures showed a much slighter increment, and at the hill stations in the North-West Himalaya the lowest readings were only slightly above freezing point.

Notwithstanding the excess of temperature in Northern India, the pressure was almost everywhere above the normal, both there and in the rest of the Indian area. The excess was less than in January, and hardly so general, one or two stations showing a local deficiency.

North-westerly winds prevailed over North-Western and Central India but especially in the latter region, with rather less steadiness than usual. In Bengal southerly components were unduly developed, and steady south-south-westerly winds prevailed. In Burma the wind was about the normal. On the Northern Circars and Orissa coasts the wind was more southerly than usual. In Madras, the normal east-south-east winds prevailed, and on the west coast north-north-westerly to westerly winds.

The mean relative humidity of this month showed generally but little departure from the average. At a few places in the Punjab and in Lower Bengal there was a trifling excess, but in all other parts of Northern India there was a deficiency. In the central part of the country and in the peninsula the anomalies were small and irregular, while in Ceylon and the Eastern peninsula the relative humidity was below the average.

This was a somewhat cloudy month, except in the lower portion of the North-Western Provinces, Northern Bengal, and parts of the Assam Valley; also on the west coast, and in the south of the peninsula, where the serenity exceeded the average.

It was nevertheless a dry month, though less generally so than February. At the trans-Indus stations, and at Killy in Bassahir, there was a slight excess of precipitation, but at all the other stations in the Punjab there was a deficiency of rain.\* In Rajputana, Central India, the North-Western Provinces and Oudh, and in Lower Bengal, the rainfall was almost universally much below the average. But in Behar and Northern Bengal, though some individual stations showed a deficiency, there was generally a slight excess. In Orissa and Chutia Nagpur most stations showed a deficiency. In Assam and Cachar, the anomalies were irregular. In the Central Provinces there was an excess in the southern divisions, and a deficiency in most other places. In the Berars the rainfall was slightly short. In Hyderabad the anomalies were small and irregular. In the Bombay Deccan there was a slight excess, but in nearly all other parts of that presidency the rainfall was short, and in many parts of the Konkan and Guzerat there was no rain. In Malras the variations in the rainfall were irregular, but in the Carnatic the fall was, on the whole, deficient. Mysore and Ceylon and the Bay islands exhibited conditions similar to those of Madras, while in British Burma the small amount of rain which is usually registered in this month was not received.

*April.*—This was a cool month in almost all parts of India. Only in Bengal, at a few stations in the western half of the North-Western Provinces, in the extreme south of the peninsula, in the Bay islands, and in British Burma was the mean temperature of the month above the average, and there only by small amounts. Elsewhere the temperature was more or less below the average, depression ranging from 1° to 5° on the plains of North-Western India and Sind, from 1° to 3° over the central parts of the country, and from 1° to 2° in the peninsula and Ceylon. The extreme day temperatures were apparently about the normal, but the extreme minimum readings seen in many cases to have been below the average, considerably so at the hill stations.

On the whole the excess of pressure noticed in March was maintained, and in some cases was indeed intensified; but on the hills of the North-West Himalaya, in Assam and Cachar, and over the whole of Bengal, where the temperature was above the mean, pressure was in defect. The most pronounced excess was shown over the Indus Valley, Sind, and Rajputana, while the greatest depression was in Assam.

In April the north-westerly or westerly winds of the Gangetic plain were more steady than usual, and even in Western Bengal westerly winds prevailed. In Lower Bengal also there was more veering in the winds than usual, but in Burma the directions were about the normal. On the west coast of the Bay steady south-easterly and southerly winds prevailed, while, on the west coast of India, the westerly winds had stronger northerly components than is usually the case.

This was a damp month in the Punjab, the North-West Himalaya, and in most parts of Central India, Rajputana, and Guzerat; but elsewhere the relative humidity was generally below the average. This deficiency was most strongly marked in Bengal and Orissa, while the region of greatest excess was the Punjab.

In both peninsulas, in Northern and Eastern Bengal, and in parts of Ceylon the cloud proportion was below the average, but elsewhere the skies were more than usually clouded.

\* In the Punjab all the rain fell at the close of the month, and was accompanied by snow on the hills.

Most of the rain fell over Northern India either at the beginning or at the close of the month. Snow fell on the hills on both occasions. In the Punjab there was more or less excess, greatest on the hills and at the trans-Indus stations. In Rajputana the anomalies were very small and irregular. In Central India there was generally a slight excess; but in the North-Western Provinces and Oudh April was, on the whole, a dry month. In Bengal too, except at Darjeeling and at one or two stations in Eastern Bengal, the amount of rain was below the average. In Assam the variations were irregular, but in Sibschar there was a decided excess. In the Central Provinces and the Berars the average fall of the month was considerably exceeded. In Hyderabad the variations from the normal, as in March, were very irregular, while throughout almost the whole of the Bombay Presidency there was again a deficiency. This was equally the case throughout Madras, Mysore, Ceylon, the Bay islands, and Burma.

*Temp.*—The distribution of temperature, with respect to the average, was similar to that prevailing in April, but the area within which it was above the average was more restricted. It comprised only Lower Bengal, British Burma, and a few stations in the south of Madras. Elsewhere there was a marked depression of temperature, varying from  $2^{\circ}$  to  $16^{\circ}$  on the hills and plains of North-Western India, from  $1^{\circ}$  to  $6^{\circ}$  in the central parts of the country, and from  $1^{\circ}$  to  $2^{\circ}$  in the peninsula. At some stations the temperature was absolutely lower than in April.

Accompanying the extremely low temperatures noticed above, there was a large excess of pressure throughout the whole of the Indian area. This excess exceeded one-tenth of an inch in the Punjab and parts of Sind. It was much less on the hills than on the plains, and less in the peninsula than in Upper India.

As in the previous month north-west and west winds prevailed with abnormal frequency down the Ganges plain, while, in Bengal, the prevailing wind, instead of being south-south-east, was either from south or some point to the west of south. In the neighbourhood of Cape Negrais the wind was more northerly than usual. On the west coast of the Bay the prevailing directions differed but little from the average, but in the south of the peninsula the wind was more southerly and less south-westerly than usual. On the west coast there was rather more northing in the winds than usual.

In North-Western India, and particularly in the Punjab and adjacent parts of Rajputana, the relative humidity of the atmosphere was again above the average. In the Central Provinces and Central India, and at a few stations in the peninsula this was also the case, only in a modified degree; and in all other parts of the country there was a deficiency. The deficiency was reaching a serious amount.

May was predominantly only cloudy in April, except in Assam, Bengal, Burma, and the peninsula, where there was a deficiency of cloud.

The last few days of the month were dry over Northern India, but about the 23d in Bengal and Assam, and about the 28th in the upper provinces, local storms occurred, and cloudy disturbed weather lasted for some time. In the Punjab and northern parts of Rajputana the rainfall of the month showed a general and considerable excess. In other parts of Rajputana the variations from the normal were small, and in Central India the fall was generally above the average. In the North-Western Provinces the rain was, on the whole, about the average; but in Oudh, as also over the greater part of Bengal and Assam, it was generally deficient. In the Central Provinces, the Berars, and Hyderabad the average was generally more or less exceeded; but in the Bombay Presidency, excepting the Deccan, the fall was generally short. This was also the case in Madras and Ceylon. In Burma, and also in the Bay islands, the fall was far short of the average.

*June.*—Though much less marked than in May, there was yet a very decided depression of temperature during this month in North-Western and Central India, the Madras Presidency, and Ceylon. Elsewhere there had been a

recovery from the depression hitherto prevailing; and in Bengal, the eastern divisions of the North-Western Provinces, the Bombay Presidency, the Bay Islands, and British Burma the temperature was above the average. The deficiency in the Punjab was from  $\frac{1}{2}^{\circ}$  to  $4\frac{1}{2}^{\circ}$ , in the more central parts of the country from  $1^{\circ}$  to  $6^{\circ}$ , in Madras from  $\frac{1}{2}^{\circ}$  to  $2^{\circ}$ , and in Ceylon from  $\frac{1}{2}^{\circ}$  to  $3^{\circ}$ ; while the excess in Bengal was from  $1^{\circ}$  to  $2^{\circ}$ , in Bombay from  $1^{\circ}$  to  $2\frac{1}{2}^{\circ}$ , and in the Bay Islands and Eastern peninsula about  $\frac{1}{2}^{\circ}$ .

The excess of pressure noticed in the preceding month was maintained, though in a diminished degree, over the greater part of Northern and Central India; but in Lower Bengal, the Berars, Sind, and nearly the whole of the peninsula pressure was in defect. In the Eastern peninsula the variations were irregular, but, on the whole, downward.

In the Punjab the winds were about the normal, but in the North-Western Provinces and Oudh north-westerly winds continued more prevalent than usual. In Bengal, the Northern Circars, Orissa, and Burma the wind directions were about the normal. In the central part of the country the westerly winds were slightly more southerly than usual, but over the peninsula the average direction was generally maintained.

In this month there was a decided rise in the relative humidity of the peninsula and Ceylon, and both there and at several stations in the central parts of the country and in the Punjab the mean humidity of the month was in excess of the average. Elsewhere there was a deficiency, which was again greatest in Bengal.

Except in the North-Western Provinces, Assam, and Bengal, where the variations in the cloud proportion were irregular, but on the whole, below the average, the skies were very cloudy.

The monsoon rains apparently began in Ceylon and on the south-west coast of India about the 1st of June; but the rainfall did not extend steadily up the west coast, and the burst of heavy rain which usually ushers in the rainy season on the Konkan coast did not take place throughout the whole month. The Bengal branch of the monsoon brought rain to Burma, Assam, and Lower Bengal about the 10th, but the rains did not reach the Punjab until after the 26th. In the Punjab, except at the stations in the east and south-east, where there was an excess, the rainfall of the month was considerably short of the average. In Ruperiana there was a considerable, but not quite universal excess, and such was the case also over the greater part of Central India, the North-Western Provinces, and Oudh. In Bengal the variations were irregular, there being an excess in the 24-Pergunnas, and at several stations in North-East and East Bengal, Chittagong, Nagpur, and Western Bengal, and a deficiency elsewhere. In Assam and Orissa the anomalies were irregular, but in places considerable. In the Central Provinces there was a moderate general excess. In the Berars and also in Hyderabad, though some stations showed an excess, the fall was, as a rule, considerably short. Throughout the whole of the Bombay Presidency there was great deficiency, but in Madras, except in Ganjam, where the fall was short of the average, and in south and west Malabar, where it was in excess, the anomalies were variable. In Mysore the rain was deficient, but in Ceylon it was above the average. The Bay Islands had less than the usual amount, while in Burma the variations, both above and below the normal, were large.

*July.*—In July a considerable change took place in the temperature distribution relatively to the normal average. In the Punjab, for the first time since the month of March, the mean temperature was above it. At most of the stations in the Central Provinces and Berar, in Sind, Guzerat, and the northern Konkan, there was also a slight excess. In the North-Western Provinces, Behar, and Northern and Eastern Bengal, in British Burma and Ceylon, on the other hand, the weather was cooler than usual, while, at the peninsula stations, the anomalies were small.

Pressure fell below the average throughout the whole of Northern and Central India, except in Orissa, the neighbouring portions of the Central Provinces, parts of Rajputana and Guzerat. In the peninsula there was a deficiency at most stations on the west coast and in the Deccan, and an excess in Madras and Ceylon. In the Eastern peninsula and at the Bay islands the anomalies were small and irregular.

In the Punjab the general direction of the wind was about the average, but in Eastern Rajputana the wind, instead of being south-westerly, blew from west north-west, the dry quarter. In the North-Western Provinces, and indeed eastward over Bengal, Assam, and Arakan, the general direction of the wind was about the average and this was also the case in the peninsula and on the west coast.

The anomalies in the distribution of relative humidity during the month of July were everywhere small, comprising a slight excess in the North-Western Provinces, parts of Behar, the Central Provinces, the south of the peninsula and Arakan; and a slight deficiency elsewhere.

The only province showing a decided excess of cloud in this month was Burma. In all other parts of the country, though there were numerous local variations, the general serenity was in excess of the average.

The rains, on the whole, were better than during June. In Western India there were several heavy falls in the first half of the month, while in Northern India, excepting the Punjab and generally the western provinces, there was general and heavy rain. In the Punjab only about half the usual amount of rain fell, and in Northern and Western Rajputana there was also a deficiency; but in the east of that province the average was somewhat exceeded. In Central India, save at Lhopal and in some parts of Rewah, the rainfall was short, and this was likewise the case in the Meerut Division of the North-Western Provinces; but in most other parts of the North-Western Provinces, and generally throughout Oudh, the fall was in excess. Bengal exhibited large variations. In the North, and particularly at Julpigorie, there was a large excess, while in South-Western and Western Bengal there was a decided, and in places a large, deficiency. In Assam and Cachar the rainfall was generally heavy. The registers of the Central Provinces exhibited considerable variations, but in the upper part of the Nerbudda Valley there was a certain excess. In the Berars and Hyderabad the anomalies varied considerably; but in Bombay, except in Khandesh and at some of the hill stations, the deficiency noticed in the preceding month continued. Madras showed an excess at the stations on or near the east coast and on the Travancore coast, but a deficit elsewhere. In Mysore there was a general, and in Ceylon a partial, deficiency of rain, while in the Bay islands and Burma there was an excess.

*Anomalous.* In the Punjab, Sind and Assam, temperature ranged above the average and at most stations in the peninsula there was a slight excess; but elsewhere it was lower than the average. In the North-Western Provinces and Bengal the relative depression was greater than in July, amounting to between 1½ and 2½. In Burma the depression was about equal to that of July.

The deficiency of pressure noticed in July continued and extended during August. Only in the south of the peninsula and in Ceylon and the Bay islands was the mean pressure above the average, and then only by small amounts. The greatest deficiency was in Western Rajputana and Sind, where it exceeded 0.05 inch.

South-easterly and easterly winds prevailed generally up the Gangetic plain, but with rather less than their normal steadiness. In Bengal and Burma the wind varied between south-south-west and south-south-east, and was about normal in direction. On the west coast of the Bay, and at several stations in the central parts of India and the peninsula, the winds blew from a point slightly more southerly than usual. On the west coasts of India the direction was about the normal.

At several stations in Ceylon, and at most stations in the peninsula and Assam, the humidity was below the average; but elsewhere it was in excess.

This excess was greatest in the south-east of the Punjab and in the Agra and Meerut divisions of the North-Western Provinces. August was generally unusually cloudy, except in Assam, Madras, and Ceylon, where the weather was clearer than usual.

In some respects the rains of this month were similar in character to those of the two preceding months. In Northern India they were generally excessive, much more so than in July; while in the peninsula, with the exception of the coast stations, the fall was short. The Punjab showed an excess, except over a region extending between the Jhelum and Sutlej. Rajputana, Central India, the North-Western Provinces and Oudh all had a very heavy rainfall. In Bengal the excess was restricted to the western and central districts. The northern districts and Assam exhibited a considerable deficiency. The Central Provinces were also short of rain, and in the Berars and Hyderabad, as in the preceding month, the total fall was below the average. In Bombay, parts of the Deccan, and some places on the west coast showed a small deficiency, but in general, throughout that presidency, the average was exceeded. At the Madras stations, excepting those on the west coast, in Mysore, and Ceylon, the rainfall was short. This was also the case in the Bay islands, but in Burma there was an almost general excess.

*September.*--Over the greater part of the Punjab and in Sind the excess of temperature which had characterized the two preceding months had disappeared on the hills, and was succeeded by a considerable depression. In the North-Western Provinces the anomalies were variable, while in Assam and Bengal there was a decided depression of temperature. In Orissa, and to the west, in the Central Provinces, Central India, and Guzerat, and to the south over the peninsula and Ceylon, temperature was almost everywhere above the average, the excess varying between  $\frac{1}{2}^{\circ}$  and  $2\frac{1}{2}^{\circ}$ . Northern Rajputana, like the Punjab, showed a depression of temperature, and in British Burma the anomalies were irregular.

The distribution of the pressure anomalies had undergone a considerable change. Except at a few stations in the south of the peninsula and in Ceylon, pressure was in excess, considerably so in the North-Western Provinces, the Central Provinces, and Rajputana.

Abnormal north-westerly winds prevailed generally down the Gangetic plain and over Rajputana, and extended to a considerable degree into Central India, the Central Provinces, and the Deccan. In Bengal the wind, instead of being from south-south-east, the average direction in this month, was from south-south-west. In Burma the normal winds prevailed, and in Madras there was very little departure from the average; but along the west coast the wind was slightly more northerly than usual.

Except in Madras, Assam, and one or two stations in Bengal, this was a dry month, the relative humidity being very deficient. The deficiency was greatest in the Central Provinces, but almost equally great in parts of Rajputana.

In the Indus Valley there was more than the usual amount of cloud, and this was also the case in Bengal; but elsewhere, owing to the early cessation of the rains, the general serenity far exceeded the average.

Over North-Western India the rains ceased early in the month. In Bengal rain continued to fall until near its close, and was very heavy between the 21st and 24th. In the peninsula showers occurred throughout. In the Punjab, Rajputana, Central India, the North-Western Provinces, except the most easterly divisions, and Oudh, except at one or two stations, the fall was much below the average. In Bengal, on the contrary, except in the 24-Pergunnahs, in some parts of Eastern Bengal, Orissa, and South-West Bengal, the total fall of the month was considerably above the average. Assam and Cachar had also more than the normal amount of rain, but in the Central Provinces and the Berars the rainfall was largely deficient. In Hyderabad, for the first time since the setting in of the rains, there was an excess. The Bombay returns

show heavy rains in the Deccan and at a few places on the Konkan coast, but a deficiency in all other parts of the presidency. In Madras the rainfall variations were very irregular. There was a deficiency in Ganjam, in Travancore, and at many of the inland and southern stations. In Mysore the anomalies were also irregular, while in Ceylon there was a slight excess. Burma had less and the Bay islands more than the average.

*October.*—Over nearly the whole of Northern India (with the exception of the Assam valley), the Central Provinces, the peninsula as far south as Bangalore, and also in the Bay islands temperature ranged above the average. The excess was rather greater in Rajputana and the Central Provinces than elsewhere; otherwise it was fairly uniform between  $1^{\circ}$  and  $2^{\circ}$ . In the extreme south of the peninsula, from Madras round to Cochin, as well as in Ceylon, there was a depression of temperature, averaging in the former case about  $\frac{1}{2}^{\circ}$ , and in the latter varying between  $\frac{1}{2}^{\circ}$  and  $1\frac{1}{2}^{\circ}$ .

Notwithstanding the generally high temperature, the mean pressure of October was above the normal. Only at one or two stations in the Punjab and in Sind and Guzerat were the means of the month below the average, and there only by small amounts. The greatest excess was in the south, but in parts of Burma and at the Bay islands it was almost as great.

On the whole, the winds in Northern India did not differ greatly from the average, though in some places, and particularly in the Lower Gangetic Valley, the north-westerly winds were abnormally steady. In Lower Bengal and Orissa the winds were very variable. In the Central Provinces, the Deccan, and down the Nerbudda Valley to the coast, the normal north-easterly winds prevailed. In the peninsula the wind directions were very variable.

This was a dry month, but less generally so than the preceding. In Assam there was again a slight excess of humidity, and this was also the case at the majority of the stations in the peninsula. In Ceylon and the Eastern peninsula the anomalies were small and irregular, though generally downward.

The skies generally were more clouded than usual. In the western districts of the North-Western Provinces however, in Behar, and Chutia Nagpur there was locally greater serenity.

In North-Western India the fine weather which set in in September continued uninterruptedly; but elsewhere it became showery and unsettled. In the Punjab, Rajputana, the greater part of Central India, the North-Western Provinces and Oudh, and nearly the whole of Bengal there was either no rain, or the total fall of the month was deficient. At a few stations in Northern and Eastern Bengal there was, however, a slight excess. Assam, like Bengal, had a generally deficient rainfall; but the Central Provinces, the Berars, and Hyderabad had more than the usual amount. Bombay exhibited a deficiency in Sind and Guzerat, and an excess in almost all other parts of the presidency. In Madras there was a very general, and in places, a considerable excess, at the southern and western stations, but a deficiency elsewhere. In Mysore and Ceylon the rainfall was excessive, while both in the Bay islands and in Burma the monthly amount was below the average.

*November.*—The abnormal excess of temperature which characterized October prevailed even more generally in November. In India only at one or two stations in Bengal and in the peninsula was the mean temperature below the average, though in Ceylon and the Eastern peninsula the variations were more irregular. The relative excess was decidedly greater than during October, especially in the Punjab, Southern Rajputana, and Sind, where it averaged between  $3^{\circ}$  and  $4^{\circ}$ .

The excess of pressure was both more general and more marked than in October, and the excess was as pronounced on the plains as on the hills.

The general wind directions in November were about such as are usual. North-westerly winds prevailed at most stations in the Punjab, the North-Western Provinces, and Behar; northerly and north-north-easterly over Bengal



and the Central Provinces; and north-easterly winds in Central India, the Deccan, and the greater part of the peninsula. On the Travancore coast the wind was north-north-westerly.

The relative humidity anomalies of November were generally very similar to those of October. At a few stations in the North-Western Provinces, in Assam, Lower Bengal, Guzerat, and Madras there was a slight excess, while in nearly all other places there was a deficiency. In Ceylon and the Eastern peninsula the variations remained very small.

November was a very serene month in Northern India (excepting Assam and Lower Bengal), in the Madras Presidency, and Ceylon; but in Bombay, the Central Provinces and Berar, the Eastern peninsula, and the two provinces noticed above, the amount of cloud was in excess of the normal average.

All over Northern and Central India the weather was even more than usually fine. The Punjab, Rajputana, Central India, the North-Western Provinces and Oudh, and nearly the whole of Bengal and Assam had little or no rain. About the middle of the month the weather of the Bay and the surrounding coasts became very unsettled, owing to a cyclonic storm which was developed in the south of the Bay about the 17th, and traversed nearly the whole length of the Bay on a north-east course, finally crossing the Arakan coast north of Akyab. In Hyderabad the rainfall was rather greater than usual, but in Bombay, with the exception of some stations in Kharolch and the Deccan, the total was below the average of the month. In the south of Madras the rainfall was somewhat deficient, but in nearly all other parts of the presidency there was a large excess, due in great part to the cyclone noticed above. Mysore, like the southern districts of Madras, had less than its normal amount of rain; and in Ceylon the variations were irregular. In Burma there was an excess, due to heavy falls on the Arakan coast.

*December.*—This, like November, was a warm month over the greater part of the country, but the excess was much less than in November; and on the hills of the Punjab, at most stations in the North-Western Provinces, in Western Bengal, in the Central Provinces, Berar, Rajputana, the Konkan, and British Burma there was a slight depression of temperature. The greatest excess was in the Punjab and Sind; the greatest depression (excepting at the hill stations) in the Central Provinces.

The abnormally high pressures prevailing in the previous month had disappeared, except from Assam, Bengal, and parts of the North-Western Provinces and Burma; in all other places there was a distinct, though generally moderate, depression.

The winds showed comparatively little deviation from the normal. North-westerly winds prevailed over the upper provinces, drawing into north and north-north-east over Bengal and the Central Provinces. In Central India, the Deccan, and Carnatic, the wind was generally north-easterly to easterly, while down the west coast it was almost due north.

The air was generally damper than usual. The only important exceptions to the general high humidity were Sind and Western Rajputana and parts of Ceylon. In the Eastern peninsula the anomalies remained very small. The greatest excess was in Berar and Central India.

It was very cloudy, except in Sind and Guzerat. The excess of cloud was greatest in Northern India and least in the peninsula.

The fairly fine weather which had prevailed during November broke up early in December, and conditions became generally unsettled. In the Indus Valley, the rainfall of the month was below the average, but in all other parts of the Punjab it was in excess; and this was also the case in Rajputana, Central India, the North-Western Provinces and Oudh, and throughout the greater part of Bengal. In Eastern Bengal and Chittagong there was a slight deficiency. In Assam and Cachar a slight excess. In the Central Provinces, Berar, and Hyderabad the monthly average was very considerably exceeded; but in the Bombay Presidency, except at a few places

in the Deccan and Khandesh, the total fall was below the normal. In Madras and Mysore there was a general, and in places a considerable excess. In Ceylon, except on the south-west coast, the rainfall was also abnormally heavy. This was also the case in the Bay islands; but in Burma the rain was lighter than usual.

*Year.*—With one or two exceptions, chiefly in Western and Lower Bengal, the mean temperature of the year was below the average throughout Northern and Central India. In the peninsula the anomalies were small and more variable.

On the mean of all the months, pressure was above the normal almost everywhere. The greatest and most general excess occurred in May, and the most general deficiency in August.

On the mean of the whole year the air was generally drier than usual, except in the central parts of the country and in the Carnatic, where it was somewhat damper.

The amount of cloud was above the average over almost the whole of Northern and Central India. Only in Sind and parts of Rajputana was the normal serenity exceeded. In the peninsula and Ceylon the skies were clearer than usual. In the Eastern peninsula the variations were irregular, but in the valley of the Irrawaddy there was an excess of cloud. At the Bay islands the year was slightly less cloudy than usual.

On the whole the year was dry in the central divisions of the Punjab, but abnormally wet in the remainder of the province, in a great part of Rajputana, in Central India (except the more western states), in the North-Western Provinces and Oudh, and over a large part of Bengal. In Assam, on the other hand, the rainfall of the year was deficient at the majority of stations. In the Central Provinces south of the Satpuras it was abnormally heavy; in other parts of those provinces somewhat deficient. In the Berars the northern stations had more and the southern stations less than the average, and in Hyderabad also the anomalies were very irregular. In Bombay the rainfall was short. Madras, like Hyderabad, exhibited very irregular variations; but, on the whole, there was a decided deficiency in the southern districts. In Mysore there was an excess, except in the neighbourhood of Bangalore. Both in Ceylon and Burma the variations were irregular, but in the case of Burma, the total was considerably in excess. At the Bay islands there was a large deficiency.

RESOLUTION.—Resolved, that the Report be published in the Supplement to the *Gazette of India*.

C. J. LYALL,

*Offg. Secretary to the Government of India.*

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. VII OF 1886-87.

## APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Date Return received.	Railways.	Length in miles.	RECEIPTS FOR WEEK ENDING 31st MAY 1886.		Length in miles.	RECEIPTS FOR WEEK ENDING 31st MAY 1886.		TOTAL RECEIPTS FROM 1st APRIL TO 31st MAY 1886.		TOTAL RECEIPTS FROM 1st APRIL TO 22nd MAY 1886.		Total Receipts in Decrs.	To Decrs.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
Guaranteed.													
1st May 1886	Orissa and Rohilkhand	603	1,37,295	2	60	1,45,55	24	16,42,96	270	12,74,86	211	2,12,770	
1st do.	Madras	54	1,74,700	1	30	1,75,100	170	16,72,72	16	16,72,72	107	17,320	
1st do.	South Indian	574	66,100	1	64	1,75,000	104	1,75,000	135	7,43,00	173	7,777	
1st do.	Great India, Peninsula	1,004	7,75,000	5	1,004	10,50,000	734	24,09,548	987	8,00,000	717	5,71,000	
1st do.	Bombay, Baroda and Central India	401	3,96,200	70	401	5,00,000	533	1,15,533	601	27,44,763	749	1,43,000	
	TOTAL	1,576	1,20,04,700	371	1,576	1,87,00,000	1,375	1,00,00,000	1,375	1,00,00,000	1,375	6,71,300	
State.													
4th May 1886	East Indian	1,500	10,87,575	701	1,515	10,55,000	697	20,81,435	699	7,00,000	676		37
4th do.	Eastern Bengal	8	7,77,17	54	234	8,00,000	8	6,72,400	370	6,15,000	353		3
4th do.	Nagpur	7	1,00,000	34	27	1,00,000	50	1,00,000	72	1,00,000	64	2,276	
4th do.	Northern Bengal	210	3,10,000	10	210	3,00,000	100	2,50,000	151	3,37,000	153	52,000	
4th do.	Konkan District	3	2,71,000	6	37	2,00,000	54	2,00,000	81	1,00,000	60		
4th do.	Tamil Nadu	90	2,70,000	101	240	3,00,000	10	2,50,000	131	3,77,000	130	12,000	
4th do.	Penn. Coal	87	7,77,000	13	7	10,00,000	100	1,00,000	100	1,00,000	221	15,000	
4th do.	Cannara, Ahmedn.	240	14,00,000	1	240	2,00,000	100	1,21,000	100	1,21,000	64	5,000	
4th do.	Dikhan, G. Ghazipur	1	1,00,000	10	1	1,00,000	100	1,00,000	113	1,00,000	114		
4th do.	Bombay and Madras	1,411	2,00,000	10	1,411	4,00,000	200	23,79,000	200	27,00,000	207	4,00,000	
4th do.	Wardha Coal	45	1,00,000	100	45	1,00,000	30	1,00,000	30	1,00,000	300	1,00,000	
4th do.	Nagpur and Chhattisgarh	111	4,00,000	20	111	3,00,000	200	3,00,000	330	3,00,000	320		2
4th do.	Bombay Baroda	11	5,00,000	110	11	4,00,000	100	3,00,000	200	3,00,000	140		2
4th do.	South	7	1,00,000	10	7	1,00,000	10	1,00,000	10	1,00,000	100	2,380	
4th do.	North-Western	1,003	6,00,000	30	1,003	5,00,000	270	8,00,000	400	3,00,000	277		18,3
4th do.	Assam and Dhulab	6	1,00,000	10	6	1,00,000	10	1,00,000	10	1,00,000	10		
4th do.	Bombay and Punjab	30	1,00,000	10	30	1,00,000	10	1,00,000	40	1,00,000	65	1,000	
4th do.	Dacca	10	1,00,000	10	10	1,00,000	10	1,00,000	20	1,00,000	82	1,000	
4th do.	Orissa	5	400	20	5	400	10	3,340	10	3,340	10	941	
5th June	Cawnpore-Kalpi	5			5	3,340	74			20,000	67	20,000	
	TOTAL	1,576	1,20,04,700	371	1,576	1,87,00,000	1,375	1,00,00,000	1,375	1,00,00,000	1,375		13,1
GRAND TOTAL (GUARANTEED AND STATE)													
			1,20,04,700	371		1,87,00,000	1,375	1,00,00,000	1,375	1,00,00,000	1,375		7,1
GROSS ESTIMATED EXPENSES													
								1,00,00,000	1,000	1,00,00,000	1,000		18,0
NET RECEIPTS													
								1,00,00,000	1,000	1,00,00,000	1,000		
As per C. and G. S.													
24th May 1886	Bombay-Central	120	6,40,000	70	120	10,00,000	84	22,00,000	81	7,00,000	81		
24th do.	Rohilkhand and Kumaon	67	4,80,000	7	67	6,00,000	94	3,00,000	70	54,355	100	15,078	
24th do.	Assam	3	(a)		3	(a)		(2) 1,00,000	54	(1) 1,00,000	88	10,107	
24th do.	Southern Mahatma	214	1,00,000	74	310	34,000	100	60,000	50	2,00,000	103	1,51,131	
24th do.	Bombay and North-Western	303	2,00,000	10	303	3,00,000	100	2,00,000	94	3,00,000	130	95,431	
4th do.	Tarakesan	2	1,00,000	10	2	1,00,000	253	1,00,000	253	1,00,000	281	700	
	TOTAL	713	1,00,000	10	713	10,00,000	113	4,00,000	81	7,00,000	113	2,78,043	
Native States.													
24th May 1886	Bhavnagar-Gondal	103	30,431	90	103	30,858	160	2,13,100	140	2,13,000	140	417	
24th do.	Idlipore	94	2,00,000	18	94	4,00,000	68	1,00,000	40	31,000	97	9,380	
24th do.	Nizam	14	(a)		14	(a)		(b) 1,00,000	27	(c) 1,00,000	111		3
24th do.	Mysore	14	2,00,000	60	140	8,431	60	8,00,000	54	8,00,000	87	1,000	
5th June	Rajputana-Patana	10	1,00,000	10	10	1,00,000	74	1,00,000	62	1,00,000	82	2,271	
	TOTAL	413	51,000	174	413	44,000	168	4,81,000	110	4,81,000	101		1

N.B.—As regards the figures in column "Total Receipts from 1st April to date," audited figures have been availed of as far as possible.

(a) Return not received.

(b) Total receipts from 1st April to 16th May 1885.

(c) Total receipts from 1st April to 15th May 1886.

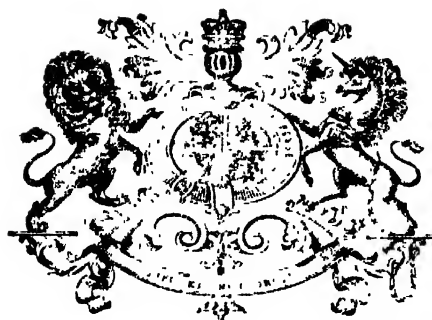
SIMLA,

FRED. FIREBRACE, Major, R.E.,

Under Secretary

The 16th June, 1886.





# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JUNE 19, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c

### GAZETTE OF INDIA.

#### NOTICE.

*The 15th March 1886.*

From the 10th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 3rd April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the *Gazette*. The annual subscription for the two Parts is **Rs 5** per annum, payable in advance. When sent by post, **Rs 2-8** per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Attention is invited to the Circular Memo. of the Government of India, Home Department, of February 1870, directing that all Notifications or other matter intended for insertion in the *Gazette of India* should be delivered at the Publisher's Office not later than 2 P.M. on Friday afternoon, and that matter sent after that hour must be certified to be extremely urgent in order to ensure its appearance in the next day's *Gazette*.

Matter intended for publication in the Supplement should reach the Press not later than Thursday.

E. J. DEAN,

*Publisher, Gazette of India*

### BANK OF BENGAL.

*Calcutta, the 17th June 1886*

Notice is hereby given that the Transfer Books of the Bank will be closed from Thursday, the 1st, to Thursday, the 15th proximo, both days inclusive.

By order of the Directors,

W. D. CRUICKSHANK,

*Offg. Secretary & Treasurer.*



**SURVEY OF INDIA.****NOTIFICATIONS.***Simla, the 11th June 1886.*

**No. 567.**—Mr. W. C. G. Barckley, Assistant Surveyor, 1st Grade, Survey of India Department, is granted privilege leave for two months and twenty-two days, under Section 138, Chapter X, of the Civil Leave Code, with effect from 10th July 1886.

**No. 568.**—Mr. E. Graham, Assistant Surveyor, 1st Grade, Survey of India Department, is granted privilege leave for two months and twenty-two days, under Section 138, Chapter X, of the Civil Leave Code, with effect from 10th July 1886.

H. R. THUILLIER, *Lieut.-Colonel, R.E.,*  
*Offg. Surveyor General of India.*

**SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.****NOTIFICATION.***Simla, the 25th May 1886.*

**No. 14.**—The services of the undermentioned 3rd Grade Assistant Surgeons of the Imperial List are placed temporarily at the disposal of the Chief Commissioner, Central Provinces :—

Third Grade Assistant Surgeon Radhica Prosad Sinha.

Third Grade Assistant Surgeon Upendra Nath Chatterjea.

B. SIMPSON, M.D.,  
*Surgeon-General with the Govt. of India.*

**AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.****NOTIFICATIONS.***Indore Residency, the 10th June 1886.*

**No. 2237.**—Pundit Balaprasad, Assistant Superintendent of Police, Rajputana-Malwa Railway, Indore Section, returned from the three months' privilege leave granted him in this Office Notification No. 245 A., dated 21st February 1886, and resumed charge of his office from Mr. R. Vital, on the forenoon of the 28th May 1886.

The unexpired portion of his leave, *vis.*, four days, is hereby cancelled.

*The 11th June 1886.*

**No. 2272.**—Colonel M. G. Gerard, C. B., returned from the privilege leave granted him

in this Office Notification No. 828 of the 11th March 1886, and resumed charge of his duties as Political Assistant, Goona, in addition to his other duties from Captain G. E. Money, on the forenoon of the 5th June 1886.

By Order,

F. L. PETRE,

*1st Asst. Agent to the Govr. Genl.*  
*for Central India.*

**CHIEF COMMISSIONER OF AJMERE-MERWARA.****NOTIFICATIONS.***Mount Abu, the 10th June 1886.*

**No. 594-331.**—Lala Balmakund Dass, Tehsildar of Ajmere, sub. *pro tem.*, is invested with the powers of a Magistrate of the 2nd Class as defined in Section 32, Act X of 1882 (Criminal Procedure Code), with effect from the 1st June 1886.

**No. 597-190 //**—Mr. H. E. J. Fitzpatrick, Extra Assistant Commissioner and Treasury Officer, Ajmere, is granted privilege leave for two months and nine days, with effect from the 2nd July 1886, or such subsequent date as he may avail himself of the same.

**No. 598-190 //**—Pundit Jia Lal, 1st Clerk of the Commissioner's Office, Ajmere, is appointed to officiate as Extra Assistant Commissioner and Treasury Officer during the absence on privilege leave of Mr. Fitzpatrick.

Pundit Jia Lal is invested, with effect from the date of assuming charge, with the powers of a Magistrate of the 2nd Class, as described in Section 32, Act X of 1882 (Criminal Procedure Code), and is further especially empowered under the last clause of the said section to pass sentence of whipping.

By Order,

HUGH DALY,

*for 1st Asst. to the Agent to the Govr Genl.*

**RESIDENT IN MYSORE.****NOTIFICATION.***Bangalore, the 10th June 1886.*

**No. 1686.**—In supersession of the Notification of the Resident in Mysore, No. 7, dated 31st May 1884, the Resident in Mysore is pleased, under the provision of Section 220 A of the Indian Companies Act (VI of 1882), to appoint the Assistant to the Resident in Mysore for the



time being to be Registrar of Companies for the Civil and Military Station of Bangalore, with effect from 1st July 1886.

By Order,

E. A. FRASER, *Major,*

*Assistant to the Resident.*

## DIRECTOR GENERAL OF RAILWAYS.

### NOTIFICATIONS.—ESTABLISHMENT.

*Simla, the 8th June 1886.*

**No. 50.**—With reference to Public Works Department Notification No. 142, dated 2nd June 1886, Mr. C. S. Harris, Class IV of the Superior Revenue Establishment of State Railways, Stores Department, is posted to the Sind-Sagar State Railway

**No. 51.**—Mr. H. G. S. Savory, Assistant Engineer, 1st Grade, is transferred, in the interests of the public service, from the Bolan Railway to the Sind-Pishin State Railway, Northern Section.

**No. 52.**—Mr. W. Giles, Assistant Engineer, 1st Grade, is transferred in the interests of the public service from the Nagpur-Bengal Railway to the Sind-Pishin State Railway, Northern Section.

*The 12th June 1886.*

**No. 53.**—Mr. V. E. DeBroe, Assistant Engineer, 1st Grade, is transferred, in the interests of the public service, from the Ferozepore Bridge Works to the North-Western Railway.

**No. 54.**—With reference to Public Works Department Notification No. 130, dated 14th May 1886, the undermentioned officers are posted to the Sind-Pishin State Railway, Northern Section:—

Mr. A. C. C. Rogers, Executive Engineer, 3rd Grade.

Babu Bhoobun Mohun Bose, Executive Engineer, 4th Grade, sub. *pro tem.*

Babu Kali Podu Sen, Executive Engineer, 4th Grade, sub. *pro tem.*

F. S. STANTON, *Colonel, R.E.,*

*Director General of Railways.*

### Statement of Silver Balance in the Calcutta Mint for the week ending 9th June 1886.

	R	R
Value of silver held in the Mint on account of the Currency Department on the evening of the 2nd June 1886	1,99,089	
Value of Government silver in the Mint on the same date	62,34,264	64,33,353
<b>ADD—</b>		
Silver received by the Mint during the week on account of the Currency Department	26	
Ditto ditto Government	1,804	1,920
<b>DEDUCT—</b>		
New coin paid to Reserve Treasury during the week	5,22,358	64,35,273
Petty items issued for miscellaneous purposes	...	5,22,358
Balance on the evening of the 9th June 1886	...	59,12,915
<b>The Balance comprises—</b>		
Silver held on account of the Currency Department	1,99,115	
Ditto ditto Government	57,13,800	59,12,915
<b>There is in addition awaiting assay—</b>		
Bullion belonging to Private Individuals	39,101	
Ditto ditto Government	...	39,101

A. W. BAIRD, *Major, R.E.,*  
*Offg. Master of the Mint.*

CALCUTTA MINT,  
*The 10th June 1886.*

### Statement of Silver Balance in the Calcutta Mint for the week ending 16th June 1886.

	R	R
Value of silver held in the Mint on account of the Currency Department on the evening of the 9th June 1886	1,99,115	
Value of Government silver in the Mint on the same date	57,13,800	59,12,915
<b>ADD—</b>		
Silver received by the Mint during the week on account of the Currency Department	34,780	
Ditto ditto Government	9,353	44,133
<b>DEDUCT—</b>		
New coin paid to Reserve Treasury during the week	6,00,000	59,57,048
Petty items issued for miscellaneous purposes	...	6,00,000
Balance on the evening of the 16th June 1886	...	53,57,048
<b>The Balance comprises—</b>		
Silver held on account of the Currency Department	2,33,895	
Ditto ditto Government	51,23,153	53,57,048
<b>There is in addition awaiting assay—</b>		
Bullion belonging to Private Individuals	3,34,162	
Ditto ditto Government	...	3,34,162

A. W. BAIRD, *Major, R.E.,*  
*Offg. Master of the Mint.*

CALCUTTA MINT,  
*The 17th June 1886*

## Statement of the Affairs of the Bank of Bengal for the week ending 15th June 1886.

LIABILITIES.				ASSETS.			
	₹	a.	p.		₹	a.	p.
Capital paid-up	2,00,00,000	0	0	Government Securities	52,84,733	6	0
Reserve Fund	41,56,684	15	0	Other authorized Investments	53,40,730	8	0
Public Deposits at Head Office	1,34,15,605	10	9	Loans on Government and other authorized Securities	1,32,44,491	3	4
Public Deposits at Branches	1,30,02,530	6	8	Accounts of Credit on Government and other authorized Securities	80,52,880	11	1
Other Deposits at Head Office and Branches	2,96,74,239	4	6	Bills discounted and purchased	2,05,10,805	3	9
Bank Post Bills, &c.	3,07,343	12	9	Balances with other Banks	12,50,038	11	9
Sundries	20,76,277	3	6	Bullion	3,043	1	0
				Dead Stock	11,41,987	4	3
				Stamps	10,586	3	0
				Sundries	6,53,135	15	0
					6,15,38,038	4	2
				Cash and Currency Notes at Head Office	1,18,00,383	0	5
				Cash and Currency Notes at Branches	93,84,469	0	7
					2,11,84,652	1	0
RUPEES	8,27,22,690	5	2	RUPEES	8,27,22,690	5	2

BANK OF BENGAL,  
Calcutta, 17th June 1886.

J. GORDON,  
Chief Acct. & Dy. Secy.  
Rate for Demand Loans 8 per cent.  
Percentage 30'1

By Order of the Directors,  
W. D. CRUICKSHANK,  
Offg. Secretary & Treasurer.

## CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned.—

## Bombay Circle.

## NOTES WHOLLY LOST OR DESTROYED.

Regt. No.	No. of Notes.	Value.	Name of Claimant.
1886.		₹	
W19	S 3—30106	50	Nusserwanji Rustamji Kuthoke, Bombay.
W20	S 11—11432	100	Mr. A. Maidment, Kanara.
	M 04—76147	100	
	M 84—53023	50	
	" —73239	50	
W21	M 76—89092	1,000	Mooledina Moomun, Bombay.
	" —92137	1,000	
	" —95191	1,000	
	" —93320	1,000	
	" —80712	1,000	
	" —90457	1,000	
	" —92149	1,000	
	" —84072	1,000	
	" —02148	1,000	
	" —88270	1,000	
	" —01473	1,000	
	" —56184	1,000	
W22	M 94—80390	100	Mr. H. W. J. Bagnell, Thana.
W23	M 50—45023	50	Krishnaji Wasudeo Barve, Thana.

BOMBAY.

The 15th June 1886.

R. A. STERNDALÉ,  
Asst. Acct. Genl., Paper Currency Dept.

## Madras Circle.

## NOTE WHOLLY LOST OR DESTROYED.

Regt. No.	No. of Note.	Value.	Name of Claimant.
		₹	
5	B 03—15387	100	Messrs. T. A. Taylor & Co., Madras.

FORT ST. GEORGE,  
The 10th June 1886

C. HALL,  
Chief Superintendent,  
In charge of Paper Currency Dept.

## POST OFFICE.

## NOTIFICATIONS.

Simla, the 19th June 1886.

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G BARTON GROVES,

Offg. & residency Postmaster, Calcutta.

Unclaimed letters held in the Calcutta General Post Office on 17th June 1886.

A. Echibald, A. M.	Krahn, William.	Palentine, W.
Dundas, R. H. D.	Marshall & Co.	Perry, J. C.
Faulkner, Mrs. G. H.	Nicholson, G.	Stevens, R. H.

Letters marked "Care of Post Office."

Barnes, G. J.	Gayer, A. H.	Murphy, H.
Barnett, Mrs. James.	Gillart, Mrs. M.	Norville, Mrs. L.
Basham, M. E.	Godfrey, J. B.	Olsen, J.
Bates, J. N.	Goodall, Miss.	Page, J. B.
Biger, Mon. F.	Griffiths, Morris.	Perry, A.
Bissett, W. V.	Guerrier, H. J.	Perry, C. J.
Bowers, S.	Gulley, Mr.	Poley, J.
B. R.	Har, G.	Powers, J. O.
Burke, E. M.	Hammagan, C. H. M.	Preston, R. C. Campden.
Bush, C.	Hall, Mrs. Knox.	Randall, T.
Capel, Lt.-Col.	Hoare, R.	Rice, W. G. L.
Carson, Mrs.	Horne, James S.	Rishworth, B. J.
Caws, Capt. A. E.	Howell, L. J.	R. M. L. Miss.
Charleston, R. M.	Hutton, Lt.-Col.	Roberts, H. A.
Cohen, Mr.	J. M. Mc.	Robinson, F. A.
Delany, Mrs. J.	Jones, Mrs.	Saltan, Miss M.
Dinnock, Basil.	Kelly, Miss G.	Sargan, S.
D'Mello, Jose.	K. T. M.	Schmid, Otto.
Dodd, C. B. N.	Kirkbride, J.	Schunemann, C. H.
Dowling, D. G. A.	Knight, Capt. M. J.	Smith, Chas. W. Trevor
D'Orazio, H. S. S.	Lea, Jay.	Sole, Rev. A. B.
D'Orazio, Miss J.	Ladder, E.	Stone, Mrs. J.
Driver, W. H. P.	Macqueen, T.	Swingle, Mrs. C.
Drury, Surgeon F. J.	Martin, H.	Taylor, Capt.
Dukes, Mrs.	McCarthy, Chas.	Todd, H. P.
Earle, T.	McDonald, J.	Tracey, A.
Easton, Percy H.	McDonald, Miss.	Tyrrell, C. A.
Ellis, R. H. M.	McLaughlin, John.	Walker, P. B.
Entwistle, R.	Moler, Capt. John C.	Ward, Lieut. B. R.
Fox, R. C. W.	Morris, Paul.	Williams, C.
Fraser, H. B.	Mullen, J.	

## Registered Letters.

Grogan, H. C.  
Guernier, H. J.Jones, W.  
Power, J. O.Sutherland, G.  
Wilson, W. T.

## Unclaimed Letters held in the Barrackpore Post Office on the 14th June 1886.

Acar, H.  
Arrakiel, M.  
Barrow, A. J.  
Cress, J.  
Deburgh, W. T.  
Doyle, A.Fagan, H. R.  
Fowler, J.  
Hart, H.  
Kerr, Major.  
Owen, J.  
Owen, M. S.Patch, J.  
Phufler, R.  
Rayneau, G.  
Stewart, Mrs.  
Thomas, Major.  
Zacheriah, H. C.

G. BARTON GROVES,

Offg. Presidency Postmaster, Calcutta.

The 19th June 1886.  
SEA AND FOREIGN MAILS.

Mails for	Date of closing at Calcutta.	Route by which despatched.
	1886.	
Egypt, Europe, America, Cape Colonies through United Kingdom	19th June	Per P. & O. Str. from Bombay.
Ditto ditto ditto	20th "	Ditto.
Ditto Book Post and Pattern Packets	25th "	Ditto.
Mauritius, Mahé (Seychelles) Mayotte, No-si Be, and Reunion	26th "	Ditto.
Zanzibar, Mozambique, and East Coast of Africa generally, Delagoa Bay, Natal and Cape Colonies by B. I. Steamers from Aden to Zanzibar and thence by the Castle Mail Packets Supplementary)	19th "	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan	22nd "	Ditto.
Australia, New Zealand and Tasmania	22nd "	Ditto.
Madras and Colombo	23rd "	Per P. & O. Str.
Straits and Hong-Kong	19th "	Per Str. A.
Rangoon and Moulemein	23rd "	Per Str. A.
Akyab, Kyauk Phyoo, and Rangoon	23rd "	Per Str. A.

N.B.—The letter-box will close at 7 P.M. precisely, after which hour Foreign letters, fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover, will be received up to 7.30 P.M.

G. BARTON GROVES,

Offg. Presidency Post Master.

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FEBRIFUGE.

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## گورنمنٹ سنکونا فبري فيوج

یہ دوا کوئینائین کا خوب قائم مقام ہے اور کلکتہ کے ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری واسطے سرکاری کام اور خیرات کے اور سوائے ان کے جو کوئی ایک مشہد بیس پونڈ خرید لینے سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا سولہ روپیہ آٹھ آنہ۔

اور عوام الناس ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس کے تین کا پانچ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا دس روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا بیس روپیہ۔

یہ دوا کلکتہ کے بڑے بڑے دلایتی اور دیسی دوا خانوں میں بکتی ہے ماسوائے قیمت مذکورہ بالا کے محصول ذاتی چار اور آٹھ اونس کے تین کا آٹھ آنہ ; اور ایک پونڈ کے تین کا بارہ آنہ۔

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لال سنکونا بارک کی ایک نئی اور عمدہ دوا گورنمنٹ فیکٹری میں تیار ہوئی ہے معمولی بے صاف کی ہوئی دوائی بخار سے کوہن کے لئے بہت خوب قائم مقام ہے اور سب پر متصل کلکتہ کے ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری کام اور خیرات کے لئے اور لوگ جو ایک مشہد بیس پونڈ لین نقد اس دوا سے خرید سکتے ہیں یعنی چار اونس کے تین کا چھ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا بارہ روپیہ آٹھ آنہ ; اور ایک پونڈ کے تین کا چوبیس روپیہ۔

اور عام لوگوں کو ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے نقد اس دوا پر مل سکتا ہے یعنی چار اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا اسولہ روپیہ آٹھ آنہ اور ایک پونڈ کے تین کا بیس روپیہ یہ دوا کلکتہ کے بڑے بڑے دلایتی اور دیسی دواخانوں میں بھی بکتی ہے محصول ذاتی چار اونس کے تین کے لئے چار آنہ ; آٹھ اونس کے تین کے لئے آٹھ آنہ اور ایک پونڈ کے تین کے لئے بارہ آنہ علاوہ اوپر لکھے ہوئے نرخ کے ہے۔

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# The Gazette of India

## EXTRAORDINARY.

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SIMLA, MONDAY, JUNE 21, 1886.

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### FOREIGN DEPARTMENT.

#### NOTIFICATION.

No. 2091 I.

*Simla, the 21st June 1886.*

The Governor-General in Council has received with profound regret the intelligence of the death, on the 20th instant, of His Highness Mukhtar-ul-Mulk Azim-ul-Iktidar Rafi-ush-Shan Wala Shikoh Mohtasham-i-Dauran Umdat-ul-Umara Maharaj-Adhiraj Alijah Hisam-us-Saltanat MAHARAJA JAYAJI RAO SINDHIA Bahadur Srinath Mansur-i-Zaman Fidwi-i-Ilaqrat-i-Malika i-Muazzama-i-Rafi-ud-Darja-i-Inglistan, OF GWALIOR, Councillor of the Empress, Honorary General in Her Majesty's Army, Knight Grand Cross of the Most Honorable Order of the Bath, Knight Grand Commander of the Most Exalted Order of the Star of India, and Companion of the Order of the Indian Empire.

During the forty-three years which have elapsed since His Highness succeeded to the rule of the Gwalior State he has maintained a foremost place among the loyal feudatories of the Crown. His Highness received only a few months ago a crowning proof of the trust reposed in him by Her Majesty's Government; and the Governor-General in Council grieves to think that he has lived so short a time to enjoy the fulfilment of his long-cherished desire.

By order of the Governor-General in Council,

H. M. DURAND,

*Secretary to the Government of India.*





# The Gazette of India

EXTRAORDINARY.

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SIMLA, SATURDAY, JUNE 19, 1886.

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FOREIGN DEPARTMENT.

NOTIFICATION.

*No. 2089 I.*

*Simla, the 19th June, 1886.*

The Governor-General in Council announces with deep regret the death, on the 17th instant, of HIS HIGHNESS MAHARAJ-ADHIRAJ RAJ RAJESHWAR SAWAI TUKAJI RAO HOIKAR BAHADUR, of Indore, Knight Grand Commander of the Most Exalted Order of the Star of India, Companion of the Order of the Indian Empire, Councillor of the Empress.

His Highness succeeded to the rule of the Indore State more than forty years ago, and the Governor-General in Council feels that the Indian Empire has lost in him one of the most capable and experienced of its Native Chiefs.

By order of the Governor-General in Council,

H. M. DURAND,

*Secretary to the Government of India.*





# The Gazette of India.

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No. 26.}

SIMLA, SATURDAY, JUNE 20, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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**PART III.**—Advertisements and Notices by private individuals and Corporations.

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The North-Western Provinces Land Revenue Act, 1886.

**PART V.**—Bills introduced into the Council of the Governor-General for making Laws and Regulations, or published under Royal Warrant:—

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The Debenture Bill.

The Oudh Wastelands Bill.

The Punjab Money Bill.

**SUPPLEMENT No. 26.**

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### HOME DEPARTMENT.

#### NOTIFICATIONS.—ESTABLISHMENTS.

*Simla, the 21st June, 1886.*

**No. 205.**—*Appointment.*—Lieutenant J. J. Cronin, 7th Bengal Infantry, to be an Assistant Commissioner of the 4th Grade in Burma.

#### ECCLESIASTICAL.

*The 23rd June, 1886.*

**No. 177.**—The Reverend A. G. A. Roberts, M.A., a Junior Chaplain on the Bengal Ecclesiastical Establishment, to be a Senior Chaplain, with effect from the 10th instant.

**No. 170.**—*Erratum.*—In Home Department Notification No. 105, dated the 16th April, 1886, for "25th February, 1886," read "24th February, 1886."

#### PATENTS.

*The 21st June, 1886.*

**No. 743.**—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of

the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department of the Presidency, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.—

**No. 170 of 1885.**—Charles Mackey Taylor and Anthony Percival Turner, both of London, England, for improvements in bottle stoppers.

**No. 193 of 1885.**—Richard Morris, of Blackheath, in the County of Kent, England, for an improvement in the mode of ammunition and the appliances for adapting fire arms for its use.

#### FORESTS.

*The 19th June, 1886.*

**No. 513 F.**—Consequent on the grant of furlough to Mr. G. Greig, Conservator of Forests of the 1st Grade, in charge of the Central Circle in the North-Western Provinces and Oudh, the following temporary promotions are made, with

effect from the date on which Mr. Greig may avail himself of the leave in question --

Captain F. S. Wood, Conservator of Forests, 2nd Grade, Oudh Circle, North-Western Provinces and Oudh—to officiate in the 1st Grade of Conservators.

Mr. A. I. Home, Conservator of Forests, 3rd Grade, Bengal—to officiate in the 2nd Grade of Conservators.

Mr. C. Bagshawe, Deputy Conservator of Forests, 2nd Grade, North-Western Provinces and Oudh—to officiate in the 3rd Grade of Conservators and to have charge of the Central Circle in the North-Western Provinces and Oudh.

*The 24th June, 1886.*

**No. 534 F.**—Mr. R. H. M. Ellis, Deputy Conservator of Forests of the 2nd Grade in Bengal, is appointed to officiate in the 1st Grade of Deputy Conservators during the absence on privilege leave for two months and twenty days of Mr. W. R. J. Breton, Deputy Conservator of the 1st Grade in the North-Western Provinces and Oudh, with effect from the 20th June 1886, or the subsequent date on which Mr. Breton may avail himself of the leave in question.

A. P. MacDONNELL,

*Offg. Secretary to the Government of India*

## FOREIGN DEPARTMENT.

### NOTIFICATIONS.

*Simla, the 24th June, 1886.*

**No. 1249 G.**—The following promotions are made in the Berar Commission —

Mr. H. E. J. Fitzpatrick, Extra Assistant Commissioner of the 4th Class, to be an Extra Assistant Commissioner of the 3rd Class, but to continue to be employed as Extra Assistant Commissioner at Ajmere.

Munshi Ajudhia Pershad, Extra Assistant Commissioner of the 4th Class, to be an Extra Assistant Commissioner of the 3rd Class, *vice* Mr. H. E. J. Fitzpatrick, seconded.

*The 16th June, 1886.*

**No. 2089 I.**—The Governor-General in Council announces with deep regret the death, on the 17th instant, of HIS HIGHNESS MAHARAJ-ADHIRAJ RAJ RAJESHWAR SAWAI TUKAJI RAO HOLKAR BAHADUR, of Indore, Knight Grand Commander of the Most Exalted Order of the Star of India, Companion of the Order of the Indian Empire, Councillor of the Empress.

His Highness succeeded to the rule of the Indore State more than forty years ago, and the Governor-General in Council feels that the Indian Empire has lost in him one of the most capable and experienced of its Native Chiefs.

*The 21st June, 1886.*

**No. 2001 I.**—The Governor-General in Council has received with profound regret the intelligence of the death, on the 20th instant, of His Highness Mukhtar-ul-Mulk Azim-ul-Iktidar Rah-ush-Shan Wala Shikoh Mohtasham-i-Dauran Umdat-ul-Umara Maharaj-Adhiraj Alijah Hisam-us-Saltanat MAHARAJA JAYAJI RAO SINDHIA Bahadur Srinath Mansur-i-Zaman Fidwi-i-Hazrat-i-Malik-i-Muazzama-i-Rah-ud-Darja-i-Inglistan, OF GWALIOR, Councillor of the Empress, Honorary General in Her Majesty's Army, Knight Grand Cross of the Most Honorable Order of the Bath, Knight Grand Commander of the Most Exalted Order of the Star of India, and Companion of the Order of the Indian Empire.

During the forty-three years which have elapsed since His Highness succeeded to the rule of the Gwalior State he has maintained a foremost place among the loyal feudatories of the Crown. His Highness received only a few months ago a crowning proof of the trust reposed in him by Her Majesty's Government, and the Governor-General in Council grieves to think that he has lived so short a time to enjoy the fulfilment of his long-cherished desire.

*The 24th June, 1886.*

**No. 2161 I.**—The following sub-section is added to Section 8 of the Berar Patels and Patwaris Law published in Foreign Department Notification, No. 10 I., dated the 1st January, 1886:—

(6) If a person specified in sub-section (1), sub-section (2), or sub-section (3) of this section fails to appoint an agent as empowered by the sub-section, the Deputy Commissioner may appoint the agent which that person is so empowered to appoint.

**No. 2165 I.**—The Governor-General in Council is pleased to extend Act II of 1886 (*an Act for imposing a tax on income derived from sources other than agriculture*) to the Civil and Military Station of Bangalore, subject to the modifications hereinafter set forth:—

- (1) For "British India," wherever the phrase occurs, *read* "the Civil and Military Station of Bangalore."
- (2) In Sections 22 and 43, for "India," *read* "the Civil and Military Station of Bangalore."
- (3) In Section 30 (1), for "any part of the territories administered by the Local Government to which he is subordinate," and, in Section 38 (1), for "the territories subject to that Government," *read* "the Civil and Military Station of Bangalore."
- (4) For "a Local Government," and "the Local Government," wherever those phrases occur, *read* "the Resident in Mysore."
- (5) In Sections 27 and 34 (2), for "the Commissioner of the Division," in Section 28

(in both places in which the word occurs), *for* "Commissioner," and, in Section 40, *for* "a Commissioner of Division," *read* "the Assistant to the Resident."

(6) In Section 1, *for* sub-section (1) *read* "(1) This Act extends to the Civil and Military Station of Bangalore," and *for* "the passing of this Act" in sub-section (3) *read* "the date of this notification."

(7) In Section 3, *for* clause (o), *read* "(o) 'Collector' means the Collector of the Civil and Military Station of Bangalore."

(8) In Section 23, third clause, *insert* "or" after "receiver."

(9) *Omit* the following —

(a) Section 2 and the first Schedule

(b) in Section 3—

"body of port commissioners" in clause (1);

clause (5), from and including "and includes";

"a Presidency Magistrate or" in clause (6)

(c) in Section 18—

clause (c) of sub-section (1);

"or clause (c)" in sub-sections (2) and (3), "or served" in sub-section (3)

(d) in Section 22, "the Courts of Wards, the Administrators General of Bengal, Madras and Bombay, and the Official Trustees"

(e) in Section 23—

"a Court of Wards, an Administrator General or an Official Trustee" in the second clause.

"or Court," "or its," and "Court of Wards, Administrator General or Official Trustee," in the third clause,

(f) in Section 32, clause (c), "district or districts";

(g) in Section 43, "or a Court of Wards, Administrator General or Official Trustee"

(h) Sections 47 and 48

(i) in the second Schedule, Part I, Article 2.

(10) For the period ending the 31st day of March, 1887, the Act shall be read as though the dates specified in the second column of the following table were substituted for those specified against them in the first column:

1	2
Thirty-first day of March.	Thirtieth day of June.
First day of April, 1886.	First day of July, 1886.
Fifteenth day of April.	Fifteenth day of July.
First day of June.	First day of September.

*The 24th June, 1886.*

**No. 1356 E.**—Lieutenant H. Daly, Political Assistant of the 2nd Class, sub. *pro tem.*, and Assistant to the Governor-General's Agent in Rajputana, is appointed to special duty in Upper Burma, with effect from date of joining.

H. M. DURAND,

*Secretary to the Government of India.*



## DEPARTMENT OF FINANCE AND COMMERCE.

## NOTIFICATIONS.

## ACCOUNTS AND FINANCE.

Simla, the 21st June, 1886.

No. 1516.—*Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.*  
May 1886. (Lakhs of Rupees.)

	IN MAY		TO END OF MAY		WHOLE YEAR.	
	1886-87.	1885-86.	1886-87.	1885-86.	Budget, 1886-87.	Actuals, Preliminary 1885-86.
[For the explanation of these heads, see <i>Gazette of India</i> , dated 22nd December, 1883, Part I, page 497.]						
<b>Civil Revenue.</b>						
Land Revenue (including Land Revenue due to Irrigation) . . . . .	2,07	2,44	3,68	4,14	23,32	23,15
Opium . . . . .	67	60	1,50	1,30	9,23	8,04
Salt . . . . .	65	63	1,22	1,15	6,30	6,34
Stamps . . . . .	30	31	63	65	3,00	3,60
Excise . . . . .	33	32	60	67	4,14	4,15
Provincial Rates . . . . .	31	34	51	56	2,91	2,98
Customs . . . . .	10	9	23	22	1,17	1,20
Assessed Taxes . . . . .	5	12	8	10	1,34	50
Forest (Madras and Bombay only) . . . . .	2	2	4	4	42	43
Registration . . . . .	3	3	5	5	31	31
Tributes from Native States . . . . .	3	2	8	8	71	70
Other Civil Revenue . . . . .	21	20	49	49	3,20	3,13
<b>TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT: GROSS . . . . .</b>	<b>4,77</b>	<b>5,18</b>	<b>9,20</b>	<b>9,63</b>	<b>56,83</b>	<b>55,49</b>
<b>Civil Expenditure.</b>						
Interest on Ordinary Debt and that on Productive Public Works . . . . .	42	40	74	88	3,82	3,81
Opium . . . . .	60	75	1,57	1,82	2,65	3,05
Other Civil Expenditure . . . . .	1,51	1,72	3,11	3,38	22,45	20,99
<b>TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT: GROSS . . . . .</b>	<b>2,53</b>	<b>2,96</b>	<b>5,42</b>	<b>6,08</b>	<b>28,92</b>	<b>27,85</b>
Extraordinary Receipts . . . . .			...	...	...	+ 2,17
<b>Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.</b>						
[The figures comprising Revenue, Expenditure, and Debt and Remittance Transactions.]						
Post Office (Net: + Receipts more, — Receipts less, than issues) . . . . .	+ 24	— 3	+ 62	— 3	+ 49	+ 91
Forest, Telegraph, Marine (Net as above) . . . . .	— 1	— 8	— 6	— 17	— 1	— 32
Guaranteed and Subsidized Railways (Net as above) . . . . .	+ 60	+ 59	+ 1,12	+ 1,16	+ 4,97	+ 4,93
Do. Repayment of surplus profits, &c. . . . .		...	...	...	— 42	— 47
Military Receipts . . . . .	+ 6	+ 6	+ 13	+ 13	+ 83	+ 1,13
Military Issues . . . . .	— 1,09	— 1,44	— 2,20	— 2,98	— 12,99	— 14,78
Public Works Department—						
State Railways Receipts . . . . .	+ 44	+ 31	+ 61	+ 67	} — 2,35	+ 4,28
State Railways Issues . . . . .	— 63	— 57	— 1,35	— 1,11		— 5,97
East Indian Railway Receipts . . . . .	+ 43	+ 42	+ 83	+ 81	} + 2,90	+ 4,18
East Indian Railway Issues . . . . .	— 20	— 14	— 28	— 23		— 1,35
Ordinary Branches Receipts . . . . .	+ 9	+ 9	+ 32	+ 18	} — 5,44	+ 1,70
Ordinary Branches Issues . . . . .	— 47	— 59	— 1,11	— 1,35		— 7,58
<b>TOTAL NON-CIVIL DEPARTMENTS . . . . .</b>	<b>— 56</b>	<b>— 1,38</b>	<b>— 1,97</b>	<b>— 2,92</b>	<b>— 13,02</b>	<b>— 13,29</b>
<b>Civil Debt and Remittance Transactions.</b>						
Permanent Debt (Net: + Receipts more, — Receipts less, than payments) . . . . .	..	— 2	...	— 2	— 2	— 48
Mint Certificates and Bullion Advance (Net as above) . . . . .	+ 5	+ 21	+ 2	+ 37	...	+ 17
Exchange on Remittance Account . . . . .	— 6	— 10	— 40	— 35	— 4,55	— 3,34
Council Bills paid (including Telegraphs) at Rs. 10 per £ . . . . .	— 56	— 60	— 1,74	— 2,38	— 13,33	— 11,16
Other Debt heads (Net as above) . . . . .	— 17	+ 22	— 70	+ 18	+ 1,23	— 1,50
<b>TOTAL DEBT AND REMITTANCE TRANSACTIONS . . . . .</b>	<b>— 74</b>	<b>— 38</b>	<b>— 2,58</b>	<b>— 2,20</b>	<b>— 16,67</b>	<b>— 16,31</b>
<b>GRAND TOTAL RECEIPTS AND ISSUES . . . . .</b>	<b>+ 94</b>	<b>+ 46</b>	<b>— 17</b>	<b>— 1,57</b>	<b>— 1,78</b>	<b>+ 21</b>
Opening Cash Balance in Treasuries and Presidency Banks . . . . .	11,64	10,51	12,5	12,54	12,40	12,54
Closing Cash Balance in Treasuries and Presidency Banks . . . . .	12,58	10,97	12,58	10,97	10,62	12,75

## LEAVE AND APPOINTMENTS.

*The 24th June, 1886.*

**No. 1582.**—Mr. H. Farrer, having been appointed to be Post Master-General, Madras, received charge of that office from Mr. S. Sullivan before noon on the 15th June, 1886.

*The 25th June, 1886.*

**No. 1585.**—Surgeon F. F. MacCartie, M.B., having been appointed a Probationer in the Assay Department, Bombay Mint, joined his appointment after noon on the 18th June, 1886.

**No. 1604.**—Surgeon H. P. Yeld, officiating Deputy Assay Master, Bombay Mint, was confirmed in that appointment from the 29th May, 1886.

## CODES.

*The 25th June, 1886.***No. 1602.**

## CIVIL PENSION CODE.

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Section 88.

*Add the following under Rule (c) to this Section —*

"All officers in the Punjab transferred before the 1st July, 1886, to service under District Boards constituted under Act XX of 1883."

## SEPARATE REVENUE.

STAMPS,  
NON-JUDICIAL,  
AMENDMENTS, &c.

*The 25th June, 1886.*

**No. 1611.**—In exercise of the powers conferred by Sections 9 and 56 of the Indian Stamp Act, 1879, the Governor-General in Council directs that the following shall be added to Rule 9 (g) of the Rules promulgated in this Department Notification No. 1233, dated the 3rd March, 1882 —

"and the Hazur Deputy Collector, Karachi, when the Collector is absent from Headquarters."

STAMPS,  
NON-JUDICIAL,  
AMENDMENTS, &c.

*The 25th June, 1886.*

**No. 1610.**—*Erratum.*—In Line 4 of this Department Notification No. 590, dated the 5th May, 1886, for "4043," read "4043."

## STATISTICS AND COMMERCE.

COMMERCE AND TRADE,  
MERCHANT SHIPPING.

*The 25th June, 1886.*

**No. 1572.**—Under the provisions of Section 61 of Act VII of 1880, the Governor-General in Council is pleased to fix the following rates of payment for the subsistence and passage of distressed seamen and apprentices who are sent on board a British ship under Section 57 of the said Act, and are in excess of the number wanted to make up the complement of the crew:—

- (a) In the case of lascars—for each man, six annas daily if the ship is a sailing vessel, and twelve annas daily if she is a steam-ship.
- (b) In the case of Europeans and other seamen who live as Europeans—for each man, not being a master, one shilling and six pence daily, and for a master two shillings daily, if the ship is a sailing vessel; and for each man, including a master, three shillings daily if the ship is a steam-ship.

**No. 1574.**—In exercise of the powers conferred by Sections 58 and 67 of the Indian Merchant Shipping Act, 1880, the Governor-General in Council is pleased to make the following rules regarding the relief of distressed seamen or apprentices in Bengal:—

*Relief of distressed seamen*

In these rules the term "distressed seamen" includes—

- (a) all seamen and apprentices being native Indian subjects of Her Majesty who have been shipwrecked, discharged, or left behind at any place in British India,

whether from any British ship employed in the merchant service, or from any of Her Majesty's ships, or who have been engaged by any person acting either as principal or agent to serve in any ship belonging to any foreign power, or to the subject of any foreign State, and who are in distress in any such place ;

- (b) all seamen and apprentices not being native Indian subjects who have been shipwrecked, discharged, or left behind at any place in British India from any British ship registered in British India, and who are in distress in any such place.

2. In taking charge of distressed seamen, the local authority will provide them with subsistence and clothing, as their necessities may require, but upon the most reasonable terms possible, and no more expensive clothing should be supplied to an officer than to a common seaman. Beds and bedding should not be supplied except under special circumstances, and the value of clothing should not exceed Rs. 10 for each person. In any case of unusual expense, when the local authority considers it absolutely necessary to deviate from the foregoing rules, or to provide relief for a longer period than one month, a statement of the exceptional circumstances which necessitated the further outlay is to accompany his accounts when transmitted for audit. Money payments to the seamen themselves for purposes of relief must be avoided as far as practicable.

3. In all cases to which Section 62 of the Act applies, a report should be submitted by the local authority to the Government, in order to admit of the seaman's wages (if any are due) and the expenses incurred in his behalf being recovered from the master or owner or other person liable under Section 63 of the Act.

*Conveyance home of distressed seamen.*

4. Distressed seamen who are in receipt of relief are to be sent home by the earliest available opportunity, and British vessels requiring men to make up their complement should be preferred in order to admit of the seamen earning wages while being so sent; but if no such vessel can be found, and if there is no immediate prospect of any such vessel requiring men, they should be sent as supernumeraries on board the British vessels (whether registered in British India or not) that may be in the port at the time, and bound to their homes, or to ports near their homes, as the case may be; provided, however, that no ship be required to convey more than one supernumerary to every fifty tons of her registered tonnage. Distressed seamen who refuse to work, if able, for their passage home, cease to be entitled to further relief under these rules.

5. The local authority will enforce upon the agreement of the British ship, on board which distressed seamen are sent under Section 54 or Section 57 of the Act, the name of each man sent on board, and the day on which he was sent on board. He will also, in the case of a distressed seaman sent on board under Section 57, fill up, sign, and deliver to the master an order with certificate in Form A for the seaman's conveyance.

6. Whenever there are no British merchant vessels to which distressed seamen can be allotted, and the local authority thinks it desirable, in order to avoid expense, to engage a passage for them in foreign merchant vessels, he may do so on the best terms he can obtain. He should avoid, if practicable, making any payment beforehand for such passage, but should report the terms to the Government, and direct the master to apply for payment to the shipping master at the port to which the vessel is bound.

A.

Form of Order for the conveyance of distressed seamen under Rule 5 of the Rules passed by Government under Sections 58 and 67, Act VII of 1880.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Date of entry of the person to be conveyed.	The status of the person to be conveyed, whether seaman, apprentice, or other.	The vessel in which the person was conveyed, and the name of the captain or other person in charge of the vessel.	The name of the vessel, and the name of the captain or other person in charge of the vessel.	The cause of the person's being distressed, and the date of his entry into the service.	The name of the person, and his age, and the date of his entry into the service.	The name of the person, and his age, and the date of his entry into the service.	Amount of wages payable.	If wages were paid by the local authority.	The amount expended and chargeable to wages.	The amount, if any, remaining to credit.	The amount, if any, due.	If no wages were paid by the local authority.
									Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.

No.

To  
The Master of the ship

Pursuant to the Indian Merchant Shipping Act, 1880, Sections 56 and 57, you are hereby required to receive on board your vessel, and convey to , the seaman herein named.

For the subsistence of such as are supernumeraries over and above the number of the crew with which the vessel commenced her voyage, you will be paid at the rate of per man per diem on presentation of this order, and on your daily making declaration as per reverse. Dated at this day of 18

(Sd.)

Local Authority

Declaration to be made before the local authority at the port to which the seamen are ordered to be conveyed.

Particulars of ship in which the distressed seamen are conveyed.	Names of seamen received on board.	Date when subsistence on board commenced.	If landed, where, if not landed, cause to be stated.	Date when landed or disposed of.	Number of days during which subsistence was afforded.
Name . . . . .					
Official No. . . . .					
Tonnage . . . . .					
Number of crew on outward voyage.					
Number of crew on homeward voyage.					
Total number of days . . . . .					

I , master of the abovenamed ship, do solemnly and sincerely declare that the seamen above referred to were afforded subsistence by me for the period stated, during the whole of which time I had my full complement of men, excepting ) exclusive of the aforesaid seamen, and that the above statements are correct.

Declared before me

this day of 18

Signature of the Local Authority

Master's signature.

Master's address:

D. M. BARBOUR,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 25th June, 1886.

APPOINTMENTS.

No. 409.—HYDERABAD CONTINGENT—

Colonel T. H. W. v. Commandant 3rd Infantry, Hyderabad Contingent, to officiate as Commandant of the Hyderabad Contingent, with the temporary rank of Brigadier-General, *pro* Brigadier-General J. W. McQueen, C.B., Bengal S. C., appointed to officiate as Commandant of the Punjab Frontier Force. Dated 10th June, 1886.

No. 410.—NATIVE ARMY—

2nd Battalion, 4th Goorpha Regiment.

The following direct appointment is made, with effect from date of joining —

Shéré Thápa to be Jemadar, on probation.

No. 411.—PUNJAB FRONTIER FORCE—

Brigadier-General J. W. McQueen, C.B., Bengal S. C., Aide-de-Camp to the Queen, Commandant, Hyderabad Contingent, to officiate as Commandant of the Punjab Frontier Force, *pro* Brigadier-General Sir C. M. MacGregor, K.C.B., C.S.I., C.I.E., on furlough. Dated 16th June, 1886.

No. 412.—STAFF CORPS—

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Secretary of State for India —

Lieutenant William Adam Cuppage, Liverpool Regiment, Wing Officer, 5th Bengal Infantry,—17th October, 1884.

Lieutenant John Denis Perkins, Liverpool Regiment, officiating Squadron Officer, 1st Bengal Cavalry,—10th November, 1884.

Lieutenant Cecil Davis, Manchester Regiment, Squadron Officer, 1st Bengal Cavalry,—15th March, 1885.

FURLOUGH AND LEAVE.

No. 413.—The undermentioned warrant officer is granted furlough out of India, with the necessary subsidiary leave —

Second Grade Assistant-Apothecary C. J. Maher, Presidency General Hospital, Calcutta, (n. c.) for one year, under rule 1 of the regulations of 1875.

No. 414.—Captain T. F. T. Fowle, R.A., Commissary of Ordnance, 3rd Class, is granted general leave from the 1st July to the 30th September, 1886.

**No. 415.**—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Brigadier-General Sir J. Hudson, K.C.B., Bengal S. C., (m. c.) for twenty-five days.

Lieutenant-Colonel H. Y. Murray, Cavalry, (p. a.) for seventy-one days.

Lieutenant W. D. Gordon, Bengal S. C., (m. c.) for six months.

Sub-Conductor R. Cook, Commissariat Department, (m. c.) for four months.

#### LONDON GAZETTE.

**No. 416.**—The following extract is published for general information:—

"*London Gazette*," dated the 25th May, 1886, page 2514.

"WAR OFFICE,  
*Pall Mall*, 25th May, 1886.

#### MEMORANDA.

The undermentioned Lieutenant-Colonels to be Colonels:—

William Anderson, Madras Staff Corps. Dated 4th March, 1886.

Edmund Ghuznee Morregh, Madras Staff Corps. Dated 4th March, 1886.

Richard Mercer Lloyd, Bombay Staff Corps. Dated 4th March, 1886.

Arthur Marriott Ly., Madras Staff Corps. Dated 4th March, 1886.

Alfred Bloomfield, Bengal Staff Corps. Dated 7th March, 1886.

John Gilbert Erskine Griffith, Bombay Staff Corps. Dated 9th March, 1886.

Edward Cunningham, Bombay Staff Corps. Dated 20th March, 1886.

#### PROMOTIONS.

**No. 417.**—The following promotion is made, subject to Her Majesty's approval:—

##### BENGAL STAFF CORPS.

##### *To be Captain.*

Lieutenant Charles James Orr,—23rd June, 1886.

##### **No. 418.**—NATIVE ARMY—

##### *9th Bengal Lancers.*

Jemadar Juma Khan to be Ressaidar, *vice* Ressaidar Mahomed Hossein, invalided, with effect from the 1st May, 1886.

##### *12th Bengal Infantry.*

Color-Havildar Michel Roy to be Jemadar, *vice* Jemadar Ramparsad Doobay, invalided;

Color-Havildar Aparbal Singh to be Jemadar, *vice* Jemadar Jiwan Singh, invalided,—

with effect from the 1st May, 1886.

##### *30th Bengal Infantry.*

Jemadar Nur Ali to be Subadar, and Havildar Didar Singh to be Jemadar, *vice* Subadar Ram Singh, transferred to the Burmah Police Levy, with effect from the 25th April, 1886.

##### *2nd Battalion, 1st Goorkha Regiment.*

Subadar Dal Sing Thapa, from 1st Battalion, to be Subadar-Major;

Subadar Rudarbir Bogti, from 1st Battalion, to be Subadar;

Jemadar Man Singh Bhandari, from 1st Battalion, to be Subadar;

Jemadar Bhim Sing Rana, from 1st Battalion, to be Subadar;

Jemadar Dabi Sing Karki, from 1st Battalion, to be Subadar;

Havildar Kishanbir Rana, from 1st Battalion, to be Subadar;

Havildar Balbir Gharti, from 1st Battalion, to be Subadar;

Havildar Drig Sing Gurung, from 1st Battalion, to be Subadar,—

with effect from the 19th February, 1886, on the formation of the battalion.

##### *2nd Battalion, 2nd Goorkha Regiment.*

Subadar Sarajjit Gurung, from 1st Battalion, to be Subadar-Major;

Subadar Sher Sing Karki, from 1st Battalion, to be Subadar;

Jemadar Raghbir Gurung, from 1st Battalion, to be Subadar;

Jemadar Harkeshen Khattri, from 1st Battalion, to be Subadar;

Jemadar Badri Rana, from 1st Battalion, to be Subadar;

Jemadar Chamu Thapa, from 1st Battalion, to be Subadar;

Havildar Chat Singh Thapa, from 1st Battalion, to be Subadar;

Havildar Sera Khawas, from 1st Battalion, to be Subadar;

Havildar Bahadur Khawas, from 1st Battalion, to be Jemadar;

Havildar Gopal Borah, from 1st Battalion, to be Jemadar;

Havildar Lachman Rana, from 1st Battalion, to be Jemadar;

Havildar Madan Singh Thapa, from 1st Battalion, to be Jemadar;

Havildar Sher Singh Thapa, from 1st Battalion, to be Jemadar;

Havildar Moti Singh Gharti, from 1st Battalion, to be Jemadar;

Havildar Thapa Thapa, from 1st Battalion, to be Jemadar;

Havildar Harkarn Singh Thapa, from 1st Battalion, to be Jemadar —

with effect from the 14th February, 1886, on the formation of the battalion.

##### **No. 419.**—ORDNANCE DEPARTMENT—

The following Sub-Conductors, on probation, are confirmed in their present grade, with effect from the 1st December, 1885:—

Robert Mumford.

Stephen Penticost.

James Charles Bay.

##### **No. 420.**—PUNJAB FRONTIER FORCE—

##### *2nd Sikh Infantry.*

Jemadar Basawa Singh to be Subadar, and Havildar Tabha Singh to be Jemadar, *vice* Subadar Partab Singh, invalided;

Jemadar Mir Hassan to be Subadar, and Havildar Muhammad Khan to be Jemadar, *vice* Subadar Mad Mir, invalided,—with effect from the 11th April, 1886.

#### RETIREMENTS.

**No. 421.**—Colonel Hardress Edmond Waller, Bengal S. C., has been permitted to retire from the service, with effect from the 3rd June, 1886, subject to Her Majesty's approval.

#### REWARDS.

**No. 422.**—ORDER OF BRITISH INDIA—

The Governor-General in Council is pleased to admit the undermentioned Native Officer to the 2nd Class of the Order of British India from the date specified—

#### BOMBAY.

*To the 2nd Class, with the title of Bahadur.*

Ressaldar Khishil Mistr, 2nd Bombay Lancers, *vice* pensioned Subadar-Major Down Singh, Bahadur, deceased, —12th April, 1886.

#### VOLUNTEER CORPS.

##### *Naini Tal Volunteer Rifle Corps.*

**No. 423.**—Lieutenant John Woodburn to be Captain, *vice* Captain R. T. Hobart, who has resigned the appointment.

##### *Fatehgarh Volunteer Corps.*

**No. 424.**—Lieutenant Alexander William Roy to be Captain, *vice* Captain R. P. Atkinson, who has resigned the appointment.

Mr. Henry Seddon Wildeblood to be Lieutenant, *vice* Lieutenant Roy, promoted.

#### MARINE DEPARTMENT.

##### APPOINTMENTS.

**No. 31.**—Mr. John James Walmsley to be an Assistant Engineer in H. M.'s Indian Marine, with effect from the 5th June, 1886, subject to the approval of the Secretary of State for India.

E. H. H. COLLEN, *Lieut.-Colonel,*  
*Offg. Secretary to the Government of India.*

#### MILITARY DEPARTMENT.

##### NOTIFICATION.

*Simla, the 25th June, 1886.*

*Statement of Deposits on account of Estates between the 30th May and the 25th June, 1886.*

On whose account.	Rank.	Corps.	Date of decease	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
Frederick Augustus Samuel D'Acosta-de St. Laurent, (a)	Major	Bengal Corps.	17th March, 1886.	No will in India	Rs. 405 A P. 8 11		24th August, 1886.

(a) *Next-of-kin.* *Heir.*—Francis de St. Laurent.  
Address—1, Guelhofstrasse 6, Hamburg.  
*Sister.* Family de St. Laurent  
Address—74, Die Burgner Strasse, Darmstadt

E. H. H. COLLEN, *Lieut.-Colonel,*  
*Offg. Secretary to the Government of India.*

#### PUBLIC WORKS DEPARTMENT.

##### NOTIFICATIONS.

*Simla, the 18th June, 1886.*

**No. 161.**—With reference to Foreign Department Notification No. 1193G., dated 17th June, 1886, replacing the services of Mr. A. R. Becher, Examiner of Public Works Accounts, at the disposal of the Public Works Department, Mr. Becher is appointed to officiate as Examiner of Public Works Accounts, Bengal.

*The 22nd June, 1886.*

**No. 162.**—Mr. A. J. Oldham, Executive Engineer, 2nd Grade, sub. *pro tem.*, is transferred permanently from Bengal to State Railways and his services placed at the disposal of the Chief Commissioner of British Burma.

This cancels Public Works Department Notification No. 137, dated 25th May, 1886, transferring Mr. P. B. Roberts to British Burma.

**No. 163.**—Babu Baroda Prosada Bosu, Executive Engineer, 4th Grade, sub. *pro tem.*, is permanently transferred from Bengal to State Railways and his services placed at the disposal of the Director-General of Railways. This cancels those portions of Public Works Department Notifications Nos. 129 and 130, dated 14th May, 1886, which relate to Babu Krishna Chunder Bandopadhyaya.

*The 24th June, 1886.*

**No. 165.**—Honorary Lieutenant and Deputy Assistant Commissary William Marr, Sub-Engineer, 3rd Grade, British Burma, is promoted to Assistant Engineer, 3rd Grade, with effect from 4th December, 1885, under Public Works Code, Chapter II, paragraph 49 (5th Edition).

*The 25th June, 1886.*

**No. 166.**—Mr. C. Simeon, Traffic Candidate, is appointed to Class IV of the Superior Revenue Establishment of State Railways, Traffic Department, with effect from the 1st July, 1886



## TELEGRAPH.

*The 24th June, 1886.*

**No. 164**—In directing the publication of the following extract from a Report by the Director-General of Telegraphs on the operations of the Telegraph Department in connection with the recent advance into, and occupation of, Upper Burma, the Governor-General in Council desires to place on record his appreciation of the excellent services rendered by the Department under circumstances of much difficulty and danger.

The Telegraph Department is organised as a Civil Department; and the ready devotion to duty which was displayed by all the staff employed in cheerfully accepting the hardships and risks involved in operating with an army in the field in an enemy's country, reflects no less credit on the Department than the foresight and ability displayed by the Director-General in organising the arrangements to secure effective results.

The Governor-General in Council expresses his cordial thanks to the Director-General, Mr. A. J. Leppoe Cappel, for the admirable manner in which the operations of the Department were organised, and also to the following officers, who are specially brought to the notice of Government for the services rendered by them—

- Mr. W. R. Brooke, Director of the Construction Branch.
- „ T. C. Hill, Chief Superintendent, Burma Division.
- „ H. M. S. Mathews, Assistant Superintendent in charge of Telegraph operations with the Expedition.
- „ A. L. Palmer, Assistant Superintendent.
- „ R. Elrington, „ „
- „ R. O. Lees, „ „
- „ A. J. L. Grimes, „ „
- „ P. W. Kingsley, Sub-Assistant Superintendent.
- „ E. D. Shave, „ „

*Extract of Report from the Director-General of Telegraphs in India to the Secretary to the Government of India, Public Works Department, No. 125 E., dated Simla, the 31st May, 1886.*

On the 31st October last I received official instructions, in connection with the contemplated despatch of an expeditionary force to Upper Burma, “to be prepared, on requisition from the local authorities or the General Commanding, to repair or re-erect the telegraph line beyond the frontier as the troops advance, so as to keep up communication between the Army and Rangoon.” I had received and acted upon an unofficial intimation to the same effect four days earlier. On the same date I received an urgent telegram from Rangoon, stating that the Chief Commissioner required the early construction of a line from Tongha to the frontier, about 45 miles, and preparations to be made for a possible extension thence to Ningyan in Upper Burma: these arrangements were approved in the Military Department on the 1st November.

On the 13th November a completely equipped telegraph party, in charge of Mr. Assistant Superintendent H. M. S. Mathews, was organised in readiness to start with the expedition from Prome. This party was accommodated on a float in tow of one of the steamers of the expedition, and, besides having material for flying lines and for renewing the Burman line, which was known to be very unreliable even if intact, had some miles of river cables, complete equipments for six separate telegraph stations, and twelve signallers.

It had been arranged by Mr. Hill, the Chief Superintendent of the Burma Division, in communication with the General Commanding, that Mr. Mathews should land at Minhla, and if, as was feared, communication thence to the frontier was interrupted, he should despatch a working party along the line. He was directed to do the same at the next Burman Office, and if there was reason to apprehend that the line had been seriously injured, he was to land his whole party and stores and commence the work of reparation. This programme was not, however, carried out. The General Commanding found himself unable to give permission to Mr. Mathews to land his party, and informed him that he wished him to accompany the expedition to Mandalay and then work back from that place repairing the line: at Minhla he, however, left a small line establishment. On arrival at Pagan on the 23rd

November, Mr. Mathews again urged upon the General the advisability of his lan ling and commencing the line repairs towards Minhla, but the latter considered it inadvisable to commence operations at that time, and Mr. Mathews proceeded on to Mandalay. He arranged, however, to open an office close to Pagan where the detachment was encamped, and left there signallers, some workmen, and a small quantity of line material. At Myingyan he did the same.

In view of the importance attached to the early establishment of telegraphic communication with Minhla, a second party was organised, in charge of Mr. Sub-Assistant Superintendent P. Kingsley, with the object of advancing by land as soon as the river expedition had started. These arrangements were explained to General Prendergast before he left, and escorts were promised, but they were unfortunately not obtainable; and as the necessity for an escort was proved within two miles of the frontier by the party encountering a band of dacoits who had just shot and brutally treated a Burman and his wife, they were compelled to wait until Mr. Hill could induce the military authorities to supply one. The escort, when available, was without carriage, and, after further delay in procuring carts for them, a start was made on the 20th November, but owing to the continuous rain, which had set in on the 18th, the road was found impassable by carts, and the detachment returned to Laingha.

On the following day another start was made, the baggage and food of the party being sent by river, and 10 miles of line were repaired. On the 22nd they accomplished another 8 or 10 miles, and opened an office for the night at Sinboungweh to report progress and to communicate, if possible, with Minhla. Hearing nothing from the party which was supposed to be on its way downwards from Minhla, they continued to work towards that place, which they reached on the 25th, the march having been made under heavy and continuous rain, through mud knee-deep in many places, and for two days they were without food, the steamer which carried supplies (a capture from the Burmese) having broken down.

A telegraph station was at once established at Minhla, where it was ascertained that Mr. Mathews' party had proceeded to Mandalay, as already explained. To meet the altered conditions, the party which had repaired the line from the frontier to Minhla was then divided into two,—one remaining under the charge of Mr. Sub-Assistant Superintendent Kingsley, the other being in charge of Mr. Sub-Assistant Superintendent E. D. Shave, an officer specially sent to Burma for the work,—and these two parties started at once northwards repairing the line, section by section, as far as Pagan, and had advanced beyond that place before Mr. Mathews' party from Mandalay was encountered. Communication as far as Pagan was established on the 30th, but the line was immediately cut, and was continually cut by the enemy as fast as it was repaired. Mr. Mathews started from Mandalay on the 30th November, having made his own arrangements for the carriage of the baggage and food of the party, and arrived at Myingyan on the 6th December, having effected temporary repairs to the line, which was found in very bad order; but, like the parties working from the south, Mr. Mathews found that the line had been cut behind him, and he was compelled to send back a party to again repair it while he continued his work southwards to Pagan.

Through communication with Mandalay was opened on the 11th December, but it was of short duration, the line being constantly cut in numerous places, and the work of the telegraph staff was arduous in the extreme. To strengthen their hands, intermediate stations were opened at Sinboungweh and Yenangyoung, but the greatest difficulty was felt between Myingyan and Mandalay, where the attacks of the dacoits were incessant. To facilitate the work of the troops on this section, intermediate offices were opened at Ava and Myotha, and a third has recently been established at Myanthien.

The extension to Myohla (Gobin) on the Tonghoo frontier, which was sanctioned on the 1st November, was completed by Mr. Assistant Superintendent A. L. Palmer, the officer in charge of the Rangoon Subdivision, on the 26th idem. The country was extremely difficult, and the weather as bad as that which was experienced on the Laingha frontier. Mr. Assistant Superintendent A. Ehington took charge of the work on this frontier on the 28th November, and continued the line to Ningyan. The progress was at first slow, owing to physical difficulties and to the reluctance of coolies to cross the frontier, while all the transport of the district had been secured for the troops. The line was completed, however, on the 24th, and the office opened on the 25th December.

The above is a brief record of the operations which may be considered properly to belong to the initial expedition. The subsequent work of the Department in Upper Burma, and the larger operations which have followed my own special visit to Mandalay in March last, will be reported hereafter; but I may mention that, notwithstanding frequent attacks upon the line and upon our working parties, a substantial insulated line to Mandalay has now been erected, and that, when not maliciously cut, communication is maintained as regularly and rapidly with that city as with any part of India. For a long time the want of troops, as escorts, stopped all progress in the erection of new lines asked for by the military authorities, but these are being pushed on rapidly wherever the military are strong enough to protect the working parties; and the energetic Superintendent, Mr. Landon, who is now in charge of the Upper Burma Telegraphs, assisted as he is by an excellent staff of officers, may be relied upon to do all that is humanly possible.

This brief notice of the primary operations of the telegraph in connection with the advance into Upper Burma would not be complete without some mention of the serious outbreak of disturbances in the Shwegyin and Pegu districts, which added materially to the anxieties and responsibilities of the Superintendent, Mr. Hill. The dacoits destroyed the telegraph line in many places, cutting up both wire and posts, and for a time held the district; and, but for the rapid and vigorous action of Mr. Assistant Superintendent R. O. Lees, telegraphic communication between Rangoon and Moulmein would have been impossible for weeks.

\* Mr. Grimes has since been working in Upper Burma, where he has proved himself to be a most valuable young officer.

This officer and another Assistant Superintendent, Mr. A. J. L. Grimes,\* whom I had just sent to Burma to strengthen Mr. Hill's hands, behaved admirably on this occasion.

In connection with the events of 1885, I beg to bring specially to the notice of Government the services of Mr. T. C. Hill, Chief Superintendent of the Burma Division, upon whom devolved the labour of organizing the working parties and directing their movements. Mr. H. M. S. Mathews, Assistant Superintendent, also deserves special mention. He was in charge of the main party, and, later on, of the whole line. He carried out the duties entrusted to him with great energy and judgment, and amply justified his special selection. Assistant Superintendents Messrs. A. L. Palmer and R. Elrington also did excellent work on the Tonghoo frontier, and Messrs. R. O. Lees and A. J. L. Grimes in the disturbed districts of Lower Burma; while the energy, intelligence, and zeal shown by Messrs. Kingsley and Shave, Sub-Assistant Superintendents, are in the highest degree creditable to them.

To my principal Construction officer, Mr. W. R. Brooke, I am greatly indebted for the ability and energy with which he seconded all my efforts. As on every previous occasion of emergency, his assistance was most valuable; and I have great pleasure in bringing his services prominently to the notice of Government.

W. S. TREVOR, *Colonel,*  
*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JUNE 26, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th June, 1886, and is hereby promulgated for General information:—

#### ACT NO. XIV OF 1886.

*An Act to amend the North-Western Provinces Rent Act, 1881.*

WHEREAS it is expedient to amend the North-Western Provinces Rent Act, 1881; It is hereby enacted as follows:—

1. This Act may be called the North-Western Provinces Rent Act, 1886; and it shall come into force at once.

2. For the last paragraph of section 95 of the North-Western Provinces Rent Act, 1881, the following shall be substituted, namely:—

“For the purposes of the Court-fees Act, 1870, the amount of fee payable in the cases next hereinafter mentioned shall be computed as follows:—

“(i) in applications under clause (c), and in appeals from orders passed on applications under that clause, as in a suit for possession of the land to which the application or appeal relates;

“(ii) in applications under clauses (l), (n), (o) and (p), and in appeals from orders passed on applications under clauses (d), (e), (f), (l), (n), (o), (p), (q) and (s), according to the rent of the land to

which the application or appeal relates payable for the year next before the date of presenting the application, or, if in any case the fee cannot be so computed, then according to the annual letting value of the land as estimated by the applicant or appellant, as the case may be;

“(iii) in applications under clause (m), and in appeals from orders passed on applications under clauses (l), (m) and (t) according to the amount claimed in the application or in the petition of appeal, as the case may be.”

New sections inserted after section 100 of same Act.

3 After section 100 of the same Act the following sections shall be inserted, namely:—

“100A. The Board may, on cause shown to its satisfaction, transfer any suit, application or appeal, or class of suits, applications or appeals, from any Court of Revenue to any other Court of Revenue competent as regards the nature of the case or class of cases to deal therewith under the provisions of this Act.

“100B. (1) The Commissioner of a Division may, with the sanction of the Local Government, transfer any appeal or class of appeals pending before himself to any Collector of a district within his Division.

“(2) The order passed by a Collector on an appeal transferred to him by the Commissioner under sub-section (1) shall be subject to appeal and revision in the same manner as if it had been passed by the Commissioner, and not otherwise.

“(3) The Local Government may by order recall any appeal transferred to a Collector under

sub-section (1), and refer it for disposal to the Commissioner of the Division by whom it was transferred."

4. For the last paragraph of section 169 of the same Act the following shall be substituted, namely:—

"The provisions of sections 74 to 78 (both inclusive) and section 80 shall, so far as they can be made applicable, apply to the sale of the property as if the terms 'distress,' 'distrained property' and 'distrainer' included respectively the execution of a writ against moveable property, moveable property taken in execution of a writ and a judgment-creditor."

5. In section 189 of the same Act, after the Addition to section words "one hundred rupees, or" the following shall be inserted, namely:—

"in which the rent payable by the tenant has been a matter in issue and has been determined, or"

6. In the same Act the last twelve words of Sections 193, 196 and section 196, the last twelve words of clause (a) of both sections 193 and 196, and the last six words of section 197, are repealed.

7. In section 194 of the same Act the word "other" is repealed; and in clause (b) of the same section, for the word and figures "section 99" the words and figures "sections 99 and 100" shall be substituted.

Substitution of new section for section 195 of same Act.

8. For section 195 of the same Act the following shall be substituted, namely:—

"195. The orders of an Assistant Collector of the first class on applications mentioned in section 98 shall be final."

9. In section 198 of the same Act, for the word and figures "section 100" the words and figures "sections 99 and 100" shall be substituted.

10. In section 199 of the same Act, after the words "The Board may" the words "notwithstanding anything hereinbefore contained" shall be inserted.

11. In section 211, after clause (d) the following shall be inserted, namely:—

"(e) as to the transfer of appeals to Collectors under section 100B."

12. Nothing in this Act shall confer a right to appeal from any decision or order passed before the coming into force of this Act from which an appeal would not have lain if this Act had not been passed.

S. HARVEY JAMES,

*Offg. Secretary to the Government of India.*

The following Report of the Select Committee on the Bill to amend the North-Western Provinces Rent Act, 1881, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th May, 1886.—

#### LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the North-Western Provinces Rent Act, 1881, was referred, have the honour to report that the Government of the North-Western Provinces and Oudh, while approving the Bill as introduced, has recommended the addition to it of a clause making the provisions of section 80 of the Act of 1881 applicable to sales of moveable property in execution of decrees under that Act.

2. We approve the Bill, and have added to it the clause proposed by the Local Government.

3. The Bill has been published as follows:—

*In English.*

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	20th and 27th February, and 6th March, 1886.
North Western Provinces and Oudh Government Gazette	27th February, and 6th and 13th March, 1886.

4. The Bill has not in our opinion been so altered as to require re-publication, and we recommend that it be passed as amended by us.

C. P. ILBERT.

S. C. BAYLEY.

A. COLVIN.

W. W. HUNTER.

*The 20th May, 1886.*

S. HARVEY JAMES,

*Offg. Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th June, 1886, and is hereby promulgated for general information:—

## ACT NO. XV OF 1886.

*An Act to amend the North-Western Provinces Land-revenue Act, 1873.*

WHEREAS it is expedient to amend the North-Western Provinces Land-revenue Act, 1873, in manner hereinafter appearing: It is hereby enacted as follows:—

New section inserted after section 11. 1. After section 11 the following section shall be inserted, namely:—

"11A. (1) The Local Government may, from time to time, with the previous sanction of the Governor General in Council, appoint an Additional Commissioner in a Division.

"(2) An Additional Commissioner shall hold his office during the pleasure of the Local Government.

"(3) An Additional Commissioner shall exercise such powers, and discharge such duties, of the Commissioner of the Division under this Act, or under any other law for the time being in force, as the Local Government may, from time to time, prescribe, but only in such cases as the Commissioner of the Division may direct.

"(4) This Act and every other law for the time being applicable to the Commissioner of the Division shall apply to the Additional Commissioner, when exercising any powers or discharging any duties under sub-section (3), as if he were the Commissioner of the Division."

S. HARVEY JAMES,

Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to amend the North-Western Provinces Land-revenue Act, 1873, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th May, 1886:—

## LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Select Committee to which the Bill to amend the North-Western Provinces Land-revenue Act, 1873, was referred, have the honour to report that the Bill has been accepted by the Government of the North-Western Provinces and Oudh, and is approved by us.

2. The Bill has been published as follows:—

		In English.	
Gazette.		Date.	
Gazette of India	...	...	20th and 27th February, and 6th March, 1886.
North-Western Provinces and Oudh Government Gazette	...	...	27th February, and 6th and 13th March, 1886.

3. We recommend that the Bill be passed without alteration.

C. P. ILBERT.  
S. C. BAYLEY.  
A. COLVIN.  
W. W. HUNTER.

The 20th May, 1886.

S. HARVEY JAMES,  
Offg. Secretary to the Government of India.







# The Gazette of India.

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SIMLA, SATURDAY, JUNE 26, 1886.

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## PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was referred to a Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th June, 1886.—

NO. 7 OF 1886.

*A Bill to consolidate and amend the law relating to rent in Oudh.*

NOTE.—The 'marginal' quotations' refer to portions of sections of the Oudh Rent Act omitted from the Bill.

WHEREAS it is expedient to consolidate and amend the law relating to rent in Oudh and to other matters connected therewith; It is hereby enacted as follows:—

#### CHAPTER I.

##### PRELIMINARY

1. This Act may be cited as the Oudh Rent Act, and shall extend only to Oudh.

2. *Act XIV of 1868 is hereby repealed, but Repeal of Act XIX of 1868. all notifications published and rules made under the repealed Act shall, so far as they are consistent with the present Act, be deemed to have been published and made hereunder.*

3. In this Act, unless there be something repugnant in the subject or context,—

"Oudh" means the territories under the administration of the Chief Commissioner of Oudh at the time of the passing of this Act:

"Court" means any judicial officer presiding in a Court of Revenue for the disposal of matters under this Act:

*The Oudh Rent Bill.**(Chapter I.—Preliminary.—Section 3.)*

“Suit.” “suit” means a suit under this Act :

“Assistant Commissioner” includes an Extra Assistant Commissioner :

“Assistant Commissioner.”

“land” applies only to land assessed to the land-revenue, and includes land whereof the revenue has been assigned by Government ; it also includes the ungathered produce of land, whether spontaneous or otherwise, and whether growing in earth or water :

“Land.”

“revenue” means the money payable to the Government on account of land :

“Revenue.”

“rent” means the money, or the portion of the produce of land, payable on account of the use or occupation of land, or of any right in land, or on account of the use of water for irrigation :

“Rent.”

“proprietor” does not include an under-proprietor. Where there are two private rights of property, one superior and the other subordinate, in the same land, “proprietor” means the holder of the superior right only :

“Proprietor.”

“Proprietary right.” “proprietary right” means a proprietor’s right in land :

“under-proprietor” means any person possessing a heritable and transferable right of property in land for which he is liable to pay rent :

“Under-proprietor.”

“Under-proprietary right.” “under-proprietary right” means an under-proprietor’s right in land :

“Under-proprietary right.”

“tenant” means any person, not being an under-proprietor, who is liable to pay rent. In the following sections of this Act, 7, 10, 13, 14, 15, 18, 19, 26, 38, 39, 40, 41, 42, 43, 43 (A), 83, 101, 111 and 116, but in no others, the expression “tenant” shall be held to include a *thikadár* or person to whom the collection of rents in a village or portion of a village has been leased by the landlord :

“Tenant.”

“landlord” means any person to whom an under-proprietor or tenant is liable to pay rent :

“Landlord.”

“representative” means an heir or any other person taking by operation of law or by will a beneficial interest in the property of a deceased person. It includes the guardian of a minor and the legal curator of a lunatic or idiot : and

“Representative.”

“*lambardár*” means any person who has executed an engagement for the payment of the revenue to Government, or for the payment to a landlord of the rent due from under-proprietors holding a sub-settlement :

“Lambardár.”

“prescribed” means prescribed from time to time by the Local Government by rules made under this Act.

“Prescribed.”

*The Oudh Rent Bill.**(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 4-7.)*

[Act VIII, 1885, section 178.]

4. *Nothing in any contract made between a landlord and a tenant before or after the passing of this Act shall entitle a landlord to eject a tenant or enhance his rent otherwise than in accordance with the provisions of this Act.*

*Nothing in any contract made between a landlord and a tenant after the passing of this Act shall take away or limit the right of a tenant, as provided by this Act, to make improvements and claim compensation for them:*

*Provided that nothing in this section shall affect the terms or conditions of a lease granted bonâ fide for the reclamation of waste land.*

## CHAPTER II.

## OF CERTAIN RIGHTS AND LIABILITIES OF LANDLORDS, UNDER-PROPRIETORS AND TENANTS.

*Right of Occupancy.*

5. *Tenants who have lost all proprietary right, whether superior or subordinate, in the lands which they hold or cultivate, shall, so long as they pay the rent payable for the same according to the provisions of this Act, have a right of occupancy under the following rule:—*

*Every such tenant who, within thirty years next before the thirteenth day of February, 1856, has been, either by himself, or by himself and some other person from whom he has inherited, in possession as proprietor in a village or estate, shall be deemed to possess a heritable but not a transferable right of occupancy in the land which he cultivated or held in such village or estate on the twenty-fourth day of August, 1866: provided that such land has not come into his occupation, or the occupation of the person from whom he has inherited, for the first time since the said thirteenth day of February, 1856: provided also that no such tenant shall have a right of occupancy in any village or estate in which he or any co-sharer with him possesses any under-proprietary right.*

*Nothing contained in the former part of this section shall affect the terms of any agreement in writing hereafter entered into between a landlord and tenant.*

5. (A). *Nothing contained in section 5 shall be deemed to restrict the power of the landlord to confer on any persons other than those therein mentioned a right of occupancy in the lands which they hold or cultivate.*

6. *If a tenant having a right of occupancy be ejected, in accordance with the provisions of section 37, from the land in which he possesses such right, he shall thereupon lose his right of occupancy in such land.*

*Tenants' Right to Pattas.*

7. *Every tenant is entitled to receive from his landlord a patta or memorandum of the terms of the holding, signed by him.*

*The Oudh Rent Bill.*

*(Chapter II.—Of certain Rights and Liabilities of Landholders, Under-proprietors and Tenants.—Sections 8-13.)*

or his authorized agent, and containing the following particulars:—

the quantity of land, and, where the fields comprised in the *patta* have been numbered in a Government survey, the number of each field:

the term for which the *tenancy is to run*:

the amount of rent payable:

the instalments in which and the times at which the same is to be paid:

and, if the rent is payable in kind, the proportion of produce to be delivered, and the time, manner and place of delivery.

[any special conditions of the lease:]

8. Tenants having a right of occupancy are entitled to receive *pattas* having right of occupancy is entitled. at rates of rent determined in accordance with the provisions contained in sections 32, 33 and 34.

9. Tenants not having a right of occupancy are entitled to *pattas* for the terms and at the rates prescribed in Chapter IV (B) of this Act.

*Landlords' Right to Counterparts.*

10. Every landlord who grants a *patta* is entitled to receive from the tenant a counterpart executed by him.

II. *Vide* section 43 (A).

*Arrears of Revenue or Rent.*

12. Any instalment of revenue or rent which is not paid on or before the day when the same becomes due, whether under a written agreement or according to law or local usage, shall be deemed to be, for the purposes of this Act, an arrear of revenue or rent, as the case may be:

Provided that, unless the proprietor and under-proprietor shall have otherwise agreed in writing, the rent payable to the former by the latter shall be held to become due one month before the date fixed for the payment of the revenue on account of the village in which the land in respect of which such rent is payable is situate, and to be payable in the same number of instalments as the said revenue; and the amount of each instalment of such rent shall bear the same proportion to the whole of such rent payable for the year as the amount of each instalment of such revenue bears to the whole of such revenue payable for the year.

*Receipts.*

13. Receipts for rent and acknowledgments of the tender of rent shall specify the year or years on account of which it has been paid or tendered; and any refusal to make such specification shall be held to be a withholding of a receipt or acknowledgment.

If such receipt or acknowledgment is withheld from any under-proprietor or tenant without sufficient cause, he may recover compensation from the landlord, not exceeding the amount so paid or tendered.

*The Oudh Rent Bill.*

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 14-15.)

*Deposit of Revenue or Rent in Court without Suit.*

[having a right of occupancy, or holding under an unexpired lease or under an agreement or decree]

14. If any co-sharer, under-proprietor, or tenant, shall, at the Court, without suit, place where the revenue or rent of the land held or cultivated by him is usually payable, tender to the person authorized to receive the same payment of the full amount of such revenue or rent due in respect of such land, and if such amount is not accepted and a receipt in full forthwith granted, it shall be lawful for the co-sharer, under-proprietor or tenant, without any suit having been instituted against him, to deposit such amount in Court to the credit of the person authorized to receive it.

Such deposit shall, so far as regards the co-sharer, under-proprietor or tenant, and all persons claiming through or under him, operate as a payment then made to the kambardar or landlord of the amount so deposited.

15. The Court shall receive such deposits on Procedure on making the written application of and withdrawing such the co-sharer, under-proprietor or tenant, or his recognized agent; the application shall bear a stamp of eight annas; and on such co-sharer, under-proprietor or tenant or agent making a declaration in the form set forth in Schedule A hereto annexed, or as near thereto as circumstances will admit, the Court shall give him a receipt for the deposit.

Such declaration shall be verified in the manner prescribed for the verification of plaints in the Code of Civil Procedure, and the provisions of sections 52 of the said Code shall apply to the person making the verification. XIV of 1884

Upon receiving the money so deposited, the Court shall issue to the person to whose credit it has been deposited a notice in the form set forth in Schedule B hereto annexed.

Such notice shall be served by the proper officer, without the payment of any fee, upon the person to whom it is addressed, or upon his recognized agent.

In the absence of any such agent, it may be served by putting up a copy of the notice at the court-house, and another copy at the ordinary place of residence, within the jurisdiction of the Court, of such person, or, if there be no such place, at the place where the revenue or rent is usually paid to the kambardar or landlord, as the case may be, for the land in respect of which the money has been deposited.

If the person on whom such notice is served, or his recognized agent, appear and certify that the money in deposit be paid to him, it shall immediately be paid accordingly.

*The Oudh Rent Bill.*

*(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 16-19.)*

**16.** Whenever a deposit has been made under the provisions of this Act, the provisions of this Act, the suit shall be brought against the depositor or his representative on account of any revenue or rent which accrued due in respect of the land last hereinbefore mentioned prior to the date of the deposit, unless such suit is instituted within six months from the date of the service of the notice mentioned in section 15.

**17.** If, at the time of passing the decision in any such suit, the Court is satisfied that the full amount of revenue or rent due at the time of the deposit was tendered to, and was not accepted by, the kamladar or landlord or his recognized agent, as the case may be, or that a receipt or acknowledgment was withheld for such amount without sufficient cause, the Court may award to such depositor compensation from the kamladar or landlord, not exceeding the amount so paid or tendered.

If the Court be satisfied that the amount of the deposit was less than the amount of revenue or rent due, the Court shall pay the amount of the deposit to the kamladar or landlord, and shall make a decree for the balance due by the depositor.

*Illegal Enforcement of Payment of Rent.*

**18.** If payment of rent or of any sum in excess of the rent legally claimable is illegally enforced, and any under-proprietor or tenant institutes a suit to recover compensation for such enforcement, the Court may award to him compensation, not exceeding the sum of rupees two hundred, in addition to any amount for which it makes a decree in respect of such payment.

An award of compensation under the former part of this section shall not bar any prosecution which the person enforcing such payment may be liable to at any law for the time being in force.

*Limitation of Rent.*

**19.** No claim for abatement of rent shall be entertained or brought by any under-proprietor or tenant, except on the ground that the area of the land has been diminished by diluvion, or on some ground specified in any lease agreement or decree under which he holds.

Provided that, if the under-proprietor holds a sub-settlement on a revenue-paying estate, no such abatement shall be allowed to the under-proprietor, unless a remission of revenue has been allowed on the same ground and by competent authority to the owner.



### *The Outh Rent Bill.*

(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 20-21 (1).)

35 and 36]

[provided that if the under-proprietor hold a sub-settlement, or if the tenant hold a lease for a term of not less than five years, or have a right of occupancy in a revenue-paying estate, no such remission shall be allowed to him, unless a remission of revenue shall have been allowed on the same ground and by competent authority in the same estate]

for unless it has been let to any other person by such landlord or agent,

## Remission of Rent.

20. Notwithstanding anything contained in the above clause, any Court may, at any time, on the application of the tenant, in making a decree for the redemption of the land, order that the tenant may all or such remission from the rent payable by any under-tenant or tenant as appears equitable, if the area of the land in his occupation has been *materially* diminished by diluvion or otherwise, or if the produce of such land has been diminished by drought or hail, or other calamity beyond his control, to such an extent that the full amount of rent payable by him cannot, in the opinion of the Court, be equitably demanded.

*R. Acquisition of Land.*

21. Every tenant shall continue liable for the rent of the land in his holding, unless on or before the first day of *March* in any year he gives notice *in writing* to the landlord or his recognised agent of his desire to relinquish such land, and relinquishes it accordingly.

If the landlord or his recognized agent refuse to receive such notice, *at the time and place a receipt for the same, the tenant may, before the latest date prescribed for giving such notice, apply to the sheriff or a proper officer, and written notice of such doing shall thereafter be served on such landlord or agent, and the tenant shall pay the costs of service.*

The notice shall, if practicable, be served personally on the landlord or agent; but if he cannot be found, service may be made by affixing the notice at his usual place of residence, or if he does not reside in the district wherein the land is situate, at the *grange* or other conspicuous place in the village wherein the land is situate.

[illegible]

When a party is not a party under last section, the court will be inclined to insist on a sale of the property, say, under 10, of this Act, to secure the carrying out of the holding; and the Court should be guided by the fact that the court did not require a sale in the holding, or a sale of the property, in the case of the holding, or a sale of the property.

Act VIII 188, section 8:

### *The Outh Rent Bill.*

#### *(Chapter II.—Of certain Rights and Liabilities of Landlords, Under-proprietors and Tenants.—Sections 22-25.)*

*to compensation to persons injured and payment of arrears of rent as to the Court may seem just.*

#### *Compensations for Tenants' Improvements.*

22. If any tenant, or the person from whom he has inherited, make any improvements on the land in his occupation as are hereinafter mentioned, neither he nor his representative shall be ejected from the same land, unless and until he or his representative, as the case may be, has received compensation for the [ ] improvements made on the land by him, or the person from whom he has inherited, or whom he represents [ ].

[outlay, in money or labour, or both, expended in making such]

[within thirty years next before the date of such enhancement or ejection]

23. Except as provided in the next following section, no tenant shall be entitled to claim compensation for an improvement made subsequently to the passing of this Act without the written consent of the landlord.

24. If in any case the tenant apply to the landlord for his written consent to his making an improvement on his holding, and the landlord withhold or refuse to grant it, it shall be lawful for the tenant to apply to the Deputy Commissioner for sanction to make the improvement. The Deputy Commissioner, after taking into consideration any objections which the landlord may have to urge, either on the ground that—

(a) the improvement is too costly or is unsuitable to the nature of the tenant's holding, or that

(b) he is prepared to make such improvement himself,

shall grant sanction on such conditions as he may consider fair and equitable or refuse the application. No appeal shall lie against an order passed by the Deputy Commissioner under this section.

25. The word "improvements," as used in this Act, means works by which the annual letting value of the land has been, and at the time of demanding compensation continues to be, increased, and comprises—

1st.—The construction of works for the storage of water, for the supply of water for agricultural purposes, for drainage, and for protection against floods; the construction of wells; the reclaiming and clearing of waste lands and jungles, and other works of a like nature.

2nd.—The renewal or reconstruction of any of the foregoing works, or such alterations therein or additions thereto as are not required for maintaining the same, and which increase durably their value.

*The Oudh Rent Bill.**(Chapter III.—Commutation and Payment of Rent in kind.—Sections 25A-28.)*

*Principle on which compensation is to be estimated.* 25 (A). *In estimating the compensation to which a tenant is entitled regard shall be had—*

- (a) *to the amount by which the value, or the produce, of the holding, or the value of that produce, is increased by the improvement;*
- (b) *to the condition of the improvement and the probable duration of its effects;*
- (c) *to the labour and capital required for the making of such an improvement;*
- (d) *to any reduction or remission of rent or any other advantage given by the landlord to the tenant in consideration of the improvement; and*
- (e) *in the case of a reclamation, or of the conversion of unirrigated into irrigated land, to the length of time during which the tenant has had the benefit of the improvement.*

Act VIII, 1885, section 83.

Ditto, clause 2.

25. (B) *When a Court has assessed the amount of the compensation due to a tenant under the last preceding section, it may, if both landlord and tenant desire that the compensation assessed, instead of being paid wholly in money, shall be made wholly or partly in some other way, proceed to give judgment according to the terms agreed upon between them.*

26. *A landlord shall be entitled to make any improvement of the nature specified in section 25 on the holding of a tenant not having a right of occupancy with or without the consent of the tenant.*

*A landlord who proposes to make an improvement shall, if the work is to be constructed in the holding of any tenant, give notice to the tenant through the tahsildar.*

*Survey and Measurement.*

27. Every landlord, his agents and surveyors, may at all reasonable times enter upon any land comprised in his estate for the purpose of surveying and measuring the same.

## CHAPTER III.

## COMMUTATION AND PAYMENT OF RENT IN KIND.

28. In any district in which a settlement of revenue is in progress, it shall be in the discretion of any officer employed in making or revising such settlement, in any case

*The Oudh Rent Bill.*

*(Chapter IV.—Enhancement and fixing Rates of Rent.—Sections 36-36 C.)*

separate engagement. Such engagement may be express or implied.

**36.** *If the landlord desires to enhance the rent of the tenant on the expiration of the term of seven years referred to in sections 35 and 35 (A), or at any time thereafter, he shall cause a notice to that effect to be served in the manner prescribed in section 36B. Until such notice is issued, the tenant shall be entitled to hold at the former rent:*

*Provided—(a) that the enhancement shall in no case exceed one anna in the rupee or six and a quarter per cent. on the annual rent payable when the notice is issued;*

*(b) that the terms of this section shall not apply to a tenant paying rent in kind.*

**36. (A).** *The notice shall be written in Hindi and Urdu; it shall specify the land, the amount of the present rent and the amount of the enhancement, and shall require the tenant, if he refuses to pay the enhancement, to vacate the land by the fifteenth day of May next following, or to institute a suit in the proper Court to contest the notice of enhancement within a month from the date on which it was served.*

**36 (B).** *On the application of the landlord to the tahsildar or officer authorized to serve such notices, the notice shall be served by such officer on or before the fifteenth day of February, and the landlord shall pay the cost of service.*

*The notice shall, if practicable, be served personally on the tenant. But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the village chaupal or other conspicuous place in the village wherein the land is situate.*

**36 (C).** *A tenant may institute a suit to contest his liability to enhancement on any of the following grounds:—*

*1st—That he holds a lease or agreement or a decree of Court under the terms of which he is not liable to enhancement.*

*2nd—That he has a right of occupancy in the land.*

*3rd—That the enhancement claimed is in excess of the rate authorized by law.*

*4th—That seven years have not elapsed since the date of the last change in the rent or alteration of the area of the holding by the landlord.*

*The Oudh Rent Bill.**(Chapter IV.—Enhancement and fixing Rules of Rent.—Sections 36D-36J.)*

5th — That the notice has not been served in the manner prescribed in section 36 B.

36 (D). If the objection of the tenant is found by the Court to be invalid, the tenant, for or, if he has been intended to contest the notice within a period of thirty days from the date on which the objection was served, or the expiration of such period, the tenant shall, if he retain possession of the land after the fifteenth day of May next following the date of service of the notice, be held liable for the enhanced rent.

36 (E). If the tenant accepts the enhanced rent claimed by the notice, or remains in possession of the land under the terms of the preceding section, he shall be entitled to hold the land at such rent for a further period of seven years.

36 (F). If the tenant refuses to accept the enhancement claimed and vacates the holding, he shall be entitled to recover by separate suit from the landlord compensation for any improvements made by him on the holding.

36 (G). Except in the cases mentioned in the next following section, the rent of a tenant admitted to the occupation of any land the tenure of which has determined according to the provisions of this Act shall not exceed by more than one anna in the rupee, or six and a quarter per cent., the rent payable by the tenant immediately preceding.

36 (H).—The rent of a tenant admitted to the occupation of any land the tenure of which has ceased to exist, in consequence of the death of a previous tenant, or of the extinction of a *thikadār* or *chakr* or *guzer* from a lands of which he has taken a usufructuary possession during the period of his *thikā* or *chakr* or *guzer*, shall be such amount as may be agreed upon between him and the landlord.

36 (I). The heir of a tenant who dies during the currency of the tenancy shall have the right to retain occupation of the land at the rent payable by the deceased for the unexpired portion of the period for which the deceased tenant might have held without liability to enhancement or expropriation, and to receive compensation under the provisions of this Act for improvements, if any, effected on the holding by himself or his predecessor in interest, but shall have no right to a renewal of the tenancy or to compensation for disturbance.

36 (J). Notwithstanding anything contained in the preceding sections, the Local Government shall have power to vary, from time to time, the limit of enhancement of rent.

*The Oudh Rent Bill.**(Chapter V.—Ejectment.—Sections 36K-38A.)*

*to time, within periods of not less than seven years, the limits of the enhancement to which tenants, not having rights of occupancy, are liable.*

36 (K). Nothing in the preceding sections shall bar the right of a landlord to demand an enhancement of rent on the ground that the productive powers of the land held by the tenant have been increased by an improvement effected by, or at the expense of, the landlord during the currency of the tenancy.

Where an enhancement is claimed on the ground of such an improvement, the Court, in determining the amount of such enhancement shall have regard to—

- firstly—the increase in the productive powers in the land caused, or likely to be caused, by the improvement;*
- secondly—to the cost of the improvement;*
- thirdly—to the cost of the cultivation required for the utilising of the improvement.*

## CHAPTER V.

## EJECTMENT.

*Tenants with Right of Occupancy.*

37. No tenant having a right of occupancy, or holding under an unexpired lease, or special agreement, or decree of Court, shall be ejected otherwise than in execution of a decree for ejectment:

[Act XIX, 1868, section 41.]

Provided that, if the tenant have a right of occupancy in the land from which the landlord desires to eject him, the decree shall not be made, unless, at the date of the decree, a decree against such tenant for an arrear of rent in respect of such land has remained unsatisfied for fifteen days or upwards.

*Other Tenants.*

38. A tenant not having a right of occupancy, and not holding under an unexpired lease, or an agreement, or a decree of Court, may be ejected in accordance with the provisions of this Act: *first*, in execution of a decree for [ ] ejectment under section 43A or by application under section 43; or, *second*, by notice given by his landlord in the manner described in the next following sections.

[Act XIX, 1868, section 42.]

38(A). A landlord who desires to eject a tenant on the expiration of his tenancy may issue a notice of ejectment on such tenant, but shall

[arrears of rent or for]

*The Oudh Rent Bill.**(Chapter V.—Ejectment.—Sections 39-46.)*

*Deposit with the notice in the hands of the officer authorized to serve the notice a sum equal to the rent payable by the tenant for the year immediately preceding as compensation for disturbance.*

*In the case of a tenant paying rent in kind the amount of compensation to be deposited under section 39 shall be a sum equal to the average value of the produce paid as rent during the preceding three years.*

*Provided that no such compensation shall be paid to a tenant in respect of so much of his holding as he has sub-let without the consent of the landlord, or in the cases provided for by sections 36 (1), 43 and 43 (A).*

[ Act XIX, 1868, section 43.

39. The notice mentioned in section 38 A shall be written in Hindi and if the tenant is not having in Urdu; it shall specify the land from which the tenant is to be ejected; and it shall inform him that he must either (a), if he means to dispute the ejectment, institute a suit for that purpose within thirty days from the date of the service of the notice, or (b) vacate the land on or before the fifteenth of May next following.

On the application of the landlord to the tahsildar or officer authorised to serve such notices, the notice shall be served by such officer on or before the fifteenth day of November, and the landlord shall pay the costs of service.

The notice shall, if practicable, be served personally on the tenant. But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situated, at the village *chaurpal* or other conspicuous place in the village wherein the land is situated.

[ Act XIX, 1868, section 37 ]

40. A tenant on whom a notice has been served under section 39 may contest his liability to be ejected from the land specified therein on any of the following grounds:—

1st—That he holds a lease or an agreement, or a decree of Court, under the terms of which he is not liable to such ejectment.

2nd—That he has a right of occupancy in the land.

3rd—If he be a tenant not having a right of occupancy, that notice of ejectment has not been served upon him in manner provided by section 39.

4th—That seven years have not elapsed since the date of the last change of rent or alteration of the area of the holding.

5th—That he is entitled to compensation for disturbance, and that the landlord has not deposited the sum required by this Act.



*The Oudh Rent Bill.*  
(Chapter V.—Ejectment.—Sections 40A-43.)

*Explanation.*—A *thikadār* is not entitled to contest a notice of ejectment on any ground other than that he holds a lease under the terms of which he is not liable to ejectment.

40 (A). If the tenant has any claim for compensation for improvements effected by him on the holding, he shall file with his plaint a statement of the claim and of the grounds on which it is based.

40 (B). If the Court finds the objections of the tenant to be invalid, it shall determine the amount of the compensation, if any, due for improvements, and shall declare the ejectment to be conditional on payment of that amount into Court.

41. If the tenant on whom such notice of ejectment has been served fails, within thirty days from the date of the service, to institute a suit to contest his liability to be ejected, his tenancy of the land in respect of which the notice has been served shall be held to cease on the first day of May following, unless, after the service, the landlord has expressly authorised him to continue to occupy the land.

[Act XIX, 1868, section 41.]

42. If no such suit be brought, or if a suit has been brought and determined adversely to the tenant, and the landlord require the assistance of the Court to eject any person whose tenancy is alleged to have ceased [ ], he may apply for such assistance, and, if the Court is satisfied that notice of ejectment was duly served on such person, and that any compensation for improvements and disturbance, which may be due to the tenant, has been paid into Court or to the proper officer, it shall give such assistance accordingly.

[Ditto, section 42.]

under the provisions of section 41]

Provided that nothing done by the Court under the previous part of this section shall affect the right of any tenant to institute a suit against his landlord on account of illegal ejectment and to recover compensation for the same.

43. If a landlord desires to eject a tenant, not being a tenant with a right of occupancy, against whom a decree for arrears has been passed and remains unsatisfied, he may, after the first of April of the year in which the arrears accrued, apply to the Deputy Commissioner to eject the tenant. The Deputy Commissioner shall, on receiving the application, cause a notice to be served on the tenant, stating the amount due under the decree and informing him that, if he does not pay that amount into Court within fifteen days from the receipt of the notice, he will be ejected from his holding.

[Act XIX, 1881, section 35.]

If the amount be not so paid, the Deputy

*The Oudh Rent Bill.**(Chapter V.—Ejectment.—Sections 43A-46 A.)*

*Commissioner shall, unless good cause be shown to the contrary, eject the tenant.*

[Act VIII, 1885, section 25.]

**43 (A).** *A decree for ejectment may be passed against a tenant on the ground—*

*Decree for ejectment.*

*(a) that he has used the land comprised in his holding in a manner which renders it unfit for the purposes of his tenancy; or,*

*(b) where the rent is payable in kind, that his cultivation has diminished to a point which by the custom of the locality involves the forfeiture of the holding.*

*The tenant shall continue liable for the rent of the land until the decree is executed.*

*General.*

[except a sub-lessor]

[Act XIX, 1868, section 38.]

[unless, while his rent is in arrear, he has failed to cultivate the land in his possession in accordance with the terms on which he holds it]

[Act XIX, 1868, section 39.]

**44.** No tenant [ ] shall in any case, whether in execution of a decree or otherwise, be ejected from the land in his occupancy, except between the first day of April and the fifteenth day of June in any year after the passing of this Act [ ].

**45.** A *thikadár* liable to be ejected under the provisions of this Act may be ejected at any time during his tenancy.

*Time of ejectment of thikadár.*

**46.** Any tenant ejected in accordance with the provisions of this Act shall be entitled to receive from the landlord the value of any growing crops or other ungathered products of the earth belonging to such tenant, and being on the land at the time of his ejectment:

*Compensation to ejected tenant for growing crops.*

Provided that, if the land shall have been sown or planted by the tenant after the service on him of the notice mentioned in section 39, he shall not be so entitled, unless, after such service, the landlord has expressly authorised him to continue to occupy the land.

*Sir Lands.*

**46 (A).** *The rights conferred upon tenants by sections 24, 35, 35(A), 36, 36(F), 36(I), 36(G), 36(I) and 38(A) shall not accrue to cultivators of any of the following lands:—*

*Sir lands.*

*(a) Land which for the seven years immediately preceding the passing of this Act has been continuously dealt with as sir in the distribution of proprietary profits and charges. This condition shall be presumed, until the contrary is proved, where land was recorded as sir at settlement and has been continuously so recorded since:*

*(b) Land which for the seven years immediately preceding the passing of this Act has been continuously cultivated*

*The Guds Rent Bill.**(Chapter VI.—Distress for Arrears of Rent.—Sections 46B-50.)*

*by the proprietor himself or by his  
servants or by hired labour.*

**46 (B).** *A person holding land as a thikadár or mortgagee shall not, while so holding, acquire any of the rights enumerated in the preceding section in any of the land comprised in his thika or mortgage.*

*Explanation.—A person having such rights in land does not lose them by subsequently taking a thika or mortgage in which his holding is comprised.*

## CHAPTER VI.

## DISTRESS FOR ARREARS OF RENT.

**47.** When an arrear of rent is due from any tenant, the landlord may recover of arrears of rent by distress. *distrain the produce of the land in respect of which the arrear is due, subject to the rules contained in the following sections :*

Provided that, when a tenant has given security for the payment of his rent, the produce of the land in respect of which such rent is payable shall not be liable to distress so long as the security is in force.

**48.** Distress shall not be made for any arrear which has been due for a longer period than one year ; nor for the recovery of any sum in excess of the rent payable in the last preceding year for the land in respect of which the arrear is due, unless the tenant has agreed in writing to pay such excess, or unless he has been declared to be liable for the same by a decree of Court.

**49.** The power of distress vested by section 47 in landlords may be exercised by managers under the Court of Wards, managing agents and tahsildárs of estates held under khám management, and other persons lawfully entrusted with the charge of land, and also by the agents employed by landlords or any such persons as aforesaid in the collection of rent, if expressly authorised by power-of-attorney to distrain :

Provided that, if any such agent, purporting to act in the exercise of the said power, commits an act which, under the provisions of this chapter, is illegal, the person employing such agent shall be liable, as well as the agent, to be sued for compensation for any injury caused by such act.

**50.** Any person empowered to distrain property under section 47 or section 49 may employ a servant or other person to make the distress ; but in every such case he shall give to such servant or person a written authority for the same, and the distress shall be made in the name and on the responsibility of the person giving such authority.

*The Oudh Rent Bill.**(Chapter VI.—Distress for Arrears of Rent.—Sections 51-54.)*

**51.** Standing crops and other ungathered produce liable to distress. Crops liable to distress. Products of the earth, and crops or other products when reaped or gathered and deposited in any threshing-floor or place for treading out grain or the like, whether in the field or within a homestead, may be distrained by persons invested with powers of distress under this Act.

But no such crops or products, other than the produce of the land in respect of which an arrear of rent is due, or of land held under the same agreement as the land in respect of which the arrear is due, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to distress under this Act.

**52.** Before or at the time when any distress is made under this Act, the demand of arrear be- fore or at time of dis- tress. distainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made.

The demand and account shall, if practicable, be served personally on the defaulter, but if he cannot be found, they shall be affixed at his usual place of residence, and shall thereupon be deemed to be duly served upon him.

**53.** Unless the amount of the demand is immediately paid or tendered, the distainer may distress property as aforesaid of value as nearly as may be equal to the amount of the arrear with the costs of the distress; and shall prepare a list or description of the soil property, and deliver a copy of the same to the owner, or if he be absent, affix it at his usual place of residence.

**54.** Standing crops and other ungathered produce liable to distress. Being and standing crops which may be distrained. distress, be reaped or gathered by the tenant, and may be stored in such granaries or other places as are commonly used by him for the purpose.

If the tenant neglect to do so, the distainer may cause the said crops or products to be reaped or gathered, and in such case shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

In either case the distrained property shall be placed in the charge of some proper person appointed by the distainer for the purpose.

If the crops or products do not, from their nature, admit of being stored, the distress shall be made (if at all) at least twenty days before the time when the crops or products or any part thereof would ordinarily be fit for cutting or gathering.

*The Oudh Rent Bill.**(Chapter VI.—Distress from Arrears of Rent.—Sections 55-59.)*

**55.** If a distrainer is opposed or apprehends resistance, and desires to obtain the assistance of a public officer, he may apply to the Court, and the Court may, if it think necessary, depute an officer to assist the distrainer in making the distress.

**56.** If at any time after property has been distrained as aforesaid, and before the sale thereof as hereinafter provided, the owner tender payment of the arrear demanded and of the costs of the distress, the distrainer shall receive the same and give a receipt therefor, and shall forthwith withdraw the distress.

**57.** Within five days from the time of storing any distrained crops or products, or, if such crops or products do not from their nature admit of being stored, within five days from the time of making the distress, the distrainer shall apply for sale of the same to the proper officer authorized to sell property in satisfaction of decrees of the Court within whose jurisdiction the distrained property is situate.

**58.** The application shall be in writing; it shall contain a list or description of the property distrained, and it shall state the name of the defaulter, his place of residence, the amount due and the place in which the distrained property is deposited.

Together with the application, the distrainer shall deliver to the proper officer the sum payable for the service of a notice upon the defaulter as hereinafter provided.

**59.** Immediately on receipt of the application, the proper officer shall send a copy of it to the Court, and shall serve a notice in the form contained in Schedule C hereto annexed, or to the like effect, on the person whose property has been distrained, requiring him either to pay the amount demanded, or within fifteen days from the receipt of the notice to institute a suit to contest the demand.

The officer shall at the same time send to the Court, for the purpose of being put up at the court-house, a proclamation fixing a day for the sale of the distrained property, not less than twenty days from the date of the proclamation; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited.

The proclamation shall contain a description of the property, and shall specify the demand for which it is sold, and the place where the sale is to be held.

*The Oudh Rent Bill.**(Chapter VI.—Distress for Arrears of Rent.—Sections 60-61.)*

60. If a suit is instituted in pursuance of the aforesaid notice, the Court shall send to the proper officer, or, if so requested by the owner of the distrained property, shall deliver to him, a certificate of the institution of the suit.

On such certificate being received by, or presented to, the proper officer, he shall suspend proceedings in regard to the sale:

Provided that, if in his opinion the property distrained is such that delay will cause damage thereto, he may direct its immediate sale.

61. Any person whose property has been distrained as aforesaid may institute a suit to contest the distrainer's demand at any time before the expiration of the fifteen days mentioned in section 59.

When such suit is instituted, the Court shall proceed in the manner prescribed in section 60.

If application for the sale of the property is afterwards made to the proper officer, he shall send a copy of the application to the Court, and suspend further proceedings pending the decision of the case.

62. The person whose property has been distrained may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with one or more surety or sureties, for an amount not less than double the value of the property so distrained, binding himself to pay whatever sum may be adjudged to be due from him, with costs of suit.

When such bond is executed, the Court shall give to the owner of the property a certificate to that effect, or, if he so requests, shall serve the distrainer with notice of the same.

Upon such certificate being presented to the distrainer by the owner of the property, or served on him by order of the Court, the property shall be released from distress.

63. On the expiration of the period fixed in the proclamation of sale, if the institution of a suit to contest the demand of the distrainer has not been certified to the proper officer in the manner hereinbefore provided, he shall, unless the said demand, with such costs of the distress as are allowed by him, be discharged in full, proceed, with the sanction of the Court, to sell the property, or such part thereof as may be necessary.

64. The sale shall be held at the place where the distrained property is deposited, or at the nearest ganj, bazar or other place of public resort, if the

*The Oudh Rent Bill.**(Chapter VI.—Distress for Arrears of Rent.—Sections 65-69.)*

proper officer thinks that it is likely to sell there to better advantage.

The property shall be sold by public auction in one or more lots as the officer holding the sale thinks advisable; and if the demand, with the costs of distress and sale, be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

**65.** If, on the property being put up for sale, the price at which the officer holding the sale shall think fair be not offered, and if the owner of the property or his recognized agent apply to have the sale postponed until the next day, or (if a market be held at the place of sale) until the next market-day, the sale shall be postponed until such day, and shall be then completed at whatever price may be offered.

**66.** The price of every lot shall be paid in ready money at the time of sale, or as soon thereafter as the officer holding the sale thinks fit; and in default of such payment the property shall be put up again and resold.

When the purchase-money has been paid in full, the officer holding the sale shall give the purchaser a certificate stating the property purchased by him and the price paid therefor.

**67.** The officer holding the sale shall deduct from the proceeds one anna for every rupee and fraction of a rupee on account of the expenses attending the sale.

He shall then pay to the distrainer the expenses incurred by him on account of the distress and of the issue of the notice and proclamation of sale prescribed in section 59, to such amount as, after examination of the statement of expenses furnished by the distrainer, the officer thinks proper to allow.

The remainder shall be applied to the discharge of the arrear for which the distress was made, and the surplus (if any) shall be delivered to the person whose property has been sold.

**68.** Officers holding sales of property under this Act, and all persons employed by, or subordinate to, such officers, are forbidden to purchase, either directly or indirectly, property sold by such officers.

**69.** The officer mentioned in section 57 shall bring to the notice of the Court any illegal act which shall come to his knowledge as having been committed by any person in making a distress under this Act.

If in any case, on proceeding to hold a sale under this Act, such officer finds that the owner has not received due notice of the distress and



*The Oudh Rent Bill.**(Chapter VI.—Distress for Arrears of Rent.—Sections 70-72.)*

intended sale, he shall postpone the sale and report the case to the Court, and the Court shall direct the issue of another notice and proclamation of sale under section 59, or make such other order as it thinks proper.

70. When such officer has gone to any place for the purpose of holding a sale, and no sale takes place, either for the reason stated in section 69, or because the distrainer's demand has been previously satisfied, the said charge on account of expenses attending the sale shall be leviable by the officer, and shall be calculated on the value of the distrained property, as estimated by him, unless the distrainer's demand has been satisfied before the day fixed for the sale and notice of such satisfaction has been given by him to the officer.

If the distrainer's demand be not satisfied until the day fixed for the sale, the charge shall be paid by the owner of the property, and may be recovered by sale of such portion thereof as may be necessary.

In every other case the charge shall be paid by the distrainer, and may be recovered under the warrant of the Court by attachment and sale of his property :

Provided that in no case shall an amount exceeding ten rupees be recoverable under this section.

71. When a suit has been instituted to contest a distrainer's demand, and the property has not been released on security, if the demand or any portion of it shall be adjudged to be due, the Court shall issue an order to the proper officer authorizing the sale of the property.

On the application of the distrainer (which shall be made within five days from the receipt of such order by such officer), such officer shall publish a second proclamation in the manner prescribed in section 59, fixing another day for the sale of the distrained property, not less than five nor more than ten days from the date of the proclamation ; and, unless the amount adjudged to be due with cost of distress be paid immediately, shall proceed to sell the property in the manner hereinafore provided.

72. In all suits instituted to contest a distrainer's demand the defendant must prove the arrear in the same manner as if he had himself brought a suit for the amount under the foregoing provisions of this Act.

If the demand or any part thereof is found to be due, the Court shall make a decree for the amount in favour of the distrainer.

Such amount may be recovered by sale of the distrained property as provided in section 71,

*The Oudh Rent Bill.**(Chapter VI.—Distress for Arrears of Rent.—Sections 73-77.)*

and if the distress has not been withdrawn, and if any balance remain due after such sale, by execution of the decree against the person and any other property of the defaulter, or, if the distrained property have been released on security, by execution of the decree against the person and property of the defaulter, and, if his surety has been made a party to the suit, against the person and property of such surety.

73. If the distress is adjudged to be vexatious or groundless, the Court, besides directing the release of the distrained property, may award such compensation to the plaintiff as it thinks fit, not exceeding twice the value of the property distrained.

74. If any person claims, as his own, property which has been distrained by third party claiming property distrained for arrears of rent alleged to be due from any other person, the claimant may institute a suit against the distrainer and such other person to try the right to the property, in the same manner, and under the same rules as to the time of instituting the suit and as to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand.

75. When any such suit is instituted, the property may be released upon security, on giving security for its value being given to the satisfaction of the Court.

If the claim is dismissed, the Court shall make an order in favour of the distrainer for the sale of the property, or the recovery of its value, as the case may be.

If the claim is upheld, the Court shall order the release of the distrained property, and may award such compensation as it thinks fit, not exceeding twice the value of the property distrained.

76. No claim to any produce of land liable to distress under this Act, and found at the time of the distress in the possession of a defaulting tenant, whether such claim be in respect of a previous sale, mortgage or otherwise, shall bar the landlord's prior claim, nor shall any attachment in execution of a decree of any Civil Court prevail against such claim.

77. Whenever property has been distrained for an arrear of rent, and a suit has been instituted to contest the demand, and the right to distrain for such

*The Oudh Rent Bill.**(Chapter VI.—Distress for Arrears of Rent.—Sections 78-80.)*

arrears is claimed by or on behalf of any person other than the distrainer, on the ground of such other person being actually and in good faith in the receipt and enjoyment of the rent of the land, such other person shall be made by a party to the suit, and the question of the actual receipt and enjoyment of the rent by him before and up to the commencement of the suit shall be inquired into, and the suit shall be decided according to the result of such inquiry :

Provided that the decision of the Court shall not affect the right of any person having a title to the rent of land to establish such title in a Court of competent jurisdiction, by suit instituted within one year from the date of the decision.

**78.** Any person whose property has been distrained for the recovery of a demand not justly due or of a demand due or alleged to be due from some other person, and who is prevented by any sufficient cause from bringing a suit to contest the demand or try the right to the property, as the case may be, within the period allowed by sections 59 and 74, and whose property is in consequence brought to sale, may institute a suit to recover compensation for any injury which he has sustained from the distress or sale.

**79.** If any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, distrains or sell any property for the recovery of an arrear of rent alleged to be due, otherwise than according to the provisions of this Act,

or if any distrained property is lost, damaged or destroyed, by reason of the distrainer not having taken proper precaution for the due keeping and preservation thereof,

or if the distress is not immediately withdrawn when any provision of this Act requires such withdrawal,

the owner of the property may institute a suit to recover compensation for any injury which he has thereby sustained.

**80.** If any person not empowered by this Act to distrain or to distrain or sell, nor duly authorized for that purpose to be under this Act, by a person so empowered, purports to distrain or sell any property under this Act, the owner of such property may institute a suit to recover compensation from the person so distraining or selling for any injury which the plaintiff has sustained from the distress or sale.

Such suit shall not affect the defendant's liability to be prosecuted under any law for the time being in force.

*The Oudh Rent Bill.**(Chapter VII.—Jurisdiction of the Courts.—Sections 81-83.)*

**81.** If any person resists a distress of property duly made under this Act; or forcibly or clandestinely removes any distrained property, the Court, upon complaint being made within ten days from the date of such resistance or removal, shall cause the person accused to be arrested and brought before the Court with all convenient speed, and the Court shall proceed forthwith to try the case.

If the case cannot be at once heard and determined, the Court may, if it think fit, require the party arrested to give security for his person, whenever the same may be required, and, in default of such security, may commit him to the civil jail until the case is tried.

**82.** If such resistance or removal of property be proved, the Court may order the offender to pay a fine not exceeding one hundred rupees, together with all costs and expenses incurred in the case or in making the distress, and, in default of payment, may order him to be imprisoned in the civil jail until payment is made: Provided that no such imprisonment shall continue for more than six months.

## CHAPTER VII.

## JURISDICTION OF THE COURTS.

*Suits cognizable.*

**83.** No Courts other than Courts of Revenue Suits cognizable in Oudh shall take cognizance of the following descriptions of suits, and such suits shall be heard and determined in the said Courts of Revenue in the manner provided in this Act, and not otherwise:—

*A.—Suits by a Landlord.*

(1.)—For the delivery by a tenant of the counterpart of a *patta* under section 10;

(2.)—For arrears of rent;

(3.)—For the enhancement of the rent of a tenant [        ];

(4.)—For the ejectment of a tenant [        ];

(5.)—Suits by landlords against patwáris or agents employed by landlords in the management of land or the collection of revenue or rent, or against the sureties of such patwáris or agents for money received or accounts kept by such patwáris or agents in the course of such employment, or for papers in their possession, or for the rendering and settlement of accounts.

[having a right of occupancy]

[or for cancelling any lease on account of the non-payment of arrears of rent or on account of a breach of the conditions of such lease]

*B.—Suits by an Under-Proprietor or a Tenant.*

(6.)—For establishing a right of occupancy;

*The Oudh Rent Bill.**(Chapter VII.—Jurisdiction of the Courts.—Section 83.)*

(7.)—For the delivery by a landlord of a *patta*;

(8.)—For contesting a notice of ejectment;

(9.)—For compensation—

on account of illegal enforcement of payment of rent, or of any sum in excess of rent, due,  
or on account of the refusal of receipts or acknowledgments for rent paid or tendered,

or on account of illegal ejectment,

or on account of the value of standing crops under section 46,

or on account of loss arising for the making of improvements under section 26;

(10.)—For the recovery of the occupancy of any land of which an under-proprietor or tenant has been dispossessed or from which he has been illegally ejected by the landlord;

(11.)—For contesting the exercise of the power of distraint conferred on landlords and others by this Act, or any acts purporting to be done in exercise of the said power, or for compensation for illegal distraint;

(12.)—For abatement for rent in accordance with the provisions of section 19;

(13.)—For the recovery of compensation for improvements in accordance with the provisions of section 22.

*C.—Suits regarding the Division or Appraisal of Produce.*

(14.)—Suits under section 31, regarding the division, estimate or appraisal of the produce of land.

*D.—Suits by and against Lambardárs, Co-sharers and Muzfidárs.*

(15.)—Suits by a sharer against a lambardár or co-sharer for share of the profits of an estate or any part thereof, or for the rendering and settlement of accounts in respect of such profits;

(16.)—Suits by a lambardár or pattidár who is entitled to collect the rents of the patti, for arrears of revenue or rent payable through him by the co-sharers whom he represents, and by a lambardár for village-expenses and other dues for which the co-sharers may be responsible to him, or against a joint lambardár for compensation for revenue or rent paid by such lambardár on account of such joint lambardár;

(17.)—Suits by co-sharers against lambardárs, or by proprietors or lessees against muzfidárs or assignees of revenue, for compensation on account of exaction in excess of revenue or rent, or on account of the refusal of receipts or acknowledgments for revenue or rent paid or tendered;

(18.)—Suits by muzfidárs or assignees of revenue for arrears of revenue.

*The Oudh Rent Bill.**(Chapter VII.—Jurisdiction of the Courts.—Sections 84-91.)**Grades of Courts.*

Grades of Courts for the purposes of this Act. **84.** For the purposes of this Act, the Courts of Revenue shall consist of six grades of Courts, namely—

- (1.)—The Court of the Assistant Collector of the second class;
- (2.)—The Court of the Assistant Collector of the first class;
- (3.)—The Court of the Deputy Collector;
- (4.)—The Court of the Collector;
- (5.)—The Court of the Commissioner;
- (6.)—The Court of the Judicial Commissioner.

**85.** The Chief Commissioner of Oudh shall have power to declare to which of the first three grades any Assistant Commissioner shall belong, and to invest any Tahsildar with the powers of any of the same grades.

Deputy Commissioner to have Collector's powers. **86.** The Deputy Commissioner shall exercise the powers of a Collector under this Act.

**87.** The Chief Commissioner of Oudh may invest any officer employed in making or revising settlements of revenue with all or any of the powers of a Collector, or Deputy Collector, or Assistant Collector, under this Act.

**88.** The Court of the Assistant Collector of the second class shall have Jurisdiction of Assistant Collector of the second class. power to try and determine suits of the descriptions mentioned in clauses (1), (2), (7), (12), (15), (16), (17) and (18) of section 83, of which the subject-matter does not exceed one hundred rupees in value or amount.

**89.** The Court of the Assistant Collector of the first class shall have Jurisdiction of Assistant Collector of the first class. power to try and determine suits of the descriptions referred to in the last preceding section, of which the subject-matter does not exceed five hundred rupees in value or amount.

**90.** The Court of the Deputy Collector shall have power to try and determine suits of every description of which the subject-matter does not exceed five thousand rupees in value or amount.

**91.** The Court of the Collector shall have Jurisdiction of Collector. power to try and determine suits of every description and of any amount, and to hear appeals from the decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure as applied by this Act) from the

*The Oudh Rent Bill.**(Chapter VII.—Jurisdiction of the Courts.—Sections 92-95.)*

orders of the Assistant Collectors, and, in suits under clauses (2), (5), (9), (11), (14), (15), (16), (17) and (18) of section 83, from such decisions and orders of the Deputy Collectors.

Whenever the state of the public business requires it, the Chief Commissioner may invest any Deputy Collector with the powers of a Collector for the trial and determination of suits and appeals under this Act, other than appeals from the decisions of such Deputy Collector, *and with the powers of a Deputy Commissioner to hear applications under sections 24 and 43*, and may invest any Collector with all or any of the powers of a Commissioner under this Act.

**92.** The Court of the Commissioner shall have Jurisdiction of Commissioner. power to hear and determine appeals from decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Collectors and Deputy Collectors, except as otherwise provided in sections 91 and 95 [ ]. XIV of 1882.

[and 102]

**93.** The Court of the Judicial Commissioner shall have power to hear and determine appeals from the decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Commissioners, and also *second* appeals, as provided in the said Code, from the decisions passed in *first* appeal by the Collectors and by the Commissioners. XIV of 1882.

*Appeals.*

**94.** The memorandum of appeal, prepared in the form and containing the particulars mentioned in the Code of Civil Procedure, shall be presented to the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause, to the satisfaction of such Court, for not having presented the memorandum within such period; that is to say, thirty days if the appeal lie to the Collector, six weeks if the appeal lie to the Commissioner, and ninety days if the appeal lie to the Judicial Commissioner. XIV of 1882

The period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made.

*Second* appeals shall be presented in the Court of the Judicial Commissioner within the period hereinbefore fixed for the presentation of *first* appeals.

**95.** In suits under clauses (2), (5), (9), (11), (14), (15), (16), (17) and (18) of section 83, and in appeals from decisions in such suits tried and decided by a Commissioner or Col-  
No appeals, except in certain cases, from Collector's decree for money below one hundred rupees.



*The Oudh Rent Bill.**(Chapter VII.—Jurisdiction of the Courts.—Sections 96-99.)*

lector, if the amount sued for does not exceed one hundred rupees, the judgment shall be final, except as hereinafter provided, unless in any such suit a question of right to enhance or otherwise vary the rent of a tenant, or any question relating to a title to land or to some interest in land, as between parties having conflicting claims thereto, has been determined by the judgment.

In such case the judgment shall be open to appeal in the manner provided in this Act.

*Distribution of Business.*

**96.** The Deputy Commissioner may direct the Deputy Commissioner business in the Courts subordinate to him, whether or not they hold their sittings in the same place, to be distributed among such Courts in such way as he shall think fit.

*Transfer of Suits and Appeals.*

**97.** The Commissioner or the Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him, and try such suit himself, or refer it for trial to any other such Court competent to try the same.

The Commissioner may also withdraw any appeal instituted in the Court of any Collector subordinate to him, and try the appeal himself, or refer it for trial to the Court of any other Collector in his Division.

**98.** The Judicial Commissioner may order that any suit or appeal which shall be instituted in or presented to any Court subordinate to him shall be transferred to any other such Court competent to try or hear the subject-matter of the same.

*Miscellaneous.*

**99.** In the performance of their duties under this Act, the Collectors shall be subject to the direction and control of the Commissioners and of the Chief Commissioner; and the Deputy Collectors and Assistant Collectors shall be subject to the direction and control of the Deputy Commissioners to whom they are respectively subordinate:

Provided that nothing in this section shall empower the Chief Commissioner or any Commissioner or Deputy Commissioner to interfere in any way not authorized by this Act with any decision or order in a suit.

*The Oudh Rent Bill.**(Chapter VIII.—Limitation of Suits.—Sections 100-106.)*

**100.** All suits which, under the provisions of this Act, may be brought by or against managing agents or talisildars of kham estates, may be brought by or against managing agents or talisildars of estates held under kham management, whether such estates are the property of Government or not.

**101.** No sharer in a joint estate, under-proprietary or other tenure, in which a division of land has not been made among the sharers, shall exercise any of the powers conferred by this Act in regard to the recovery of arrears of rent, enhancement of rent, ejectment of tenants, or distress, otherwise than through a manager authorized to collect the rents on behalf of all the sharers.

In pattidari estates or tenures such powers shall be exercised only through a lambardar, or through the pattidar who is entitled to collect the rents of the patti.

**102.** Any person in possession of land occupied by a tenant, without consent of the landlord, shall be liable for the rent of such land at the rate payable in the previous year, or, if no rent was payable in the previous year, at such rate as the Court may determine to be fair and equitable, and he shall not in respect of such land have any of the statutory privileges conferred by this Act.

**103.** The Courts may sit for the hearing and determining suits and appeals, and for disposing of other business under this Act, in any place within the local limits of their respective jurisdictions:

Provided that every hearing and decision shall be in open Court, and that the parties to the suit, or their authorized agents, shall have had due notice to attend at such place.

## CHAPTER VIII.

## LIMITATION OF SUITS.

**104.** Except as herein otherwise provided, and subject to the provisions as to legal disability contained in any law for the limitation of suits for the time being in force in Oudh, all suits under this Act shall be instituted within one year from the date of the accruing of the cause of action.

**105.** Suits for the delivery of pattas or the counterparts of pattas may be instituted at any time during the tenancy.

**106.** Suits for the recovery of arrears of rent or of revenue or of a share of profits shall, except in the case mentioned in

*The Oudh Rent Bill.**(Chapter IX.—Procedure.—Sections 107-110.)*

section 16, be instituted within three years from the date on which the arrear or share of profit claimed shall have become due.

**107.** Suits for the recovery of money in the hands of an agent, or for the settlement of accounts or delivery of papers by an agent, may be brought at any time during the continuance of the agency or within one year after its determination, or, in the case of claims legally cognizable at the date of the passing of this Act, within one year after such date.

**108.** Suits regarding distress under section 74, 78, 79 or 80, and suits regarding the division, estimate or appraisement of the produce of land, shall be commenced within three months from the date of the accruing of the cause of action.

## CHAPTER IX.

## PROCEDURE.

v of 1882. **109.** The provisions of the Code of Civil Procedure as in force in Oudh shall, so far as they are not inconsistent with the provisions herein contained, apply to all suits, appeals and proceedings under this Act.

**110.** In addition to the particulars required by section 50 of the said Code to be specified in the plaint, the plaint shall contain the following particulars:—

*1st.*—The name of the village or estate, and of the parganá in which the land to which the suit relates is situate;

*2nd.*—If the suit be for recovery of an arrear of rent, or for the enhancement or abatement of rent, or for the ejectment of a tenant, or for contesting a notice of enhancement of rent, or for contesting a notice for the ejectment of a tenant or for the recovery of the occupancy or possession of any land, the plaint shall specify the extent, situation and designation of the land to which the suit relates and, where fields have been marked in a Government survey, the number (if it be possible to give it) of each field;

*3rd.*—If the suit be for recovery of an arrear of rent or revenue, the plaint shall specify the yearly rent or revenue of the land, the amount (if any) received on account of the year or years for which the claim is made, the amount in arrear and the time in respect of which it is alleged to be due;

*4th.*—If the suit be for the delivery of a *patta* or the counterpart of a *patta*, the plaint shall specify all the particulars mentioned in section 7.

*The Oudh Rent Bill.**(Chapter IX.—Procedure.—Sections 111-117.)*

**111.** When in any suit between a landlord and an under-proprietor or tenant the right to receive the rent of the land is claimed by a third person, on the ground that he, or a person through whom he claims, has actually and in good faith received and enjoyed such rent up to the time of the commencement of the suit, such third person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by him or the person through whom he claims shall be inquired into, and the suit shall be decided according to the result of such inquiry :

Provided always that the decision of the Court shall not affect the right of any party having a legal right to the rent of such land to establish his title thereto in a Court of competent jurisdiction.

**112.** In all suits under clauses (1), (2), (7), (10) and (11) of section 83 of this Act, the summons to the defendant shall be for the final disposal of the suit.

**113.** In a suit to recover an arrear of rent, no set-off shall be allowed against the claim, except such amount as may be due to the defendant on an unexecuted decree under this Act against the plaintiff.

**114.** In any suit under this Act involving a claim to money, the defendant may, at any stage of the suit, deposit in Court such sum of money as he considers a satisfaction in full of the plaintiff's claim, together with the costs incurred by the plaintiff up to the time of such deposit.

Notice of the deposit shall be given to the plaintiff, and the amount deposited shall be paid to him on his application.

No interest shall be allowed to a plaintiff on any sum paid by the defendant into Court from the date of such payment, whether such sum be in full of the plaintiff's claim or fall short thereof.

**115.** In any case in which the defendant deposits less than the amount claimed by the plaintiff, nothing in section 114 shall bar the plaintiff from proceeding in the suit for the recovery of the balance.

**[116.** If a tenant not having a right of occupancy institute a suit against a landlord for the delivery of a lease, or a landlord institute a suit against a tenant not having a right of occupancy for the delivery of the counterpart of a lease, and the parties do not agree in respect of the particulars which such lease or counterpart is to contain, the Court shall dismiss the suit, unless evidence in writing is produced which shall satisfy the Court that an agreement has been entered into between the parties in accordance with which such lease or counterpart ought to be delivered.]

**117.** The local inquiry described in section 392 of the Code of Civil XIV of 1882. Procedure may also, if he think fit, be made by the Collector in person or other officer presiding in the Court, and the provisions of the said Code regarding local inquiries shall apply to such inquiries made by such Collector or other officer.

In such cases the Collector or other officer as aforesaid, after completing the inquiry, shall

*The Oudh Rent Bill.**(Chapter IX.—Procedure.—Sections 118-123.)*

record on the proceedings such observations as he thinks fit, and the observations so recorded shall be received as evidence in the suit.

*As to Decrees.*

**118.** No process of execution shall be issued Time within which on a decree under this Act execution may be had. *when the application for the issue of such process is made* after the lapse of three years from the date of such decree, unless the decree be for a sum exceeding five hundred rupees, in which case the period within which execution may be had shall be regulated by the law in force as to the period allowed for the execution of decrees of the Civil Courts.

**119.** When a decree for money is made in any Immediate execution suit under this Act, the of decree. Court may, on the oral application of the party in whose favour the decree is passed, direct immediate execution thereof in the manner described in section 256 of the *Code of Civil Procedure*.

XIV of 1882.

**120.** When a decree in favour of the plaintiff Decree for enhance- is made in a suit for an en- ment to state date from hancement of rent, the which it is to take ef- Court shall declare the date fect. from which such enhance- ment shall take effect.

**121.** If the decree be for the delivery of Enforcement of de- papers or accounts, it may cree for delivery of be enforced by the impri- papers or accounts. sonment in the civil jail of the party against whom it is made or by the attachment of his property, or by both imprison- ment and attachment.

The imprisonment and attachment may be continued until he complies with the terms of the decree :

Provided that no person shall be imprisoned under this section for a longer period than six months.

**122.** A decree for the delivery of a *patta* or of Decrees for lease or the counterpart of a *patta* counterpart to specify shall specify all the parti- culars. culars mentioned in section 7, and such other particulars in accordance with the provisions of this Act as to the Court seem fit.

**123.** If the decree be for the delivery of a Court after decree *patta* or the counterpart of may grant lease or a *patta*, and the party or- counterpart, in case of dered to deliver such *patta* defendant's refusal. or counterpart neglects or refuses so to do, the Court may grant a *patta* or counterpart in conformity with the terms of the decree, and such *patta* or counterpart shall have the same effect as if delivered by the party against whom the decree was passed.

*The Oudh Rent Bill.**(Chapter X.—General.—Sections 124-129.)*

124. If the decree be for money, no process Execution to be first in execution shall issue made against moveable against the immoveable property. property of the judgment-debtor, other than attachment of such property, unless satisfaction of the decree cannot be obtained against his moveable property.

125. If the decree be for an arrear of rent due in respect of an under-proprietary right in execution of decree for arrears of rent. of the judgment-debtor in such right may, subject to the provisions of this Act, be sold in execution of the decree.

[Provided that no such sale shall be allowed unless it appear to the Deputy Commissioner that satisfaction of the decree cannot be made in the manner referred to in sections 243 and 244 of the Code of Civil Procedure.

If it appear to the Court that such satisfaction can be made, the Court may exercise the powers given to it by the said section 243, although no application has been made by the judgment-debtor.

The Deputy Commissioner may be appointed manager of the property under the same section. When he has been so appointed, he may exercise, for the satisfaction of the decree against the judgment-debtor, all the powers which, under any law in force in Oudh, he might have exercised for the recovery of an arrear of revenue due by such judgment-debtor to the Government.]

126. No beneficial lease or other incumbrance hereafter created on his estate by any under-proprietor shall be valid, in the event of the sale of his rights and interests in execution of a decree for arrears of rent, unless such incumbrance has been registered, under any rules or law for the time being in force in Oudh, within four months after the creation thereof, and not less than thirty days before the date of attachment of such rights and interests.

127. When an under-proprietor creates any such incumbrance and fails to pay to the proprietor all or any part of the rent subsequently accruing in respect of the land subject to the incumbrance, the incumbrancer shall be liable to pay to the proprietor the whole or such part as aforesaid of the said rent, unless the proprietor has agreed in writing to waive any claim which he might otherwise have made on the incumbrancer under this section.

128. When land is sold in execution of a decree under this Act, and the land or any lot thereof has been knocked down to a stranger, any co-sharer, other than the judgment-debtor, may, before sunset on the day of sale, claim to take the land or lot, as the case may be, at the sum at which it was so knocked down.

If the land be an under-proprietary tenure, a like claim may also be made by the proprietor.

Any claim made under this section shall be allowed: Provided that, if a claim to the same land or lot be made by a proprietor as well as by a co-sharer, the claim of the co-sharer shall be preferred: Provided also that no claim shall be allowed unless the claimant fulfil all the conditions of the sale binding on a purchaser.

## CHAPTER X.

## GENERAL.

129. *The Local Government, on being satisfied that any estate is suffering from grave mismanagement to an extent which has,*

*General powers reserved to the Local Government.*

*The Oudh Rent Bill.**(Chapter X.—General.—Sections 130-132.—Schedule A.)*

since the first of January, 1886, materially deteriorated the condition of the tenantry, or diminished the area of cultivation, may, with the previous sanction of the Governor General in Council, appoint an officer for the revision of the rents of the estate and their authoritative settlement for a period not exceeding ten years.

130. Notwithstanding anything contained in the Indian Registration Act, 1877, pottas granted for any term not exceeding seven years by landlords to tenants to whom sections 35 and 35(A) of this Act apply shall be deemed good and valid without the same being registered.

131. The provisions of sections 4, 35, 35(A), 36, 36(A), 36(B), 36(C), 36(D), 36(E), 36(F), 36(G), 36(I), and 38(A) shall not extend to the areas specified in Schedule D attached to this Act, but the Local Government may hereafter, from time to time, by a notification published in the official Gazette, extend these provisions, or any of them, to any area hereby excluded.

132. The Local Government may, from time to time, make rules consistent with this Act for the guidance of all persons in matters connected with the enforcement of this Act.

[Act XII, 1881, section 211.]

All such rules shall be published in the official Gazette, and shall thereupon have the force of law.

## SCHEDULE A.\*

(See section 15.)

I, A. B., of \_\_\_\_\_, &c., solemnly declare that I did personally [or by my agent C. D.] on the \_\_\_\_\_ day of \_\_\_\_\_ tender payment to E. F. at \_\_\_\_\_ (the place where the rent of the lands at \_\_\_\_\_ held [or cultivated] by me under or from or jointly with] the said E. F. is usually payable) of the sum of rupees \_\_\_\_\_ as and for the whole amount due from me in respect of the rent of the said lands from the month of \_\_\_\_\_ to the month of \_\_\_\_\_ both inclusive. I further declare that the said E. F. refused to accept the said sum so tendered [or to give me a receipt in full, forthwith, for the sum so tendered]. And I declare that, to the best of my belief, the sum of rupees \_\_\_\_\_ so tendered, and which I now desire to pay into Court, is the full amount which I owe the said E. F. on account of the rent of the said lands from the month of \_\_\_\_\_ to the month of \_\_\_\_\_ both inclusive, and that I owe the said E. F. no further sum on account of the rent of the said lands.

I, \_\_\_\_\_ the person named in the above declaration, do declare that what is stated therein is true to the best of my information and belief.

If this declaration is made by an agent, it must be altered accordingly.



*The Oudh Rent Bill.**(Schedule B.—Schedule C.—Schedule D.)*

## SCHEDULE B.\*

*(See section 15.)*

Court of the \_\_\_\_\_ of \_\_\_\_\_ . Dated the  
day of \_\_\_\_\_ 18 \_\_\_\_\_ .

To *E.F.*, of \_\_\_\_\_ , &c.

With reference to the within declaration, you are hereby informed that the sum of rupees \_\_\_\_\_ therein mentioned is now in deposit in this Court, and that the above sum will be paid to you or your duly authorized agent on application. And take notice that if you have any further claim or demand whatsoever to make against the said *A. B.* in respect of the rent of the said lands, you must institute a suit in Court for the establishment of such claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

## SCHEDULE C.

*(See section 59.)*

Office of \_\_\_\_\_, officer appointed to sell distrained property.

*A. B.*—*Distrainer.*

Whereas the said *A. B.* has applied to have the distrained property specified below sold for the recovery of \_\_\_\_\_ alleged to be due to him as arrears of rent, you hereby are required either to pay the said sum to the said *A. B.* or to institute a suit before the Court to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 188 \_\_\_\_\_ .

## SCHEDULE D.

*(See section 131.)*

\* This is to be by endorsement on a copy of the declaration under Schedule A made by the person paying the money into Court.

## STATEMENT OF OBJECTS AND REASONS.

The object of this Bill, which has been prepared by the Government of the North-Western Provinces and Oudh, is to secure to tenants in Oudh some protection against arbitrary eviction from their holdings and enhancement of their rents, and to place on a clear footing their rights to make improvements on their holdings and to receive compensation for improvements so made. Under the law as it stands they are absolutely unprotected against enhancement and eviction, provided that the landlord observes certain easy formalities in raising rents or in issuing his notices of ejectment. Every field in a tenant's holding can be shifted on the close of each agricultural year at the will of his landlord, and there is no limit to the rise of rents.

The Census Statistics show that the pressure of the population on the land in Oudh is very great, being 119 to the square mile, and the large number of notices of ejectment annually issued and the steadily increase from 23,300 in 1876 to 90,200 in 1882 afford reason for believing that they are used as instruments for the undue enhancement of rent. Enquiry has shown that this belief is not unfounded, and that the effect of the existing law on a population dependent mainly on agriculture for its subsistence must lead at no distant date to the deterioration of agricultural industry and the impoverishment and degradation of the bulk of the people.

It is not proposed to introduce a system of heritable occupancy-right acquired by prescription, such as prevails in the North-Western Provinces, but to accept contract as the basis on which transactions between landlord and tenant are to be regulated. The tenant, however, who has no other means of subsistence open to him, is no match for the landlord in a thickly populated agricultural province, and with a view to place the parties on more equal terms the Bill imposes the following restrictions on free contract between them.

Sitting tenants may hold the land they at present occupy at the rent now paid from the date of the last change in their rent or in the area of the holdings.

The enhancement of rent permissible at the expiry of each statutory period is to be limited to  $6\frac{1}{2}$  per cent, or one anna in the rupee, on the current rental; the sitting tenant to have the equity of renewal at rent within that limit.

At the end of that period it is proposed to allow the landlord to enhance the rent of the sitting tenant to such sum as he and the tenant may agree upon within a limit of one anna in the rupee, or  $6\frac{1}{2}$  per cent, on the rent previously paid.

At any time after the expiration of the statutory period a landlord who has not made terms with the sitting tenant may proceed either by notice of enhancement or by notice of ejectment at his discretion. If he proceeds by notice of enhancement the enhancement must be within the limit above given. If the tenant accepts a new period of terms, if the tenant refuses the proposed enhancement, the holding will become vacant, but no higher rent can be recovered from the next tenant than  $6\frac{1}{2}$  per cent, above the old rent on the same holding. If the landlord proceeds by ejectment, leaving the tenant no option of renewal, compensation for improvements will be given up to one year's rent at the rate last paid, and the landlord's  $6\frac{1}{2}$  per cent, will apply to the rent recoverable from the next tenant. For tenants' interests will be entitled to receive compensation for improvements and compensation for loss of improvements. The right of renewal is to be preserved to the tenant in occupancy. On the date of his termination of occupancy he will be entitled to hold on, on the same terms, to the expiration of the statutory period, or of the year of his predecessor, but must then surrender the holding as well, vacate the holding or payment of the compensation for improvements found to be due to him.

These provisions are experimental, and power is therefore given to the Local Government from time to time, within periods of not less than seven years in any district or part of a district, to vary the limit of enhancement. Although there has been a considerable rise of prices in the past fifteen years, the rise very not uniform at the same rate, and in that case the limit of  $6\frac{1}{2}$  per cent, might be unfair to the tenant. In other cases the limitation might conceivably operate to the prejudice of the landlord.

The condition in the taluqdār's *sauad*—that he will promote the agricultural prosperity of his estate—is so vaguely worded as to leave the Government and the taluqdār alike uncertain as to the grounds on which Government should interfere between him and his tenantry. To put the matter beyond doubt power is given to Government to step in when it is satisfied that an estate is suffering from grave mismanagement, which has since the present year materially deteriorated the cultivation of the tenantry or diminished the area of the cultivation. The exercise of this power is subject to the previous sanction of the Governor General in Council, and the consequences of it are not the forfeiture of the estate, but an authoritative settlement of rents for ten years.

A similar power of settling rents was conferred in the Bengal Tenancy Act of 1885, the Local Government being authorized to interfere in the interests of public order or of the local welfare.

The detailed reasons for the alterations in the present Act necessary to carry out these proposals will be found in the annexed letter from the Local Government.

*The 29th January, 1886.*

J. W. QUINTON.

No. 177 R. of 1886.

From

J. WOODBURN, Esq., SECRETARY TO GOVT., N.-W. P. AND OUDH,

IN THE OUDH REVENUE DEPARTMENT,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

REVENUE AND AGRICULTURAL DEPARTMENT.

*Dated Allahabad, the 15th January, 1886.*

In compliance with the request conveyed in your letter No. 22 (Revenue), dated the 9th ultimo, I am directed to submit a draft Bill to amend the Oudh Rent Law.

2. The general principles on which the Lieutenant-Governor and Chief Commissioner proposes to amend the Rent Law in Oudh are fully detailed and explained in the letters of this Government, No. 5939 of the 21st December, 1885, and No. 723 of the 15th May, 1886. In this letter submitting the draft Bill it seems sufficient to explain the reasons which have led to the various minor alterations of the present Rent Act.

3. The Bill takes the form of a revised edition of the existing Act. It is very probable that in phraseology and arrangement Act XIX of 1868 might be greatly improved; but it is only in Chapters IV and V that any material change is needed to give effect to the several proposals which have been made by the Lieutenant-Governor. And since the Act is well understood by and familiar to the Rent Courts and the people, it appears advisable to make no more alterations of it than are necessary to a clear and correct statement of the principles which are hereafter to govern the relations of landlord and tenant. But the opportunity has been taken to remove any difficulties that have been found by the Courts in interpreting certain other parts of the existing law. Additions to existing sections of the Act and all new sections are printed in italics; and any portions of existing sections which it is proposed to omit have been printed marginally in brackets.

4. I am now to proceed to a specific statement of the alterations made in the Act.

5. Section 2 repeals Act XIX of 1868, but maintains such notifications and rules made under it as are consistent with the new Act.

6. In section 3 a clause has been added to the definition of "rent," to make it quite clear that the word covers the rent of an under-proprietor who may not be personally in the use or occupation of the land in his tenure. A clause has been added to the definition of "tenant," to show what portions of the Act are applicable to a third party. A collector of rents shall acquire none of the statutory privileges of a cultivating tenant, but is a tenant of the lessor for many purposes. A definition of "prescribed" has been inserted, which is taken from the Bengal Tenancy Act, 1855.

7. Section 4 is substituted for the corresponding section of the present Act. It is necessary to provide that no contract before or after the passing of the Act shall deprive a tenant of that protection against enhancement and ejectment which it is the special object of the new law to give. The Lieutenant-Governor has decided, after careful consideration of the point, not to recommend that there shall be so far as to prohibit the execution of any special agreement which shall give a tenant a longer occupancy than the statutory period of seven years; but it is essential that agreement for any shorter term shall be barred, and I am to ask that this point may receive particular attention when the draft is examined. The proposal is that the occupancy of a holding may be settled between landlord and tenant for a longer period than seven years by agreement, but that no contract shall defeat the statutory limit of enhancement. He is unwilling to interfere more than is absolutely necessary with any existing contracts, and where the terms of any patta at present in force exclude the tenant from making improvements or claiming compensation for such as he may have already made, he would not set the contract aside. So far as the Lieutenant-Governor's information goes, the number of such contracts is not great, while in many such cases it may be presumed that the improvements will have been made upon special terms and conditions.

8. As regards clearing leases the Lieutenant-Governor is of opinion that they must be left to be arranged by landlord and tenant without interference by the State. The conditions under which they are taken vary considerably in different parts of the country, and are in fact effectively controlled by local circumstances and local custom. A proviso has accordingly been added to this section, the terms of which have been taken from the first proviso to section 178 of the Bengal Tenancy Act.

9. Section 5 (A), empowering a landlord to confer occupancy-rights, has been inserted in accordance with the wish of His Excellency the Governor General in Council, as conveyed in paragraph 15 of your letter No. 252R., dated 12th April, 1884.

10. In section 7 of the present Act the word "lease" is used for the written memorandum of the terms of a tenant's holding. It is scarcely applicable to the record of the terms of a holding conferred by Statute, and the Lieutenant-Governor would prefer to use the word "patta." It is again inconsistent with a statutory tenure that the record of it should contain any conditions except those imposed by the Statute, and the clause of the present section 7, authorising the entry in the patta of any special conditions of the lease, should be omitted.

11. Section 11 of the present Act authorises the cancelment of a lease by decree. It seems desirable that the whole of the provisions in regard to the determination of tenancies should be placed together, and this section, with the material alterations which will be subsequently explained, has been transferred to the chapter on ejectments as 43(A).

12. Section 20 of the Rent Act contains the provincial rule regarding the remission of rent, where it is proved to the Rent Court that from unforeseen calamity the tenant is unable to pay the entire demand. A proviso is attached to the section, which prevents a tenant with a five years' lease from claiming the benefits of this section. If this proviso were retained under the amended Act, which is to give all tenants a statutory occupancy for seven years, the effect would be to nullify the section altogether. The question is, therefore, whether the entire section should be struck out, whereby the Courts would lose their power of making allowances in rent-decrees for inevitable calamities, or whether the section shall stand without its proviso, whereby remissions of rent would cease to be in any case dependent on remissions of revenue. The latter course appears to the Lieutenant-Governor to be on the whole likely to be better for the interests of both landlord and tenant. If, as the Lieutenant-Governor believes, it is not expedient to withdraw from the Courts all power to take account of serious calamities in decreeing arrears of rent, in that case to provide that this power shall only be used when revenue has been remitted is to shackle it with an awkward and hardly logical condition. The corresponding provisions of the rent law in the North-Western Provinces are contained in section 23 of Act XII of 1881 and the rules which have been prepared under it. When the crops have been injured by hail or drought in a village of the North-Western Provinces, the Collector has to apply for a remission of revenue before he can move in the matter of rents; and when that is obtained he enforces a remission of rents, equivalent to double the remission of revenue, by a process which is not always very well adjusted or duly proportioned. There is by law no similar rule in Oudh. Neither in the Revenue nor in the Rent Acts is any authority given to the Deputy Commissioner to carry on, distribute and enforce among the rents of the tenantry the remission which has been made in the landlord's revenue. It is true that under circular orders, issued administratively (of which an extract is given in the footnote), Deputy Commissioners have insisted on remissions of rent as a consequence of remissions of revenue; and the Lieutenant-Governor is not prepared at once to cancel those instructions. Nevertheless, when it comes to framing legal provisions, he would prefer to leave, at any rate experimentally, the adjustment of rent abatements between landlord and tenant as much as possible to the parties concerned, subject only to a Judge's discretion in extraordinary cases. The fact of the revenue remission is perfectly well known, and any tenant who is pressed to pay upon crops that have been seriously damaged has only to demur to the demand and let his claim to relaxation of the rent be considered by the Rent Court. So long as a tenant was liable to summary and arbitrary ejectment, undue pressure for the payment of rent could no doubt be made; but now that all tenants will be protected in the occupation of their holdings, the Lieutenant-Governor considers that with an appeal to the Rent Court, such as is given by section 20, they may be left to make their own arrangements with their landlords on such occasions as those contemplated by the section.

13. The proviso in section 20 is to some extent based on a distrust of the Courts, since they might exercise the power without sufficient cause, and hamper the landlord by remissions of rent for which he has received no compensating remission of revenue. The landlord, however, has always the remedy of appeal from a decree which he considers unfair, and if the case can be supposed possible of calamity so considerable as to justify large remissions of rent by the Court, although no previous remission of revenue had been given, no Deputy Commissioner would refuse to recommend a corresponding remission of revenue. There is again the risk that the Courts might force remissions of revenue by giving remissions of rent; but it must be assumed that the Courts will proceed with due care and upon sufficient evidence in remitting rents, while in Oudh they are likely always to keep in view the effect of their decrees upon the revenue. Moreover, a landlord is certain to contest any unfair reduction of his rent-demand; for a remission of revenue is never sufficient to compensate him, and his appeal is to the Commissioner or Deputy Commissioner, who is directly concerned with the collection of revenue. The Lieutenant-Governor recommends,

Any landlord who receives a remission of Government revenue will be bound, in proportion to the extent of the remission, not to take, either through himself or through a lessee, and to restore if he has so taken, rent for the crop on account of which the remission is granted.—(From Circular Orders of 7th January, 1873.)

therefore, that the section be maintained with the omission of the proviso. The draft proposes to insert "materially" before "diminished", to indicate to the Courts that remission is not to be given for any but considerable loss.

14. Sections 35 and 36 of the present Act will be entirely superseded, and the reference to them in section 20 may be excised.

15. In section 21 (relinquishment of the holding) the last clause of the first sentence may be omitted. The Lieutenant-Governor wishes to make a distinction between relinquishment and abandonment. If tenants are to have considerable fixity of tenure, it is right that the landlord should have fair notice of relinquishment of holding, that he may make suitable arrangements for a new tenant. The date for notice of relinquishment has accordingly been antedated to the 15th of March, and at this time lease to another tenant can hardly have been given. It has been prescribed that the notice shall be in writing.

16. A section has been drafted in regard to abandonment [21 (B)], adopted from section 87 of the Bengal Tenancy Act.

17. In the sections on compensation for tenants' improvements considerable changes have been made. Section 22 of the present Act directs that the tenant shall be entitled to compensation for improvements whenever his rent is enhanced. This provision has, so far as the Lieutenant-Governor can ascertain, remained a dead letter. Under a system by which the adjustment of rent between landlord and tenant was left entirely to private contract, any enhancement of rent, so long as the tenant chose to stay, probably took into consideration the tenant's expenditure on the improvement of his holding. For the future at least no such provision is needed. The enhancement at the close of a statutory period of tenancy is a statutory enhancement, and will have effect whether or not the tenant has in the course of his expiring period of tenancy effected an improvement which has added to its value. The clauses in section 22, providing for compensation on enhancement, may therefore be left out.

18. The principle on which compensation is calculated under the present Act is solely that of the outlay of the tenant. The last sentence of the section bars right to compensation for improvements which were made more than thirty years before the date of claim, and in practice the procedure of the Courts is to make an estimate of the probable outlay, assume that the improvement will last for thirty years, and award to the tenant the sum which in that proportion represents its unexpired value. Thus, if a well is believed to have cost Rs. 300 ten years ago, the Court will award to the tenant Rs. 200. The principle is by no means a just one, for the landlord is exposed to great exaggerations by the tenant of his original outlay, and where the improvements are of old standing these statements are difficult to check. The Lieutenant-Governor considers that the principles laid down in section 83 of the Bengal Tenancy Act are not only in themselves more fair, but more simply and readily applied by the Courts, for it is seldom difficult in any village to ascertain the difference in letting value due to irrigation, and a well is the most common of all improvements in Oudh. A section has been accordingly introduced from the Bengal Act, section 25(A), and the references to outlay and the period of construction omitted from section 22.

19. It is the recognised custom of the province that a tenant cannot make an improvement of a permanent character without the consent of the landlord. So long as the tenant held on a yearly tenancy at the will of the landlord, this consent was obtained on terms which were sometimes very harsh. I am to refer, for example, to paragraph 127 of Colonel Erskine's report of the 1st June, 1883 (page 277 of the second volume of papers on the condition of the Tenantry in Oudh). Now that the ordinary tenancy is for seven years, it is necessary for the agricultural progress of the country that the landlord's consent to improvements shall not be unreasonably withheld. It has accordingly been proposed in the Bill that the tenant shall have the right of applying to the Deputy Commissioner should the landlord refuse his consent, and that the Deputy Commissioner, after hearing the landlord's objections, shall pass such orders as may be fair and equitable.

20. On the other hand, it is right, when enhancement is otherwise carefully restricted, that arrangement should be made for the assessment of a fair enhancement on holdings the produce of which has been increased by a landlord's improvement, and sections 26 and 36 (K) of the Bill have been drafted for the assistance of landlords in this matter.

21. Section 25 of the present Act is believed to have been of very little, if any, value. It has, however, been retained in section 25 (A) of the Bill in a shorter form, taken from the second clause of section 83 of the Bengal Tenancy Act.

22. Chapter III of the Oudh Act refers to commutation and payment of rents in kind. The Lieutenant-Governor proposes to omit the last two clauses of section 28 and the whole of section 29. The commutation of grain-rents is an exceedingly delicate and difficult business, while the prevailing opinion as to the advantages and disadvantages of commutation is apt to vary greatly, the authorities leaning sometimes on one side, sometimes on the other. It can hardly ever be expedient that the Government shall interpose, during the currency of a settlement, to determine officially a question of this nature, which is essentially connected with local circumstances and conditions of agriculture that are best adjusted by mutual consent; and, since, in fact, the authoritative commutation of rents

is hardly known in Oudh, the Lieutenant-Governor would prefer to leave it, by law, to private arrangement between landlord and tenant, except when a settlement of revenue is in progress. The transition from rents in kind to cash-rents is gradually spreading with the improvement of agriculture, and the process should be left to its natural and spontaneous course.

23. Chapter IV of the Act deals with the enhancement and settlement of rent. So far as it concerns the rent of tenants with a right of occupancy, they are left untouched. In the two sections, 35 and 36, of the Act are contained the whole of the provisions of the present law in regard to the rent of other tenants. To introduce the scheme sketched in paragraph 69 of my letter of 21st December, 1883, the sections numbered 35 to 36 (K) have been substituted for them in the Bill. They give every tenant a statutory right to occupy his holding for seven years, with a new period beginning from every change in rent or area by the landlord, and at the end of every period of tenancy they give him the preferential claim to continue in his holding at a rent that cannot be more than 6½ per cent. in excess of the previous rent, or, if he be ejected, to be paid compensation for disturbance. In short, the landlord cannot disturb the tenant for seven years, and if after that period he desires to eject he must pay compensation. In no case can enhancement of rent, whether upon the sitting tenant or his successor, exceed 6½ per cent. of the old rent; but if the sitting tenant will not agree to an enhancement thus limited he must quit without compensation. The new sections also provide that enhancement shall be by notice; they prescribe a procedure for contesting the notice; and detail the liabilities of the tenant, when he retains or vacates the holding, with or without objection to the notice (clauses 1, 2, and 4, paragraph 69, above quoted). The rights of a tenant are, however, to be personal, and provision has been made in sections 36 (I) and 36 (H) that the heir of a tenant who dies shall retain the holding only till the expiry of the statutory term current at the time of his death; and, subject to any claim by the heir to compensation for improvements, the landlord is left free to let the holding to any person at any rent which may be arranged (clause 6, paragraph 69). The new tenant under section 35 (A) then acquires statutory rights similar to those enjoyed by his predecessor.

24. In section 36 (J) power has been taken by the Local Government to vary the limit of enhancement at stated intervals (clause 3, paragraph 69).

25. In Chapter V of the Act are the provisions for ejectment and the determination of tenancies. In this there has again been much addition and, for the sake of clearness, some re-arrangement of the sections.

26. Section 37 of the Bill reproduces section 41 of the Act unchanged, and states that a tenant with a right of occupancy, and in certain other cases, may be evicted only by a decree for ejectment. Among these tenants is included, by the present Act, a tenant under a special agreement. A tenant evicted by decree is not entitled to the compensation for disturbance given to the statutory tenant of the Bill. The Lieutenant-Governor is of opinion that the section should continue to cover the case of a tenant under special agreement.

27. Section 38 of the Bill is with some alteration section 12 of the Act. It covers the case of all other tenants, and permits their eviction either by a decree for ejectment under section 13 (A) of the Bill, or by an application where decreed arrears of rent remain unpaid, or by the notice of ejectment prescribed by the present Act. The application for ejectment for arrears has been taken from section 35 of the North-Western Provinces Rent Act (XII of 1881), and is a simpler procedure, which the improved position of the tenant justifies, than the application in execution of decree allowed by the present Act.

28. If the landlord proceeds by notice he is required by section 38 (A) of the Bill to deposit the compensation for disturbance, which was part of the scheme of the letter of December, 1883 (paragraph 69, clause 4).

29. In section 39 of the Bill (13 of the Act), which describes the details to be given in the notice, the only important change is that the time of service is put much earlier in the year (15th of November instead of 15th April). Tenancies will now be of seven years' duration, and it is very desirable that notice should be given in sufficient time to admit of all claims on the ground of improvement or other objections being fully sifted and decided before the expiry of the year.

30. Section 40 of the Bill (section 37 of the Act) then details the grounds on which the notice of ejectment may be contested. To the grounds given in the Act have to be added those which the new provisions in the Bill require. The notice may have been issued before the seven years of the statutory tenancy have expired, or the compensation for disturbance may have been deposited only in part or not at all. In sections 40 (A) and 40 (B) of the Bill the tenant is required, if he has any claim to compensation for improvements, to give a specific statement of his claim, and the Court is to determine it before it allows eviction. From the ambiguous language of the Act there have been contradictory rulings in the Rent Courts of Oudh as to the liability of the tenant to eviction before receipt of compensation due to him for improvements. It was clearly the intention of section 22 that he should be compensated before he was removed, and this is definitely expressed in the Bill.

31. Sections 41 and 42 of the Bill represent sections 44 and 45 of the Act with such alterations as the provisions of the preceding sections or experience in the working of the

present Act require. In section 42 of the Bill a clause has been inserted, which was much wanted, enabling the Court to give assistance to the landlord, when needed, to evict a tenant who has contested a notice unsuccessfully. These sections contain the only provisions by which a landlord can remove a tenant of bad character, and no tenant is so likely to resist any action by the landlord himself. If assistance may be properly asked when the tenant has not contested the notice at all, it is more needed when the notice has been contested without valid ground of objection. The section in its present form follows the provision of section 40 of the North-Western Provinces Rent Act.

32. Section 43 of the Bill has been taken, as already explained, from the Rent Act of the North-Western Provinces.

33. Section 43(A) is the provision which the Lieutenant-Governor would substitute for section 11 of the Act, in regard to the terms on which a tenancy may be determined by a decree for ejectment. Section 11 bases it on a failure to perform or observe any of the stipulations of the lease or patta; but the patta of a statutory tenant will not contain any special stipulations, and when such a tenant defaults in his rent the landlord's process will be under section 43 of the Bill.

Even a statutory tenant, however, should be liable to ejectment if he uses his holding in a manner which renders it unfit for the purposes of his tenancy, and provision to that effect, taken from section 44 of the Bengal Tenancy Act, has been introduced in section 43(A) of the Bill. Moreover, many statutory tenants will hold on grain-rents; and as the amount of the landlord's receipts depends on the area the tenant cultivates, the landlord should be ensured against serious damage by the tenant's deliberate neglect to cultivate. In paragraph 77 of my letter of December, 1883, it was recommended that local custom should be left to decide what extent of failure in cultivation should be followed by forfeiture of the holding. This is the object of the second clause in section 43(A) of the Bill.

Tenants, however, "having a right of occupancy, or holding under an unexpired lease, or special agreement or decree of Court," are protected by section 41 of the Act (37 of the Bill) from eviction, except in execution of a decree for ejectment. The section specifies that a decree for ejectment against a tenant with a right of occupancy shall not be made unless at the date of the decree a decree against him for an arrear of rent has remained for fifteen days unsatisfied; but no definite explanation is given of the conditions under which ejectment may be made of the other classes of tenants specified in the section whether for failure in stipulations in the unexpired lease or special agreement, cessation of the effect of the decree of Court, or other ground for eviction. The Lieutenant-Governor presumes that it has been hitherto left to be decided under the general law whether the grounds for eviction in any such case are or are not sufficient, and that it is unnecessary to give any precise specification. This is, however, a matter on which the Legislative Department will advise.

34. In sections 44 and 45 of the Bill, corresponding to sections 38 and 39 of the Act, the period of the year it stated at which ejectment may take place. A sub-lessor is subjected to a special penalty in section 38(A) of the Bill, and there seems no reason for excepting him from the general rule that ejectment shall take place at the close of the agricultural year. As a statutory tenant he could only then be ejected, and for the same reason the last clause of section 38 of the Act should be omitted.

35. In section 39 of the Act the word *thikadār* has been substituted for sub-lessor.

36. Section 40 of the Act has been practically absorbed in section 43 of the Bill.

37. To this chapter of the Act two sections have been added in regard to *sir*-lands. The Lieutenant-Governor accepts the opinion that in the home-farms of the landlords no statutory rights should be recognised in the tenants who may from time to time be admitted to cultivate in them. The principle is recognised in the Tenancy Acts of the North-Western Provinces and Bengal. Whenever, however, statutory rights are recognised outside the private lands of the *zamindār*, it becomes necessary to define what these private lands are. Hitherto there has been in Oudh no special reason for entering as *sir* in the rent-rolls land which is not *sir*; for the change of law now proposed, which is to restrict the arbitrary powers of landlords over all holdings that are outside *sir*, has not been anticipated, and the revision of assessment is still sufficiently distant to make it more convenient for the collection of rent that land let to tenants shall be so recorded. From all that has been reported the village rent-rolls are in this respect, as indeed in most others, very fairly correct; and the Lieutenant-Governor is disposed, therefore, to make a less exacting definition of *sir* than that in force in the North-Western Provinces. The definition of *sir* which is given in section 46 (A) of the Bill is for these reasons less stringent in several particulars than that which is laid down in section 3 of the North-Western Provinces Rent Act. It has been proposed on some authority to adjust this definition on the principle of allowing land to fall into *sir* and again to fall back into ordinary tenancy land by fixing certain periods after which continuous cultivation by the landlord or by a tenant should determine the character of the cultivating occupancy. The rule of the North-Western Provinces is to fix a long period of continuous cultivation by the landlord, and then to make the lands so cultivated a permanent addition to his original *sir*, whether he continues to cultivate or lets to a tenant. The Bengal Act prevents any accession to the present *sir* unless it is recognised by village custom.



The Lieutenant-Governor would have been glad, nevertheless, to admit a proposal which is quite in keeping with the fluctuations of all agricultural enterprise, and the developments and depressions which circumstances frequently induce in agricultural families. No adjustment, however, has been discovered to regulate the recognition of lands as *sir* and their restoration to the normal conditions of tenancy which the landlord will not be able so to manipulate as to exclude from the statutory provisions an area of cultivated land considerably larger than that which he for the time being occupies. For the purposes of the landlord's cultivation, moreover, there is no restriction on its development. When a tenant's holding falls in by his death, it is open to the landlord to occupy it himself instead of letting it to another tenant. Whether, therefore, it is called *sir* or not will merely operate in determining whether the landlord can subsequently let it without initiating the usual statutory privileges in his tenant. After mature consideration the Lieutenant-Governor is of opinion that *sir* to the extent of all present requirements is provided by the definition as it stands in the Bill, that this may, as in the North-Western Provinces and Bengal, be permanently excluded from the operation of the sections which regulate the ordinary holdings of tenants, but that for the future no provision should be made by the law to enable a landlord, by private cultivation for any definite period, to remove permanently any lands from the general operation of those sections.

38. The section 46 (B) of the Bill has been added to meet the case of lessees and mortgagees who during their management have brought lands under their personal cultivation. These are lands which, on the expiry of the lease or redemption of the mortgage, are paying no rent; and unless some express provision is made, the lessee or mortgagee would apparently have not only the statutory rights of a tenant, but be entitled to sit rent-free.

39. In Chapter VI (Distress for Arrears of Rent) the Lieutenant-Governor proposes no change.

40. In Chapter VII (Jurisdiction of the Courts) the change are few.

41. In the preamble of section 83 a small change has been made in the terms of section 93 of the North-Western Provinces Rent Act, excluding definitely the jurisdiction of all Courts other than Courts of Revenue in the classes of cases specified.

In clause 3 it seems unnecessary to limit a suit for enhancement to the case of an occupancy-tenant. A lessee in whose lands there may be large alluvion may be liable to a suit for enhancement.

The last part of clause 4 is unnecessary for reasons stated in an earlier part of this letter.

In clause 9 an addition is necessary from the terms of section 26 of the Bill.

In clause 10 an addition is required by section 21 (A) of the Bill.

42. In section 91 an addition is proposed authorising the Local Government to invest any officer of the grade of a Deputy Collector with the powers of a Deputy Commissioner to hear applications by a tenant under section 24 to make improvements, or of a landlord under section 43 to eject a tenant for arrears of rent.

43. Section 102 of the Act gives summary powers to Deputy Collectors to restore possession which has been illegally disturbed. From orders under this section there is no appeal. Against this section there has been much complaint, and now that the position of the tenant will be comparatively secure it is preferable that the restoration should be by ordinary suit, subject to the usual appeal. For this section of the Act has been substituted a provision enabling the landlord to recover a fair rent for land which has been occupied without his permission. The absence of any such provision has been for many years a frequent cause of notice of ejection. The only course open to the landlord hitherto, when a tenant has added surreptitiously to his holding, has been to eject him, or to attack him by the cumbrous process of a suit in the Civil Court for damages. If the land happened to be unlet in the previous year, the provisions of sections 25 and 36 of the Act prevent the landlord from recovering any rent in the Rent Court.

44. Section 112 of the Act requires that in all suits under the Act the summons to the defendant shall be for the final disposal of the suit. The suit is in many cases intricate, and will hereafter involve and concern tenancies of a longer and more valuable character. It is proposed to limit this provision to specified classes of suits.

45. Section 116 of the Act is no longer consistent with the general provisions of the Bill, and should be omitted.

46. Section 125 of the Act provides that sale of an under-proprietary tenure shall not be made if satisfaction of the decree can be made by management of the tenure under sections 243 and 244 of the Civil Procedure Code of 1859 (or the corresponding sections of the Code of 1852). Management of under-proprietary tenures by the Deputy Commissioner has for some time, however, been recognized as practically impossible. They are generally small; as they come under the Deputy Commissioner's charge, they are usually scattered; and official management can be neither efficient nor economical. If the under-proprietor can give the Deputy Commissioner any anticipation that a private adjustment of

the judgment-debt can be effected by mortgage or otherwise, time can always be given under section 305 of the Code of 1882, and the Lieutenant-Governor's opinion on the whole is that all of the section, except the first sentence, may be without disadvantage omitted.

47. In a concluding chapter (X) of the Bill are entered four new sections.

48. Section 129 reserves to the Local Government authority under the sanction of the Governor General in Council to appoint an officer for the revision of rents in an estate in which from grave mismanagement the condition of the tenantry has been materially deteriorated or the area of the cultivation diminished. This formed the seventh clause of the scheme in paragraph 69 of the letter of 21st December, 1883, and the reasons for the provision have been there sufficiently explained.

49. Under the present registration law all pattas for seven years, for however small a sum, must be registered. The inconvenience of an enforced registration throughout the country would be very serious; and as the pattas of all tenants will be checked by the supervisor-kanúngos, registration seems to be unnecessary. The object of registration is practically effected by his verification, and personation will be difficult when the verification is made in the course of his village rounds. It is proposed, therefore, in section 130, to exempt pattas for the statutory period of seven years from the Registration Act.

50. In section 131 reference is made to a schedule, in which will be entered certain tracts which the Lieutenant-Governor proposes to exclude from the general rule of a statutory right to a seven years' holding. It has been explained in paragraph 75 of the letter of December, 1883, that in part of the northern and submontane districts the rent customs are exceptional, the area in cultivation varies with the season, and the rent is separately settled at each harvest. With these circumstances the general proposals of the Bill will not fit in; but in these tracts the population is sparse, and the tenants can command their own terms. A detail of the areas to be scheduled will be forwarded subsequently.

51. In the last section (132) of the Bill power is taken to the Local Government to make any rules necessary under the Act and consistent with it. The terms of the section have been taken from the last clause of section 211 of the North-Western Provinces Rent Act.

S. HARVEY JAMES,

*Offg. Secretary to the Government of India.*



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th June, 1886, and was referred to a Select Committee:—

## NO. 8 OF 1886.

*A Bill to alter the constitution of the body corporate known as the Trustees of the Indian Museum, and to confer certain additional powers on that body.*

WHEREAS it is expedient to alter the constitution of the body corporate known as the Trustees of the Indian Museum, and to amend the Law relating to the powers of the said Trustees; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Museum Act, 1886; and

(2) It shall come into force at once.

2. Sections 3, 4 and 5 of the Indian Museum Act, 1876, are repealed.

3. For those sections the following shall be substituted, namely:—

*“Incorporation of the Trustees.”*

Constitution and incorporation of the Trustees of the Indian Museum.

“3. The Trustees of the said Indian Museum shall be—

- (a) the person for the time being holding the office of Accountant General of Bengal;
- (b) five other persons to be appointed by the Governor General in Council;
- (c) five other persons to be appointed by the Lieutenant-Governor of Bengal;
- (d) five other persons to be appointed by the Council of the Asiatic Society of Bengal; and
- (e) five other persons to be appointed by the Trustees;

and the said Trustees shall be a body corporate, by the name of the Trustees of the Indian Museum, and shall have perpetual succession and a common seal.

“4. All the powers of the said body corporate may be exercised so long and so often as there are **Number of corporators.** **five members thereof.**

“5. If a trustee appointed under section 3 dies, or is absent from India for more than twelve consecutive months, or desires to be discharged, or refuses or becomes incapable to act, **Power to appoint new trustees.**

or becomes Accountant General of Bengal, then the authority which appointed the trustee may appoint a new trustee in his place.”

4. (1) For the purposes of the Indian Museum Act, 1876, as amended by this Act—

- (a) the persons nominated by the Governor General in Council under the Indian Museum Act, 1876, and now holding office as Trustees, shall be deemed to be persons appointed by the Governor General in Council under section 3 of that Act as amended by this Act;
- (b) the President of the Asiatic Society of Bengal, and the other members of the Council of that Society nominated by that Council under the Indian Museum Act, 1876, and now holding office as Trustees, shall be deemed to be persons appointed by the Council of the Asiatic Society of Bengal under the said section; and
- (c) the persons elected and appointed by the Trustees under the said Act, and now holding office as Trustees, shall be deemed to have been appointed by the Trustees under the said section.

(2) The Secretary to the Government of India and the Superintendent of the Geological Survey of India shall cease to be *ex officio* members of the said body corporate.

Power to Trustees to keep collections not belonging to them.

5. Notwithstanding anything in the Indian Museum Act, 1876,—

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- (a) the Trustees of the Indian Museum, if they think fit, may, with the previous sanction of the Governor General in Council, and subject in each case to such conditions as he may approve and to such rules as he may from time to time prescribe, assume the custody and administration of collections which are not the property of the Trustees for the purposes of their trusts in that Act mentioned, and keep and preserve the collections either in the Indian Museum or elsewhere; and
- (b) in the event of the trust constituted by that Act being determined, collections of which the Trustees have assumed the custody and administration under the foregoing part of this section shall not, by reason of their then being in the Indian Museum, become the property of the Government of India.

And whereas it is provided in the Indian Museum Act, 1876, that the Trustees of the Indian Museum shall have the exclusive possession, occupation and control, for the purposes of their trusts in that

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Act mentioned, of the whole of the building called the Indian Museum, except certain portions thereof set apart for other purposes; and whereas the Trustees are by virtue of that provision in possession of the property described in the schedule to this Act; It is hereby enacted as follows:—

6. The Trustees may, with the previous sanction of the Governor General in Council, and subject to such conditions as he may approve, deliver possession of that property to such person as the Lieutenant-Governor of Bengal may appoint in that behalf.

#### THE SCHEDULE.

Land bounded on the north by a straight line drawn between the east and the west boundaries parallel to the main south wall of the Museum at a distance of twenty-five feet from the said wall, on the west and south-west by the Chowringhee Road and the walls of the premises known as No. 29 Chowringhee Road, on the south by Kyd Street, and on the east by the walls of the premises known as No. 15 Kyd Street and No. 4 Chowringhee Lane, measuring in all four acres, three roods and sixteen perches, together with all buildings, roads and tanks existing or erected thereon, and all easements appertaining thereto.

#### STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to give effect to an arrangement, made with the approval of the Government of India, whereby—

- (a) the Bengal Government is to be represented among the Trustees of the Indian Museum;
- (b) the Bengal Government is to entrust the Trustees with the custody and administration of the economic, ethnological, Indian Art-ware and Fine Art collections belonging to that Government; and
- (c) the Trustees, in consideration of the provision by the Bengal Government of additional accommodation required by them, are to surrender certain land adjacent to the Museum on which that Government may build a School of Art and Art Gallery.

Sections 3 and 4 provide for the representation of the Bengal Government among the Trustees, and sections 5 and 6 empower the Trustees to assume the custody of the collections belonging to the Bengal Government, and to make over to that Government the land on which the School of Art and Art Gallery are to be built.

*The 25th May, 1886.*

S. C. BAYLEY.

S. HARVEY JAMES,

*Offg. Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th June, 1886 :—

No. 9 OF 1886.

## THE DEBTORS BILL, 1886.

## CONTENTS.

## SECTIONS.

1. Short title and commencement.
2. Extent.
3. Definition.
4. Enforcement of decree or order for money by imprisonment permissible in excepted cases only.
5. Discretionary powers of Courts in some excepted cases.
6. Power to make rules for guidance of Courts in other excepted cases.
7. Provisions as to imprisonment under Act.
8. Commitment of fraudulent debtors to Magistrate.
9. Special provisions with respect to arrest before judgment.
10. Saving of proceedings antecedent to commencement of Act.
11. Act to bind the Crown.
12. Powers exercisable from time to time.

*A Bill to amend the law relating to Imprisonment for Debt.*

WHEREAS it is expedient to amend the law relating to imprisonment for debt; It is hereby enacted as follows :—

1. This Act may be called the Debtors Act, 1886; and it shall come into force on the first day of January, 1888.

2. (1) This Act shall extend, in the first instance, only to the territories administered by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh.

(2) But any other Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, extend this Act, with effect on and from a day not less remote than one year from the date of the notification, to the whole or any specified part of the territories under its administration or to any class of debtors within the whole or any specified part of those territories.

3. In this Act the expression "Revenue Court" means a Court having jurisdiction in suits for the rent, revenue or profits of land.

4. Notwithstanding anything in the Code of Civil Procedure or any other enactment, a person shall not be liable to arrest or imprisonment for default in compliance with a decree or order of a Civil or Revenue Court for payment of money except in the following cases :—

(a) where the order is for payment of a fine;

(b) where the defaulter is a trustee or person acting in a fiduciary capacity, and the decree or order requires him, as such, to pay any money which is in his possession or under his control, or any money for which he is accountable and of which he has not discharged himself;

(c) where the Court is satisfied that, since incurring the liability in respect of which the decree or order was made, the defaulter has fraudulently transferred, concealed or removed any part of his property, or committed any other act of bad faith in relation thereto, with the object or effect of impeding the enforcement of the decree or order by the attachment and sale of his property;

(d) where the Court is satisfied that the defaulter either has, or has had since the date of the decree or order, the means to pay the money, and has refused or without reasonable cause neglected, or refuses or neglects, to pay the same.

5. In any case coming within the exception specified in clause (d) of section 4 the Court may, after inquiry into the case, exercise the discretionary powers of Courts in some excepted cases.

grant or refuse, either absolutely or on terms, any application for the arrest or imprisonment of the defaulter, or for his release from arrest or discharge from imprisonment.

Act XIV, 1882, s. 287; & 33 Vic., 62, s. 5.] **6. (1)** The High Court, with respect to Courts subordinate to it, and the Chief Controlling Revenue authority, with respect to Courts subordinate to it, may, with the approval of the Local Government and the sanction of the Governor General in Council, make rules for regulating the procedure to be observed in inquiries for determining whether the case of a defaulter for whose arrest or imprisonment application has been made is a case coming within the exceptions specified in clauses (c) and (d) of section 4, or within either of those exceptions.

(2) Rules may be made under this section—

(a) for the territories administered by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh, at any time after the passing of this Act, and

(b) for territories under the administration of any other Local Government, at any time after the publication of the notification extending this Act to those territories or to any class of debtors therein;

but rules so made shall not take effect until the Act comes into force in the territories for which they have been made.

(3) An authority making rules under this section shall, before making the rules, publish a draft of the proposed rules in such manner as the Governor General in Council, by notification in the Gazette of India, prescribes.

(4) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(5) The authority making the rules shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(6) A rule made under this section shall not take effect until it has been published in the local official Gazette.

(7) The publication in that Gazette of a rule purporting to be made under this section shall be conclusive proof that it has been duly made.

**7.** The operation of the enactment under which the defaulter is liable to

Provisions as to imprisonment under Act. arrest or imprisonment in any case coming within the exceptions specified in clauses

(b), (c) and (d) of section 4, or within any of those exceptions, or is entitled to release from the arrest or discharge from the imprisonment, shall be subject to the following provisions, namely:—

(a) the defaulter may be imprisoned for such term, not exceeding six months, as the Court directs;

(b) no allowance for the subsistence of the defaulter, or for supplying him with clothing or bedding, shall be payable by the person on whose application the order for the imprisonment of the defaulter is made;

(c) during the term of his imprisonment the defaulter shall be maintained at the

expense of the Government, and be subject, as nearly as circumstances admit, to the discipline prescribed in the case of a criminal prisoner undergoing simple imprisonment; [L. R. Ch. D.]

(d) notwithstanding the payment of the money in respect of which the decree or order was made, or any arrangement for the payment thereof or proof of present inability to pay it, or any expression of intention to apply for a declaration of insolvency, or any declaration of insolvency, or any request by the person on whose application the order for the arrest or imprisonment was made, the defaulter shall not be released from arrest, or, if he is in prison and the term of his imprisonment is not fulfilled, be discharged from prison, without the order of the Court; [Act X 1882, s. 341; c. 11, 1863.]

(e) an appeal from the order for the imprisonment of the defaulter, and from an order refusing his release or discharge under clause (d) of this section, shall lie— [Act X 1882, s. (29).]

(i) if the Court making the order is a Civil Court subordinate for the purposes of the Code of Civil Procedure to the District Court, then to the District Court, XIV of 1

(ii) if the Court making the order is any other Civil Court, then to the High Court, and

(iii) if the Court making the order is a Revenue Court, then to the authority to which appeals lie from orders of the Court relating to the execution of decrees, or, where those orders of the Court are final, to such authority as the Local Government may, by notification in the official Gazette, appoint in this behalf; [Act XII, 1881, s. 1]

and the order passed on the appeal shall be final. [Act XIV 1882, s. 6 Act XII, 1881, s. 149.]

**8.** Where the Court is of opinion that the Commitment of fraudulent defaulter has been guilty of any offence under the Indian Penal Code or under any enactment for the time being in force for the punishment of fraudulent debtors, it may, if it thinks fit, instead of ordering his imprisonment under this Act, send him to a Magistrate to be dealt with according to law. XIV of 1 [Indian B. 1886, s. 10]

**9.** Notwithstanding anything in Chapter XXXIV of the Code of Civil Procedure, or any other enactment, a defendant in a suit for money only who has been arrested before judgment shall not, as such, either be required to give security for his appearance at any time after the day on which judgment is given, or, if he has been committed to prison, be detained in prison after that day: [32 & 33 v. c. 62, s. 6. XIV of 18]

Provided that, if judgment is given against the defendant, and the decree-holder applies, on the day on which judgment is given, for the enforcement of the decree by the imprisonment of the judgment-debtor, the Court may require the judgment-debtor to give such security as it thinks

Act XIV, 1882, s. 342. t. XII, 11 s. 163.]

Act XIV, 1882, s. 339: t. XII, 1881, 165 and s. & Act VI, 1870, 36.]



sufficient for his appearance at any time when called upon while the application is pending, and, if he fails to give the security, may commit him to prison, or place him in the custody of an officer of the Court, until the disposal of the application.

10. Nothing in this Act shall affect the liability to arrest and imprisonment of any person for whose arrest in execution of a decree or order a warrant has been issued by a Civil or

Revenue Court before this Act comes into force in the territory in which the Court is established.

11. The provisions of this Act shall bind the [L. R. D. 47.]  
Act to bind the Crown.

12. All powers conferred by this Act may be exercised from time to time as occasion requires.

## STATEMENT OF OBJECTS AND REASONS.

### *Imprisonment for Debt in India.*

A decree or order for the payment of money may be enforced in India by the imprisonment of the judgment-debtor (Act XIV of 1882, s. 251). The Court has a discretionary power to refuse execution at the same time against the person and property of the judgment-debtor (s. 230), but has no discretionary power to refuse execution either against person or against property at the option of the creditor. When an application for execution of a decree is presented, it must, if it is not barred by efflux of time and is otherwise in order, be admitted, and then the Court must order execution of the decree *according to the nature of the application* (s. 245). The Court cannot refuse to issue its warrant for the execution of the decree unless it sees cause to the contrary (s. 250), and "cause to the contrary," as interpreted by the Courts, means some cause which deprives the decree-holder of the right to execute, or to execute against the party against whom execution is sought, or to execute in the mode prayed for.

2. A judgment-debtor may, when arrested, obtain immediate release by payment of the debt; but if he does not, he must be brought at once before the Court (ss. 336-337).

3. The Local Government may by notification\* direct that whenever a judgment-debtor is arrested in execution of a decree for money, and brought before the Court, the Court shall inform him that he may apply, under Chapter XX of the Code, to be declared an insolvent, and that he will be discharged if he has not committed any act of bad faith regarding the subject of his application, and if he places all his property in possession of a receiver appointed by the Court (s. 336).

4. If the judgment-debtor expresses his intention so to apply, and furnishes sufficient security that he will appear when called on, and that he will, within one month, apply to be declared an insolvent, the Court is to release him from arrest. But if he fails so to apply, the Court may either direct the security to be realised, or commit him to prison in execution of the decree (s. 336).

5. A person is not to be imprisoned in execution of a decree for more than six months, or, if the debt does not exceed fifty rupees, for more than six weeks (s. 342).

6. Whilst he is in prison, a monthly allowance must be paid for his subsistence according to scales fixed by the Local Government. The allowance is to be supplied by the decree-holder, and is to be deemed costs in the suit (ss. 338 to 340).

7. He is to be discharged from prison—

- (a) on the amount mentioned in the warrant of committal being paid to the officer in charge of the prison, or
- (b) on the decree being otherwise fully satisfied, or
- (c) at the request of the person on whose application he has been imprisoned, or
- (d) on default in the payment of the allowance for his subsistence, or
- (e) on his being declared an insolvent, or
- (f) on the expiration of the term of his imprisonment (s. 341).

His discharge from prison does not discharge him from his debt, but he cannot be re-arrested under the same decree (s. 341).

8. By the Presidency Small Cause Courts Act, XV of 1882, the provisions of the Code of Civil Procedure are applied, with modifications and exceptions, to the procedure in the Small Cause Courts at Calcutta, Madras and Bombay. Among the provisions not so applied are those which relate to the release of an arrested judgment-debtor on his expressing an intention to apply for a declaration of insolvency. Chapter XX of the Code, relating to insolvent judgment-debtors, is also not applied to these Courts. (See s. 23 and sched. II.)

9. The Act, however, contains certain special provisions with respect to an arrested judgment-debtor. Under section 29 the Court may release him from arrest on his giving security for payment. And under section 30, if it appears to the Court that a judgment-debtor under its decree is unable, from sickness, poverty or other sufficient cause, to pay the amount of the decree, or of any instalment under the decree, the Court may, from time to time, for such time and on such terms as it thinks fit, suspend the execution of the decree, and release the debtor, or make such order as it thinks fit.

10. In the four districts of the Dekkhan to which the Dekkhan Agriculturists' Relief Acts apply arrest and imprisonment for debt have been abolished in the case of agriculturists.\* And certain special Acts for the relief of embarrassed landholders contain provisions protecting the debtor from arrest or imprisonment in respect of the debts to which the Acts apply.

\* "No agriculturist shall be arrested or imprisoned in execution of a decree for money passed whether before or after this Act comes into force."—(Act XVII of 1879, s. 21, as amended by Act XXII of 1882, s. 3.)

Acts apply arrest and imprisonment for debt have been abolished in the case of agriculturists.\* And certain special Acts for the relief of embarrassed landholders contain provisions protecting the debtor from arrest or imprisonment in respect of the debts

#### *Imprisonment for Debt in England.*

11. Imprisonment for debt was abolished in England by the Debtors Act of 1869 (32 & 33 Vic., c. 62), except in the following cases:—

- (1) default in payment of a penalty, or sum in the nature of a penalty, other than a penalty in respect of a contract;
- (2) default in payment of a sum recoverable summarily before a Justice or Justices of the Peace;
- (3) default by a trustee or person acting in a fiduciary capacity and ordered to pay by a Court of Equity any sum in his possession or under his control;
- (4) default by a solicitor in payment of costs, when ordered to pay costs for misconduct as such, or in payment of a sum of money, when ordered to pay the same in his character of an officer of the Court;
- (5) default in payment for the benefit of creditors of any portion of a salary or other income, in respect of the payment of which any Court having jurisdiction in bankruptcy is authorized to make an order;
- (6) default in payment of sums in respect of the payment of which orders may be made under the Act (that is, cases of contumacious refusal under section 5 of the Act, see para. 14).

12. The term of imprisonment in these excepted cases must not exceed one year (s. 4).

13. In cases (3) and (4) the Court has power to enquire into the case, and at discretion to grant or refuse an order for arrest or imprisonment (41 & 42 Vic., c. 51, s. 1).

14. Under section 5 of the Act of 1869, a Court may commit to prison for a term not exceeding six weeks, or until payment of the sum due, any person who makes default in payment of any debt, or instalment of any debt, due from him in pursuance of any order or judgment of that or any other competent Court. But the power is not to be exercised unless it is proved to the satisfaction of the Court that the person making default has, or has had, since the date of the order or judgment, the means to pay the sum in respect of which he has made default, and has refused or neglected to pay it. "Proof of the means of the person making default may be given in such manner as the Court thinks just, and for the purposes of such proof the debtor and witnesses may be summoned and examined on oath, according to the prescribed rules." A summons under this section is usually called a judgment summons.

15. It will be observed that all the cases in which a debtor is liable to imprisonment under the Act of 1869 involve some degree of delinquency.† And it has been held by high authority‡ that the Act was distinctly intended for the purpose of punishing fraudulent or dishonest debtors.

16. Sums recoverable summarily before Justices, or, as they are called in modern statutory language, Courts of summary jurisdiction, are usually fines. But as ordinary civil debts are in some cases so recoverable, it has been provided by the Summary Jurisdiction Act, 1879 (42 & 43 Vic., c. 49, section 35) that an order of a Court of summary jurisdiction for the payment of a civil debt is not to be enforced by imprisonment, unless the case is such as would make the debtor liable to imprisonment under section 5 of the Debtors Act, 1869.

#### *Imprisonment for Debt in Scotland.*

17. In Scotland imprisonment for debt for sums under £8-6-8 was abolished in 1835 by 5 & 6 Wm. IV, c. 70, but alimentary debts (that is, debts for the support of the debtor's wife or children) were excepted from the operation of that Statute. In 1880 was passed the Debtors (Scotland) Act, 1880 (43 & 44 Vic., c. 34), which enacts, by section 4, that,

"with the exceptions hereinafter mentioned, no person shall, after the commencement of this Act, be apprehended or imprisoned on account of any civil debt.

"There shall be excepted from the operation of the above enactment—

- (1) taxes, fines or penalties due to Her Majesty, and rates and assessments lawfully imposed or to be imposed;
- (2) sums decreed for alimony:

"Provided that no person shall be imprisoned in any case excepted from the operation of this section for a longer period than twelve months."

The same Act contains provisions for the relief of insolvent debtors and for the punishment of fraudulent debtors.

18. By the Civil Imprisonment (Scotland) Act, 1882 (15 & 16 Vic., c. 42), imprisonment for alimentary debts was abolished, except in cases where there is a wilful failure to obey the decree for the debt (ss. 3 and 4), and the maximum term of imprisonment for failure to pay rates or assessments was reduced to six weeks (s. 5).

*Imprisonment for Debt in Ireland.*

19. In Ireland the law as to imprisonment for debt is regulated by the Debtors Act (Ireland), 1872 (35 & 36 Vic., c. 57), as amended by 11 & 12 Vic., c. 54, and is practically identical with the English law.

*Proposals for amendment of Indian Law.*

20. On the 17th November, 1881, a circular was addressed by the Government of India to all Local Governments and Administrations, stating that the Government of India had under consideration the question of amending the provisions of the Code of Civil Procedure bearing upon the question of the arrest of *pardaushin* women in execution of the decrees of Civil Courts, but that before coming to any final conclusion on the subject the Governor General in Council thought it desirable to deal with the larger question of abolishing imprisonment for debt, and for this purpose to enquire whether sufficient reasons exist for the continued maintenance in India of the present system. Local Governments and Administrations were accordingly requested to favour the Government of India with a full expression of their opinion on the matter.

21. The replies to the circular disclosed much difference of opinion as regards the advisability of maintaining in India the present system of imprisonment for debt.

22. In favour of the maintenance under existing circumstances of the present system of imprisonment for debt were the Madras Government, the Madras High Court, the Bombay Government, the Bombay High Court, the Calcutta High Court, the Calcutta Chamber of Commerce and the Trades Association, Calcutta (unless a change were accompanied by the enactment of a stringent bankruptcy law), the British Indian Association, Calcutta, the Board of Revenue, North-Western Provinces, the Punjab Chief Court, the Chief Commissioner of the Central Provinces, the Chief Commissioner of Assam (provided the law were so altered as to permit the issue of process against the person only after all means of realising the decree by process against property have been exhausted), and the Chief Commissioner and the Judicial Commissioner of Coorg. The arguments which they advanced appear to be in the main the following:—

- (a) that the total abolition of imprisonment for debt in India would be premature, and would remove from the Statute Book the only check upon the fraudulent alienation of property by solvent but dishonest debtors;

- (b) that legislation has proceeded quite far enough in relief of the judgment-debtor,

\* Sir C. Smith, of the Bombay High Court, writes:—

"The legal position of the muliebral Hindu family, the unequal distribution of property caused by the Mitakshara law of descent, and, therefore, the necessity of creating by law of force a check upon this court, afforded the debtor a shelter, and afforded the creditor a check upon the judgment-debtor to attach his property."

while there are in India special difficulties in executing a decree by attachment of property when the judgment-creditor is a member of an undivided family. Creditors are not, it is said, in the habit of proceeding to extremities unless the debtor has the means of liquidating a portion at least of the debt. The men who go to prison are

for the most part those who obstinately refuse to pay their debts, and cases of imprisonment for debt are not numerous;

- (c) that the abolition of imprisonment for debt would deprive lenders of personal security, would thereby depreciate credit, and would involve an increase in the rate of interest, already very high. In the case of agriculturists this might seriously impair their ability to pay the land-revenue;

- (d) that abolition of imprisonment for debt should only be attempted when the habits of secrecy, engendered by centuries of oppression, have partly worn away, and when transactions are open and the registration of deeds and bonds has become habitual. When the debtor's property can be easily traced and seized in execution of a decree, then it will be reasonable and right to withhold execution on the body of a pauper debtor except as a distinctly exceptional and penal measure in the case of fraud.

23. In support of the abolition of imprisonment for debt were the following authorities:—

- (a) the Advocate General of Bengal, who advocated the introduction of the English system, because there is no reason why the matter should not be regulated in India as in England, if proper exceptions and limitations, as contained in the English Debtors Act of 1869, are prescribed, and because the abolition of imprisonment for debt would not cause any public injury, while, on the other hand, the present system in most instances operates only as a means of oppression, to the total ruin of the party imprisoned and of his family;
- (b) the Bengal Government, which, while not prepared to resist the opinions of the local officers that abolition would at present be premature, thought that, if an alteration of the bankruptcy law were at any time undertaken, measures might then be adopted for the abolition of imprisonment for debt in cases where fraud is not established against the judgment-debtor;
- (c) the North-Western Provinces and Oudh Government, which regarded the existing practice of placing in the creditor's hands the power of selecting his own method of coercion as a relic of the old semi-barbarous debt laws which has now been eliminated from almost every civilized code of judicial procedure. The present system operates with severity against all debtors, honest and dishonest, indiscriminately. The power of subjecting a debtor to arrest and imprisonment should be entrusted *not* to the decree-holder, but to the Courts, and its exercise should be limited to cases where clear proof exists of fraudulent and contumacious attempts on the part of the judgment-debtor to defeat the operation of a decree. Imprisonment is especially hard on the cultivator and working-man, whom it deprives of their means of subsistence and of providing for their families;
- (d) the North-Western Provinces High Court, which advocated the abolition of imprisonment for debt, as it is doubtful whether "any useful purpose is served by the perpetuation in this country of that remnant of barbarism";
- (e) the Punjab Government, which believed that there is some reason to fear that, under the present system, creditors occasionally make use of the law to gratify vindictive feelings or personal spite, and to coerce debtors to sell their land and property at a price below its proper value or to relinquish their just rights. Discretionary power ought to be expressly allowed to the Civil Courts, imprisonment not being resorted to as an ordinary process of execution of a decree, unless the Court is satisfied that there has been fraud or wilful concealment of property;
- (f) the Chief Commissioner of British Burma, who pointed out that the imprisonment of debtors who are paupers, but who are not fraudulent, does no real good to any class, works directly and indirectly great harm to the poorer classes, and causes a distinct loss to the community at large. The practice of permitting such imprisonment has been gradually circumscribed among other civilized nations; among some nations it has absolutely ceased; and there is no reason why the way should not be paved for the disappearance of the system in India. Civil Courts should be allowed to grant execution against the body of judgment-debtors against whom there might be *prima facie* ground for presuming fraud or bad conduct, unless the presumption were rebutted by the judgment-debtor;
- (g) the Judicial Commissioner of British Burma and the Recorder of Rangoon, who were of opinion that imprisonment for debt should be abolished, except in case of fraud, which should be punished criminally. The Recorder recommended that the law as it now obtains in England should be applied to India;
- (h) the Resident at Hyderabad, who considered that the present system of imprisonment for debt is not wanted to compel payment, while it may be used to bring undue pressure to bear upon a debtor, especially in an agricultural country where interest in land is generally given as security for debts. He recommended that imprisonment for debt should be retained only to meet cases in which debtors abscond or endeavour to fraudulently evade meeting their obligations.

24. Thus, the preponderance of opinion was on the whole in favour of the maintenance of imprisonment for debt under the present condition of India, but a considerable and influential minority were in favour of its abolition.

25. The arguments on which the upholders of the present system rely fall into two classes: first, arguments which, if valid at all, are valid for England as well as for India; and, secondly, arguments based on the special circumstances and conditions of India.

26. To arguments of the first class belongs the assertion that "to remove from the Statute Book the penalty of arrest and imprisonment in execution of a decree for money would be to paralyze the commerce and trade of the country." The same objection was made in

\* See Lord Cottenham's speech in 1814 on the Creditors and Debtors Bill; Hansard, 74, page 153.

England, first to the abolition of arrest on mesne process,\* and afterwards to the abolition of arrest on final process. The power of arrest was removed, and neither commerce nor trade shewed any symptoms of paralysis.

27. Those who uphold imprisonment for debt, not as being generally expedient, but as being specially required for India, do so mainly on two grounds: first, the complexity and obscurity of Indian titles to property; and, secondly, the exceptional prevalence of fraud in India, and the exceptional difficulties of detecting it.

As to the first ground, it has been remarked that if it is wrong to allow a debtor to pledge his person as security for his debts, it is not the less wrong because, owing to the defect of Indian property law, he finds difficulty in giving a satisfactory security over his property.

In the argument based on the prevalence of, and difficulty of detecting fraud, there is undoubtedly much force, though it may be doubted whether the obstacles which can be placed in the way of a creditor realizing his debts are not as great in England as in India. But, however this may be, to make an honest, though needy, debtor liable to imprisonment, simply because fraudulent debtors are numerous and difficult to detect, appears to be as unjust as it would be to make homicide by misadventure punishable by death, simply because the crime of murder was rife and hard to prove.

28. There are in the opinion of the Government of India two principles which ought to be observed in every law of debtor and creditor. The Courts ought not to give effect to any pledge by a debtor either of his person or of the bare necessities of life. The debtor ought not to be allowed, by his own action, supplemented by the action of the Courts, either to deprive himself of his personal liberty, or to reduce himself to starvation. If he cannot obtain credit except on one or other of these securities, it is better that he should not obtain credit at all. Experience acquired in the Dekkhan goes to show that these principles are as applicable to India as to England. The Code of Civil Procedure recognises one of these principles by exempting from seizure for debt the debtor's bare means of subsistence. But this recognition is nullified by the refusal to adopt the principle of exempting the debtor's person from seizure. Of what use is it to reserve by law to the debtor the bare necessities of life, when he can be compelled to give them up by the threat of imprisonment? By those who advocate the retention of the present system, much reliance is placed on the very small proportion of actual imprisonments to warrants of arrest; and the inference drawn from this proportion is that the law, though harsh in theory, produces no hardships in practice. But there is reason to believe that, in the great majority of cases, exemption from arrest is purchased either by renewal of bonds on extortionate terms, or by surrender of property which the law has exempted from seizure, or by surrender of property which does not belong to the debtor at all, but to his relations or friends. In other words, the law enables a creditor to do indirectly what it forbids him to do directly.

29. It is said that the honest debtor has an easy way out of prison through the door of insolvency. But in the first place, the honest debtor ought not to be sent to prison at all; and in the next place, the door which is provided for his release is, for some reason or other, very rarely used. There is, or was until recently, a strong concurrence of opinion to the effect that the Insolvency Chapter of the Code of Civil Procedure is practically a dead letter. As to the causes of its failure,—whether it is to be accounted for by the preliminary proceedings being unnecessarily cumbersome or expensive, or by the difficulty of satisfying the Court under section 351 that the debtor has not been guilty of any kind of misconduct, or by ignorance of the law and of the modes of relief available to debtors,—opinions differ; but about the fact of failure there appears to be no difference.

30. Since 1883 the Government of India has received and published reports obtained from Her Majesty's representatives abroad on the system of imprisonment for debt in force in the various countries to which they are accredited. Those reports showed that imprisonment for debt has been abolished in nearly all civilized countries.

31. Having regard to the state of the law in the United Kingdom, to those reports, to the success which has attended the abolition of imprisonment for debt in the case of agriculturists to whom the Dekkhan Agriculturists' Relief Acts apply, to some expressions to be found in the opinions of the authorities who considered the draft Bankruptcy Bill of 1885, and to the advocacy by the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh, and by the Chief Justice and Judges of the High Court of Judicature for the North-Western Provinces, of the entire abolition of the process of arrest for debt, so far as it is a process that can be set in motion at the discretion of the creditor, and of the enforcement of the process being restricted to cases in which the Courts are satisfied that there have been fraudulent and contumacious attempts to defeat the operation of decrees, the Government of India has decided to introduce a Bill giving effect tentatively and, in the first instance, within a limited area to the policy which dictated the English Act of 1869, and is believed by several authorities of weight to be applicable to India.

#### *Provisions of Bill.*

32. *Sections 1 and 2.*—It is proposed that the measure shall apply in the first instance to the North-Western Provinces and Oudh, and be extendible to other Provinces, or to particular classes of debtors in other Provinces, by Local Governments with the previous sanction of the Governor General in Council.

From the opinions recorded by the Chief Commissioner and by Mr. MacEwen, the Officiating Recorder of Rangoon, on the draft Bankruptcy Bill of 1885, and by the Recorder, Judicial Commissioner and other authorities, European and Native, on the circular of 1881, there appears to be a strong feeling in Burma in favour of abolishing imprisonment for debt where the debtor has not been guilty of fraud. But it is considered desirable that the proposed Act should apply in the first instance to the territories under one Local Government, and that its effect there should be ascertained before the Act is extended to other parts of the country.

The date on which the Act is to come into force in the North-Western Provinces and Oudh is the 1st of January, 1888. If therefore the Bill is passed during the present year, decree-holders will have more than twelve months within which they may proceed against their judgment-debtors under the provisions of the Code of Civil Procedure. In England the period which elapsed between the passing and the coming into force of the Debtors Act 1869, was less than five months.

33. *Section 4.*—This section is based on section 4 of the Debtors Act, 1869, but applies only to arrest and imprisonment for default in compliance with decrees and orders of Civil and Revenue Courts. Clause (c) is specially designed to check those fraudulent alienations of property by solvent but dishonest debtors which are relied on by the opponents of any mitigation of the existing law as the main justification of imprisonment for debt.

34. *Section 5.*—This section, following the 11 & 12 Vic. c. 54, permits the Court to refuse, either absolutely or on terms, an application for the arrest or imprisonment, or for the release or discharge from arrest or imprisonment, of a defaulter who is a trustee or person acting in a fiduciary capacity and is required, as such, to pay any money which is in his possession or under his control, or any money for which he is accountable and of which he has not discharged himself.

The origin and object of this clause are stated as follows by Jessel, M. R., in *Morris v. Ingram* (L. R. 13 Ch. D. 313):—

"Then we come to the Amendment Act of 1878, which was passed to meet a special class of cases, and the history of that Act was this. An application was made before me for the imprisonment of a trustee who had been ordered to pay a sum of money. It was a very hard case, one of an unintentional breach of trust; and though the man was actually doing it I had no alternative but to make an order. Then I had various other cases before me which led me to regret that the Court had no discretion, for it not unfrequently happened

\* That is to say, the defaults referred to in 12 & 13 Vic. c. 62, s. 4. <sup>†</sup> If a person who came in strictness under the first class of circumstances I allude to it would be wise and prudent that a discretion should be given to the Court to deal with exceptional cases, but not with the intention of repealing the existing Act. Mr. Norton, being a member of the Legislature, then adopted my suggestion, and procured this Amendment Act to be passed."

35. *Section 6.*—This section empowers the High Court and the Chief Controlling Revenue-authority to make rules for regulating the procedure to be followed in the Courts subordinate to them respectively in inquiries as to the liability of persons to arrest and imprisonment on the ground of fraud or contumacy.

36. *Section 7.*—This section modifies the operation of enactments authorising arrest and imprisonment for default in compliance with decrees and orders of Civil and Revenue Courts for payment of money.

Clause (A), following the Code of Civil Procedure, limits the term of imprisonment to six months, notwithstanding that section 143 of the North-Western Provinces Rent Act, 1881, authorises imprisonment in certain cases for so long a period as two years.

Clause (B) relieves the decree-holder of the liability to maintain his judgment-debtor while in prison. If imprisonment is retained, not as a mode of enforcing payment but simply as a punishment, it will hardly be possible to continue the liability. This liability existed under the old Insolvency law in England, and the Act which imposed it was once described as giving the creditor "the power of imprisoning and tormenting his debtor at the

<sup>†</sup> Har and, 71, page 151.

expense of 3s. 6d. per week."\* If it is abolished, great care should be taken that imprisonment is not inflicted except in cases of misconduct which deserve punishment.

Clause (C) requires that the defaulter, though in the civil jail, shall nevertheless be subject, as nearly as circumstances admit, to the discipline prescribed in the case of a criminal prisoner undergoing imprisonment. Where a person is ordered to pay a fine, the nature and term of his imprisonment will be regulated by the general law. This clause relates to the other cases in which a debtor is liable to imprisonment. Those cases, as before observed, all involve some degree of delinquency (L. R. 6 Ch. 157), and the imprisonment contemplated by the Bill, as by the English Act (L. R. 13 Ch. D. 313), is simple, that is, without hard labour. The effect of this clause will be to deprive the defaulter, as a civil prisoner, of the privilege of maintaining himself, and purchasing or receiving from private sources food, clothing, bedding, and other necessaries (Act XXVI of 1870, s. 34).

Clause (D) provides that, except where the arrest or imprisonment is for default in payment of a fine, the defaulter, when once arrested or imprisoned, shall not be released from

arrest, or discharged from prison, without the order of the Court. The Court may grant the order or refuse it. If it refuses the order, the defaulter may appeal.

Clause (e) so far modifies clause (29) of section 588 of the Code of Civil Procedure as to admit of an appeal being preferred from an order for imprisonment in execution of a decree.

37. *Section 8.*—This section follows section 359 of the Code of Civil Procedure in providing that where the Court is of opinion that the defaulter has been guilty of an offence against the Indian Penal Code or any special enactment for the punishment of fraudulent debtors, it may, instead of ordering his imprisonment in the civil jail, send him to a Magistrate to be dealt with according to law.

38. *Sections 9 and 10.*—These sections contain special provisions with respect to arrest before judgment, and save proceedings taken before the Act comes into force.

39. *Section 11.*—It has been decided *In re Heavens Smith* (L. R. 2 Ex. D. 47) that the English Debtors Act of 1869 does not apply to a case in which the defaulter is a debtor to the Crown. It is proposed that the Indian Act shall have the like effect as against the Crown where a decree or order for payment of money is made in its favour by a Civil or Revenue Court, as it will have against a subject.

40. The question of giving the Courts a discretionary power to refuse an order for the arrest and imprisonment of a judgment-debtor, or at least of a female judgment-debtor, will be considered when next the Code of Civil Procedure comes under revision.

C. P. ILBERT.

*The 9th June, 1886.*

S. HARVEY JAMES,

*Offg. Secretary to the Government of India.*





## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[ Third publication. ]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th June, 1886:—

## NO. 10 OF 1886.

*A Bill to declare certain allowances collectively known as Oudh Wasikas to be pensions within the meaning of the Pensions Act, 1871.*

WHEREAS, on the death of Her Highness the Bahu Begam, His Highness the Nawab Vazir of Oudh delivered to the British Government a sum of money with intent that the interest accruing thereon should, in compliance with the wishes of Her Highness the Bahu Begam as expressed in a Deed of Deposit executed by her in the year 1813, be applied by the British Government to the payment of certain pensions, which pensions are known as the Amanat Wasikas;

And whereas in the year 1813 the said Government guaranteed the payment of certain pensions to persons connected with the Khas Mahal of Her Highness the Bahu Begam, which pensions are known as the Zamanat Wasikas;

And whereas in the years 1814, 1825, 1829 and 1838 loans, known respectively as the 1st, 3rd, 5th and 6th Oudh loans, were made by the Rulers of Oudh to the Hon'ble the East India Company with intent that the interest accruing thereon should be applied by the said Government to the payment of certain pensions, which pensions are known as the Loan Wasikas;

And whereas the said Government reserved to itself the right of commuting the pensions to the

payment of which the interest accruing on the 5th Oudh loan was to be applied;

And whereas the Amanat, Zamanat and Loan Wasikas have been regarded as pensions to which the Pensions Act, 1871, applies, and rules respecting them have been made and published under section 14 of that Act;

And whereas, since the making and publication of the rules, doubt has been expressed whether the said Wasikas are pensions within the meaning of the Pensions Act, 1871;

And whereas it is expedient to declare them to be pensions within the meaning of that Act;

It is hereby enacted as follows:—

1. This Act may be called the Oudh Wasikas Act, 1886.
2. The allowances respectively known as the Amanat Wasikas, the Zamanat Wasikas and the Loan Wasikas are, within the meaning of the Pensions Act, 1871, pensions conferred by a former Government and continued by the British Government on political considerations.
3. Notwithstanding anything in section 10 of the said Act, the Local Government may, without the consent of the holder of a pension payable out of the interest accruing on the 5th Oudh loan, order the whole or any part of the pension to be commuted on the terms referred to in the fourth article of the treaty executed with respect to that loan on the first day of March, 1829, and ratified by the Governor General in Council on the eighth day of May in the same year.

## STATEMENT OF OBJECTS AND REASONS.

CERTAIN allowances, locally known as Amanat Wasikas, Zamanat Wasikas and Loan Wasikas, are paid by the British Government to the descendants of certain relatives and dependants of the Bahu Begam and the Vazirs and Kings of Oudh. Till the year 1880 no doubt was entertained that these allowances were pensions within the meaning of the Pensions Act, 1871. In that year it became desirable on financial grounds to commute one of the largest of them, and, a dispute having arisen as to the person entitled to receive the capitalized amount of the allowance, the Government had to consider whether it could safely pay the amount under cover of the Pensions Act to the person who appeared to be best entitled. The Hon'ble the Advocate General inclined to the opinion that a Wasika was a pension within the meaning of the Act, but thought there was a good deal to be said in favour of the opposite view. As the sum involved was so very large that the Government would not have been justified in incurring any risk in disposing of it, a special Bill was introduced into the Legislative Council and passed as the Tāj Mahal's Pension Act, 1881.

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This step, which the Government was compelled to take for its own protection, necessarily suggested a doubt as to the applicability of the Pensions Act to Wasikas.

As it is expedient on political considerations that there should be no room for question as to the applicability of the Act to Wasikas, the Government has decided to introduce this Bill to remove the doubts created by the legislation of 1881.

*The 9th June, 1886.*

J. W. QUINTON.

S. HARVEY JAMES,  
*Offg. Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd June, 1886:—

NO. 11 OF 1886.

## THE PUNJAB TENANCY BILL.

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*A Bill to amend the Law relating to the Tenancy of Land in the Punjab.*

WHEREAS it is expedient to amend the law relating to the tenancy of land in the Punjab; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement. 1. (1) This Act may be called the Punjab Tenancy Act, 1886.

(2) It extends to the territories for the time being administered by the Lieutenant-Governor of the Punjab and its Dependencies; and

(3) It shall come into force on such date (hereinafter called the commencement of this Act) as the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, appoint in this behalf.

Repeal. 2. (1) The Punjab Tenancy Act, 1868, is hereby repealed; and XXV 1868.

(2) All suits, appeals and applications instituted, preferred and made under that Act, and pending at the commencement of this Act, shall, so far as may be, be deemed to have been respectively instituted, preferred and made under this Act.

3. In this Act, unless there is something repugnant in the subject or context,—

Definitions. (a) "land" means land which is let or occupied for agricultural purposes or for purposes subservient to agriculture, and includes the sites of buildings appurtenant to such land: [New. C IX, 1883 3 (1).]

(b) "tenant" means a person who holds land of another person, and is, or, but for a special contract, would be, liable to pay rent for that land to that other person. But it does not include an inferior landowner, or a farmer or mortgagee of the rights of a landowner, or a person who takes a lease of unoccupied land for the purpose of subletting it: [New. C IX, 1883 3 (2).]

(c) "landlord" means the person of whom a tenant holds land, and to whom the tenant is, or, but for a special contract, would be, liable to pay rent for that land: [New. C IX, 1883 3 (3).]

(d) "tenant" and "landlord" include the predecessors and representatives in interest of a tenant and landlord respectively: [New.]

(e) "rent" means whatever is payable, deliverable or renderable in money, kind or service by a tenant on account of the use or occupation of land held by him: [New. C XI, 1883 3 (4).]

(f) "pay," "payable" and "payment," used with reference to rent, include "deliver," "deliverable" and "delivery," and "render," "renderable" and "rendering": [New. C IX, 1883 3 (5).]

(g) "arrear of rent" means rent which remains unpaid after the date on which it becomes payable: [Act XX 1868, s. 1.]

(h) "tenancy" means a parcel of land held by a tenant of a landlord under one lease or one set of conditions: [New. C IX, 1883 3 (7).]

(i) "land-revenue" means—

(1) the land-revenue for the time being assessed on land, whether the assessment is leviable or not; or

*The Punjab Tenancy Bill.*  
(Chapter II.—Right of Occupancy.—Sections 4-5.)

CHAPTER II.

RIGHT OF OCCUPANCY.

Tenants having right of occupancy. 4. (1) A tenant—

(a) who has before or after the commencement of this Act paid no rent in respect of land occupied by him beyond the amount of the land-revenue thereof and the rates and cesses for the time being chargeable thereon, and whose father and grand-father, uncle and grand-uncle, occupying the same land, paid no rent beyond the amount aforesaid, or

(b) who has before or after the commencement of this Act continuously occupied land of which he was landowner and of which he ceased to be landowner otherwise than by forfeiture to Government or by any voluntary act, or

(c) who, before the twenty-first day of October, 1868, settled in a village along with the founders thereof as a cultivator of the land occupied by him, and who, since so settling there, has before or after the commencement of this Act continuously occupied that land, or

(d) who is, or has before or after the commencement of this Act been, jágirdár of the village or any part of the village in which the land occupied by him is situate, and who—

(i) being such jágirdár, has before or after the commencement of this Act continuously occupied the land for not less than twenty years, or

(ii) having been such jágirdár, occupied the land while he was jágirdár and has before or after the commencement of this Act continuously occupied it for not less than twenty years,

shall be deemed to have a right of occupancy in the land so occupied.

(2) If a tenant proves that he has before or after the commencement of this Act continuously occupied land for thirty years and paid no rent therefor beyond the amount of the land-revenue thereof and the rates and cesses for the time being chargeable thereon, he shall be presumed to have fulfilled the conditions of clause (a) of sub-section (1).

(3) If a tenant occupied land in a village in 1838, he shall, for the purposes of clause (c) of sub-section (1), be presumed to have settled there along with the founders of the village.

5. A tenant whose name is entered in a record-of-rights sanctioned by the Local Government before the twenty-first day of October, 1868, as of a tenant having a right of occupancy in land

which he has continuously occupied from the time of the preparation of that record, shall be deemed to have and to have had a right of occupancy in that land unless the landlord proves in a suit—

(a) that within the thirty years immediately preceding the institution of the suit other tenants of the same class in the same village, or in adjacent villages, have ordinarily been ejected at the will of the landlord; or

(b) that before the twenty-first day of October, 1868, the tenant, in the presence of an officer authorized to attest entries in the record-of-rights,

(2) where the land-revenue has been permanently assessed, or has been wholly or in part compounded for or redeemed, the amount which, but for the permanent assessment, composition or redemption, would have been leviable; or

(3) where no land-revenue has been assessed on land, the amount which would have been assessed thereon if the rate sanctioned for like land in the same village or in adjacent villages had been applied;

and includes any rate imposed in respect of the increased value of land due to canal-irrigation, unless, where the land is assessed, that increased value has been taken into account in the assessment:

[New.]  
XX of 1883. (j) "rates and cesses" mean the local rate payable under the Punjab District Boards Act, 1883, the zaildári, lambardári and patwári cesses, and any other rates and cesses of which the levy has been generally or specially authorised by the Local Government:

[New.] (k) "Revenue-officer" and "Revenue Court" have the meanings respectively assigned to those expressions in the Punjab Land-revenue Act, 1886:

[Act IX, 1883, s. 3 (9).] (l) "prescribed Revenue-officer," in any provision of this Act, means such Revenue-officer as the Local Government may, by notification in the official Gazette, direct by name or by virtue of his office to discharge the functions of a Revenue-officer under that provision:

[New. Cf. Act X, 1883, s. 3 (9).] (m) "improvement" means, with reference to a tenancy, any work which is suitable to the tenancy and consistent with the conditions on which it is held, by which the letting value of the tenancy has been and continues to be increased, and which, if not executed on the tenancy, is either executed directly for its benefit, or is, after execution, made directly beneficial to it;

*Explanation I.*—It includes—

[Act XXVIII, 1868, s. 38.] (1) the construction of works for the storage of water, for the supply of water for agricultural purposes, for drainage, and for protection against floods;

(2) the construction of wells, the reclaiming, enclosing, levelling and terracing of land for agricultural purposes, and other works of a like nature;

(3) the erection of buildings in connection with the land for the more convenient or profitable cultivation thereof; and

(4) the renewal or re-construction of any of the foregoing works, or such alterations therein or additions thereto as are not required for maintaining the same and as durably increase their value;

[Cf. Bom. Act, 1879, s. 70.] But it does not include any benefit accruing to land from the ordinary operations of husbandry;

*Explanation II.*—A work which benefits several tenancies may be deemed to be, with respect to each of them, an improvement;

*Explanation III.*—A work executed by a tenant is not an improvement if it substantially diminishes the value of any other part of his landlord's property:

[Act XXVIII, 1868, s. 3, amended.] (n) "grandfather" includes the father of an adoptive father, the adoptive father of a father and the adoptive father of an adoptive father; "uncle" includes the brother of an adoptive father; and "grand-uncle" includes the adoptive father of an uncle: and

[New.] (o) jágirdár includes the holder of any revenue-free land.

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voluntarily admitted himself to be a tenant not having a right of occupancy, and that the admission was recorded at the time by that officer.

[Act XXVIII,  
1868, s. 7.]

6. If the tenant has voluntarily exchanged the land, or any portion of the land, formerly occupied by him, for other land belonging to the same landlord, the land taken in exchange shall, for the purposes of this Act, be held to be subject to the same right of occupancy as that to which the land given in exchange would have been subject if the exchange had not taken place.

[Act XXVIII,  
1868, s. 8.]

7. Nothing in the foregoing sections of this Chapter shall preclude any person claiming a right of occupancy on any ground other than the grounds specified in those sections from suing to establish the right.

[Act XXVIII,  
1868, s. 9.]

8. No tenant shall acquire a right of occupancy by mere lapse of time.

[Act XXVIII,  
1868, s. 9,  
amended.]

9. In the absence of a custom to the contrary, no one of several joint owners of land shall acquire a right of occupancy in the land jointly owned by them.

### CHAPTER III.

#### RENT.

##### *Revision of Rents.*

[New.]

10. (1) At any time while a local area is being assessed, and before the assessment has been confirmed, the prescribed Revenue-officer, of his own motion or on the application of either landlord or tenant, may, subject to the other provisions of this Chapter, revise the rent of any tenant having a right of occupancy in land situate in that local area.

(2) At any other time the prescribed Revenue-officer, on the application of either landlord or tenant, may, subject to those provisions, revise the rent of any tenant having a right of occupancy.

##### *Conversion of Rents.*

[Act XXVIII,  
1868, s. 16.]

11. (1) In the case of a tenant having a right of occupancy or holding under an unexpired lease, rent in kind shall not be commuted into rent in money, or rent in money into rent in kind, without the consent of both the landlord and the tenant.

(2) With their consent the commutation may be made by the prescribed Revenue-officer on application made to him for that purpose by either of them.

[New.]

12. When the rent payable by a tenant having a right of occupancy is fixed at a lump sum without relation to the land-revenue of his tenancy and the rates and cesses chargeable thereon, the prescribed Revenue-officer shall, on the application of either the landlord or the tenant, determine what portion of the rent is represented by the land-revenue and rates and cesses.

##### *Enhancement.*

13. (1) An enhancement of rent shall not take effect before the commencement of the agricultural year next following the date of the agreement or order under which it is payable.

(2) The agricultural year shall for the purposes of this section commence on the sixteenth day of June.

14. Where the rent of a tenant having a right of occupancy in any land is a share of the produce, or of the appraised value thereof, with or without an addition in cash, or is paid according to cash-rates fixed with reference to the nature of the crops grown, the tenant shall be entitled to occupy the land at the share or rates hitherto paid by him :

Provided that—

(a) when the land or any part thereof previously not irrigated or flooded becomes irrigated or flooded, the share or rates payable in respect of the land or part may, subject to the provisions of this Act, be enhanced to the share or rates paid by tenants having a right of occupancy for irrigated or flooded land of a similar description and with similar advantages in the same neighbourhood ; and

(b) where, in the case of rent consisting of a share of the produce, or of the appraised value thereof, with an addition in cash, that addition is the amount of the land-revenue and rates and cesses, or a proportion thereof, it may, on an enhancement of that amount, be enhanced—

(i) if the addition was the full amount, then to the enhanced amount of the land-revenue and rates and cesses, and

(ii) if the addition was a proportion of the amount, then to the same proportion of the enhanced amount.

15. (1) The rent payable by a tenant having a right of occupancy, to whom the last foregoing section does not apply, may be enhanced on the ground that the rent paid by him in respect of his tenancy, after deducting the amount of the land-revenue thereof and the rates and cesses chargeable thereon, is—

(a) if he belongs to the class specified in clause (a) of sub-section (1) of section 4, less than two annas per rupee of the amount of the land-revenue ;

(b) if he belongs to any of the classes specified in clauses (a), (b) and (c) of that sub-section, less than four annas per rupee of the amount of the land-revenue ;

(c) if he does not belong to any of the classes specified in that sub-section, less than eight annas per rupee of the amount of the land-revenue.

(2) In a case to which sub-section (1) of this section applies, the rent may be enhanced to an amount not exceeding two, four or eight annas per rupee of the amount of the land-revenue, as the case may be, in addition to the amount of the land-revenue and rates and cesses.



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*Reduction.*

**16. (1)** When the land, or any part of the land, held by a tenant having a right of occupancy to whom section 14 applies ceases to be irrigated or flooded, the share or rates payable in respect of the land or part may be reduced to the share or rates paid by tenants having a right of occupancy for unirrigated or unflooded land of a similar description and with similar advantages in the same neighbourhood.

(2) Where the rent of a tenant having a right of occupancy is a share of the produce, or of the appraised value thereof, with an addition in cash, and that addition is the amount of the land-revenue and rates and cesses, or a proportion thereof, the addition may, on a reduction of that amount, be reduced—

- (i) if it was the full amount, then to the reduced amount of the land-revenue and rates and cesses; and
- (ii) if it was a proportion of the amount, then to the same proportion of the reduced amount.

**17. (1)** The rent payable by a tenant having a right of occupancy, to whom section 14 does not apply, may be reduced on any of the following grounds, and on no others, namely:—

- first*—that the area of the land held by him has been diminished or has been proved to be less than the area for which rent has been previously paid by him;
- second*—that the productive powers of that land have been decreased by any cause beyond his control;
- third*—that the rent of the land is regulated by the amount of the land-revenue thereof and that the land-revenue has been reduced;
- fourth*—that within the six years immediately preceding the passing of this Act the rent has been raised above the maximum allowed by section 15.

(2) In a case to which sub-section (1) of this section applies, the rent shall be reduced to the amount which the Revenue-officer considers fair and equitable:

Provided that—

- (a) where the reduction is made on the third ground, it shall be in proportion to the reduction in the land-revenue of the land;
- (b) where the reduction is made on the fourth ground, the rent shall not be reduced below the maximum allowed by section 15, and
- (c) a reduction shall not be made in any case if its effect would be to make the rent of the land less than the amount of the land-revenue thereof and the rates and cesses chargeable thereon.

*Remission.*

**18.** Notwithstanding anything contained in the foregoing sections of this Chapter, if it appears to a Court making a decree for an arrear of rent that the area of a tenancy has been so diminished by diluvion or otherwise, or that the produce thereof has been so diminished by drought, hail, deposit of sand, or

other like calamity, that the full amount of rent payable by him cannot be equitably decreed, the Court may allow such remission from the rent payable by him as may appear to it to be just.

**19. (1)** Whenever for any cause the payment of the whole or any part of the land-revenue payable in respect of any land is remitted or for any period suspended, the prescribed Revenue-officer may by order remit or for that period suspend, as the case may be, the payment of the rent of that land to an amount which may bear the same proportion to the whole of the rent payable in respect of the land as the land-revenue of which the payment has been remitted or suspended bears to the whole of the land-revenue payable in respect of the land.

(2) An order passed under sub-section (1) shall not be liable to be contested by suit in any Court.

(3) A suit shall not lie for the recovery of any rent of which the payment has been remitted, or during the period of suspension for any rent of which the payment has been suspended.

(4) Where the payment of rent has been suspended for any period, that period shall be excluded in the computation of the period of limitation prescribed for a suit for the recovery of the rent.

(5) If the landlord collects any rent of which the payment has been remitted, or before the expiration of the period of suspension collects any rent of which the payment has been suspended, the whole of the land-revenue remitted or suspended in his favour shall become immediately payable by him.

(6) The provisions of this section relating to the remission or suspension of the payment of rent may be applied, so far as they can be made applicable, to land held free of revenue, in any case in which, if the land had been revenue-paying, the payment of the whole or any part of the land-revenue thereof might, in the opinion of the prescribed Revenue-officer, have been remitted or suspended under the rules for the time being in force for regulating the remission and suspension of land-revenue.

*Division of Produce and Appraisement of Crops.*

**20.** When rent is taken by division of the produce, or by estimate or appraisement of the crop, if either the landlord or the tenant neglects to attend, either personally or by agent, at the proper time for making the division, estimate or appraisement, or if there is a dispute about the division of the produce or the quantity or value of the crop, the prescribed Revenue-officer may, on the application of either party, appoint such person as he thinks fit to be a referee to divide the produce or estimate or appraise the crop.

**21. (1)** When the Revenue-officer appoints a referee under the last foregoing section, he may in his discretion authorise the referee to associate with himself any other persons as assessors, and may give him instructions regarding the number, qualifications and mode of selecting those assessors (if any) and the procedure

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(Chapter IV.—Relinquishment and Ejectment.—Sections 22-29.)

to be followed in making the division, estimate or appraisement.

(2) The referee so appointed shall make the division, estimate or appraisement in accordance with those instructions.

(3) For the purpose of exercising the powers conferred upon him, the referee, with his assessors (if any), may enter upon or into any land or building on or in which the crop is standing or the produce is lying.

22. (1) The result of the division, estimate or appraisement shall be recorded and signed by the referee, and the record shall be submitted to the Revenue-officer.

(2) The Revenue-officer shall consider the record, and after such further inquiry (if any) as he may think necessary shall make an order either confirming or varying the division, estimate or appraisement.

(3) The rent shall be payable in accordance with that order.

(4) The Revenue-officer shall also make such order as to the costs of the reference as he thinks fit.

(5) The costs may include the remuneration of the referee and of the assessors (if any), and may be levied from the applicant before the appointment of the referee subject to adjustment at the close of the proceedings.

#### CHAPTER IV.

##### RELINQUISHMENT AND EJECTMENT.

###### *Relinquishment.*

23. (1) A tenant may relinquish his tenancy by giving verbally or in writing to his landlord or to his landlord's agent, on or before the fifteenth day of January in any year, notice of his intention to relinquish the tenancy.

(2) If the landlord or his agent refuses to receive the notice, or if he receives it but refuses to sign and deliver a receipt for it, the tenant may apply to the prescribed Revenue-officer on or before the date aforesaid to cause the notice to be served on the landlord; and the Revenue-officer, on receiving the cost of service from the tenant, shall cause the notice to be served as soon as may be.

(3) If the tenant does not give notice in the manner prescribed in this section, he shall be liable to pay the rent of his tenancy for any part of the ensuing agricultural year during which the tenancy is not let by the landlord to some other person or is not cultivated by the landlord himself.

###### *Ejectment.*

24. (1) A tenant shall not be ejected otherwise than in execution of an order of the prescribed Revenue-officer.

(2) Save as otherwise expressly provided by this Act, an order of the Revenue-officer for the ejectment of a tenant shall not be executed at any other time than between the first day of May and the fifteenth day of June.

25. (1) Where at the time of the order for the ejectment of a tenant from any land his uncultivated crops are standing thereon, he shall not be ejected

from the land until the crops have ripened and he has been allowed a reasonable time to harvest them.

(2) For the use of the land occupied by the crops he shall pay such rent as may be agreed on between him and the landlord, or as, in default of such agreement, may, on the application of either landlord or tenant, be determined by the prescribed Revenue-officer. [Cf. XII, 1881, s. 42.]

(3) Where the rent is determined by an order of the prescribed Revenue-officer, the order may be executed by him in the same manner as a decree for money may be executed by a Revenue Court.

26. A Revenue-officer may make an order for the ejectment of a tenant from land in which he has a right of occupancy if— [New.]

(a) a decree has been made for the ejectment of the tenant from the land either on the ground that he has used the land in a manner inconsistent with the conditions on which he holds it or on the ground that he has omitted to use the land in the manner required by those conditions; or

(b) a decree has been made against the tenant for an arrear of rent due in respect of the land, and the decree remains unsatisfied at the time when an application for his ejectment is made in manner hereinafter provided. [See s. 28 of the Bill.]

27. (1) When a decree has been made for the ejectment of a tenant having a right of occupancy on either of the grounds mentioned in clause (a) of the last foregoing section, the decree-holder may apply to the prescribed Revenue-officer for an order for the ejectment of the tenant in execution of the decree. [New.]

(2) If it appears to the Revenue-officer that the injury caused by the default or omission in consequence of which the decree was made is capable of being remedied, or that an award of compensation will be sufficient satisfaction to the landlord therefor, he may, instead of making an order for the ejectment of the tenant, order him to remedy the injury within one month from the date of the order, or order him to pay to the Revenue-officer, within a time to be specified in the order, such compensation as the Revenue-officer thinks fit. [Cf. Act 1881, s. 1885, s. 1885, s. 1885.]

(3) If the injury is so remedied or the compensation so paid, an order for the ejectment of the tenant in execution of the decree shall not be made.

28. (1) If a landlord desires to eject a tenant having a right of occupancy in land against whom a decree for an arrear of rent due in respect of the land has been made and remains unsatisfied, he may apply to the prescribed Revenue-officer for an order for the ejectment of the tenant. [Act XI 1881, s. 1881, s. 1881.]

(2) The Revenue-officer shall, on receiving the application, cause a notice to be served on the tenant, stating the date of the decree and the amount due thereunder, and informing him that if he does not pay that amount to the Revenue-officer within fifteen days from receipt of the notice he will be ejected from the land.

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to be followed in making the division, estimate or appraisement.

(2) The referee so appointed shall make the division, estimate or appraisement in accordance with those instructions.

(3) For the purpose of exercising the powers conferred upon him, the referee, with his assessors (if any), may enter upon or into any land or building on or in which the crop is standing or the produce is lying.

[New. Cf. Act  
IX, 1883, s.  
28.]

22. (1) The result of the division, estimate or appraisement shall be recorded and signed by the referee, and the record shall be submitted to the Revenue-officer.

(2) The Revenue-officer shall consider the record, and after such further inquiry (if any) as he may think necessary shall make an order either confirming or varying the division, estimate or appraisement.

(3) The rent shall be payable in accordance with that order.

(4) The Revenue-officer shall also make such order as to the costs of the reference as he thinks fit.

(5) The costs may include the remuneration of the referee and of the assessors (if any), and may be levied from the applicant before the appointment of the referee subject to adjustment at the close of the proceeding.

#### CHAPTER IV.

##### RELINQUISHMENT AND EJECTMENT.

##### *Relinquishment.*

[Act XXVIII,  
1868, ss. 28,  
30 & 31.]

23. (1) A tenant may relinquish his tenancy by giving verbally or in writing to his landlord or to his landlord's agent, on or before the fifteenth day of January in any year, notice of his intention to relinquish the tenancy.

(2) If the landlord or his agent refuses to receive the notice, or if he receives it but refuses to sign and deliver a receipt for it, the tenant may apply to the prescribed Revenue-officer on or before the date aforesaid to cause the notice to be served on the landlord; and the Revenue-officer, on receiving the cost of service from the tenant, shall cause the notice to be served as soon as may be.

(3) If the tenant does not give notice in the manner prescribed in this section, he shall be liable to pay the rent of his tenancy for any part of the ensuing agricultural year during which the tenancy is not let by the landlord to some other person or is not cultivated by the landlord himself.

##### *Ejectment.*

[New.]

24. (1) A tenant shall not be ejected otherwise than in execution of an order of the prescribed Revenue-officer.

[Cf. Act  
XXVIII, 1868,  
s. 21.]

(2) Save as otherwise expressly provided by this Act, an order of the Revenue-officer for the ejectment of a tenant shall not be executed at any other time than between the first day of May and the fifteenth day of June.

[Act XXVIII,  
1868, s. 27.]

25. (1) Where at the time of the order for the ejectment of a tenant from any land his uncultivated crops are standing thereon, he shall not be ejected

from the land until the crops have ripened and he has been allowed a reasonable time to harvest them.

(2) For the use of the land occupied by the crops he shall pay such rent as may be agreed on between him and the landlord, or as, in default of such agreement, may, on the application of either landlord or tenant, be determined by the prescribed Revenue-officer.

(3) Where the rent is determined by an order of the prescribed Revenue-officer, the order may be executed by him in the same manner as a decree for money may be executed by a Revenue Court.

26. A Revenue-officer may make an order for the ejectment of a tenant from land in which he has a right of occupancy if—

(a) a decree has been made for the ejectment of the tenant from the land either on the ground that he has used the land in a manner inconsistent with the conditions on which he holds it or on the ground that he has omitted to use the land in the manner required by those conditions; or

(b) a decree has been made against the tenant for an arrear of rent due in respect of the land, and the decree remains unsatisfied at the time when an application for his ejectment is made in manner hereinafter provided.

27. (1) When a decree has been made for the ejectment of a tenant having a right of occupancy on either of the grounds mentioned in clause (a) of the last foregoing section, the decree-holder may apply to the prescribed Revenue-officer for an order for the ejectment of the tenant in execution of the decree.

(2) If it appears to the Revenue-officer that the injury caused by the default or omission in consequence of which the decree was made is capable of being remedied, or that an award of compensation will be sufficient satisfaction to the landlord therefor, he may, instead of making an order for the ejectment of the tenant, order him to remedy the injury within one month from the date of the order, or order him to pay to the Revenue-officer, within a time to be specified in the order, such compensation as the Revenue-officer thinks fit.

(3) If the injury is so remedied or the compensation so paid, an order for the ejectment of the tenant in execution of the decree shall not be made.

28. (1) If a landlord desires to eject a tenant having a right of occupancy in land against whom a decree for an arrear of rent due in respect of the land has been made and remains unsatisfied, he may apply to the prescribed Revenue-officer for an order for the ejectment of the tenant.

(2) The Revenue-officer shall, on receiving the application, cause a notice to be served on the tenant, stating the date of the decree and the amount due thereunder, and informing him that if he does not pay that amount to the Revenue-officer within fifteen days from receipt of the notice he will be ejected from the land.





